

E EARL EDENFIELD, JR
General Attorney

BellSouth Telecommunications, Inc
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0763

July 17, 2002

Mrs. Blanca S. Bayó
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Docket No.: 020415-TL
Petition for Declaratory Statement Regarding Sprint PCS'
Service Request**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth's Response to Nextel's Motion to Dismiss, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

E. Earl Edenfield, Jr.

E. Earl Edenfield, Jr. (KH)

Enclosures

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

07459 JUL 17 02

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 020415-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Federal Express this 17th day of July, 2002 to the following:

Martha Brown
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

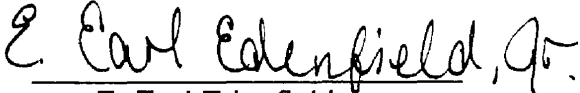
Monica M. Barone, Esq.
Legal and Regulatory Affairs
Sprint PCS
6391 Sprint Parkway
Mail Stop: KSOPHT0101-Z2060
Overland Park, KS 66251
Tel.: (913) 315-9134
Fax.: (913) 315-0785
mbaron02@sprintspectrum.com

Kenneth A. Hoffman, Esq.
Rutledge, Ecenia, Purnell & Hoffman
215 South Monroe Street
Suite 420
Tallahassee, FL 32302
Tel.: (850) 681-6788
Fax: (850) 681-6515
Represents NE Telephone
Ken@Reuphlaw.com

Susan S. Masterton
Sprint
P.O. Box 2214
Tallahassee, FL 32316-2214
Tel. No. (850) 599-1560
Fax. No. (850) 878-0777
Susan.masterton@mail.sprint.com

Joel Margolis
Nextel Communications, Inc.
2001 Edmund Halley Drive
Room #A 4017B
Reston, Virginia 20191
Tel. No. (703) 433-4223
Fax. No. (703) 433-4035
joel.margolis@nextel.com

Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Decker, Kaufman Arnold &
Steen, PA
117 South Gadsden Street
Tallahassee, Florida 32301
Tel. No. (850) 222-2525
Fax. No. (850) 222-5606
Attorney for Nextel
vkaufman@mac-law.com


E. Earl Edenfield Jr. (LA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Declaratory Statement before)
the Florida Public Service Commission by)
BellSouth Telecommunications, Inc.)
regarding Sprint PCS' Service Request)
_____)

Docket No.: 020415-TL

Filed: July 17, 2002

BELLSOUTH'S RESPONSE TO NEXTEL'S MOTION TO DISMISS

On July 3, 2002, Nextel Communications, Inc. ("Nextel"), filed a Motion to Dismiss directed towards the Petition for Declaratory Statement ("Petition") filed by BellSouth Telecommunications, Inc. ("BellSouth") on May 10, 2002. With few exceptions, Nextel's Motion to Dismiss is based upon the same arguments presented by Sprint Corporation, on behalf of Sprint Spectrum, L.P., d/b/a Sprint PCS ("Sprint") in this docket (*See*, Sprint's Motion to Dismiss dated June 4, 2002) and in a similar proceeding brought by Sprint at the FCC in which Nextel filed Comments. In lieu of making duplicative arguments, BellSouth: (1) adopts its June 17, 2002 Response to Sprint's Motion to Dismiss as if fully set forth herein; and, (2) adopts its Opposition to the Sprint Petition for Declaratory Ruling filed at the FCC in CC Docket number 99-200, a copy of which is attached hereto.

In its Motion to Dismiss, Nextel contends that it has a right to choose a single point of interconnection in the LATA and that BellSouth's interpretation of the A35 VDE Tariff deprives Nextel of that right. (Motion to Dismiss at 5) BellSouth does not challenge Nextel's right to establish a single point of interconnection in the LATA for the exchange of BellSouth and Nextel traffic. Nextel, however, is not seeking a single point of interconnection to exchange BellSouth and Nextel traffic but, instead, is seeking to establish a point of interconnection on BellSouth's


network through which Nextel will exchange traffic with *other* carriers within the LATA.¹ Nothing within the Telecommunications Act of 1996 or any FCC rule or regulation allows Nextel to utilize BellSouth's network as a surrogate for direct interconnection with other carriers with which Nextel is exchanging traffic.

Nextel previously raised this issue in the context of BellSouth's application for interLATA relief in Georgia and Louisiana. The FCC rejected Nextel's arguments that BellSouth's policy violates the Telecommunications Act of 1996 and, instead, deemed Nextel's concern to be an "unresolved intercarrier compensation issue" to be addressed in another proceeding. BellSouth contends that this Petition for Declaratory Ruling at the Florida Public Service Commission is the appropriate proceeding to set policy on intrastate, intraLATA interconnection issues such as this one.

WHEREFORE, BellSouth respectfully requests that the Commission deny Nextel's Motion to Dismiss and issue a declaratory statement that virtual arrangements such as those utilized by Nextel are not permissible.

Respectfully submitted this 17th day of June 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.


NANCY B. WHITE (KA)
JAMES MEZA III
150 West Flagler Street, Suite 1910
Miami, FL 33130
(305) 347-5558

¹ Indeed, Nextel acknowledges that BellSouth and Nextel have an interconnection agreement "that provides for the mutual termination of calls presented by each carrier's callers to the other carrier's network." (Motion to Dismiss at 1) Nothing in that interconnection agreement allows Nextel to subsidize its network costs by using BellSouth's network as a point of interconnection for traffic exchanged between Nextel and other carriers within a LATA.

R. Douglas Lackey

R. DOUGLAS LACKEY
E. EARL EDENFIELD JR.

(KA)

Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0747

455036

STAMP & RETURN

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Sprint Petition for Declaratory Ruling)
Obligation of Incumbent LECs to Load)
Numbering Resources Lawfully Acquired)
and to Honor Routing and Rating Points)
Designated by Interconnecting Carriers)

RECEIVED

MAY 22 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OPPOSITION

BellSouth Corporation and BellSouth Telecommunications Inc. ("BellSouth") hereby submit their Opposition to the Sprint Petition for Declaratory Ruling. As explained further below, there is no case, controversy or uncertainty for the Commission to resolve. All of Sprint PCS's numbers have been loaded with the routing and rating points designated by Sprint. Because Sprint PCS's routing and rating points involve areas in which BellSouth does not provide local service, issues regarding appropriate billing and compensation arise. These matters fall within the purview of the state commission and BellSouth has taken steps to bring them to the attention of the state commission and seek resolution.

1. In its Petition, Sprint claims that BellSouth has refused to load NPA-NXX codes that it has acquired because the routing and rating points for the codes were not the same. Sprint further claims that BellSouth notified Sprint that it must "correct" interconnection arrangements with non-BellSouth ILECs located in North Carolina, South Carolina and Florida by June 8, 2002. Sprint claims that if it fails to make the correction, BellSouth will stop routing calls to Sprint where the rating and routing points do not match or where the rating point is associated with an ILEC other than BellSouth. Sprint is incorrect.

BellSouth Opposition
May 22, 2002

2. From the outset, it must be understood that (1) all of Sprint PCS's NPA-NXXs have now been loaded regardless of rating and routing points; and (2) BellSouth will not unilaterally stop routing Sprint PCS calls on June 8, 2002 or on any other date. Sprint's Petition for Declaratory Ruling misstates BellSouth's policy and position. On March 20, 2002 BellSouth advised all carriers that it had revised Carrier Notification Letter SN91082844 that related to the activation of NPA-NXX codes with rate centers in non-BellSouth areas.¹ The revised carrier notification letter clarified that BellSouth is not refusing to route calls or to activate NPA-NXX assignments.

3. Although Sprint attached the revised carrier notification letter to its Petition, it mistakenly asserts as BellSouth's "new" policy a position that the revised carrier notification letter supersedes. Thus, contrary to Sprint's Petition, BellSouth is not preventing Sprint from loading NXXs that it acquires or adversely affecting the routing of any Sprint traffic.

4. While BellSouth will carry traffic and recognize NXX assignments of Sprint and other Commercial Mobile Radio Service ("CMRS") providers that require BellSouth to route traffic in a manner inconsistent with its rating points, BellSouth nevertheless believes that such arrangements as currently constituted result in, at a minimum, inappropriate intercarrier compensation. Various forms of intercarrier compensation, including reciprocal compensation, access charges and inter-company settlements could apply to this traffic. It is BellSouth's position that when a CMRS provider does not interconnect directly with the independent ILEC and insists that BellSouth arrange for the transmission of these local calls with rate centers within

¹ Notification of the revision of Carrier Notification SN91082844 was provided to all carriers in Carrier Notification Letter SN91082947. Sprint attached to their Petition Carrier Notification Letter SN91082947 and Revised Carrier Notification Letter SN91082844 as Exhibits D and E, respectively.

the independent ILEC's calling area and routing points within BellSouth's calling area, then all parties should be compensated correctly for the costs incurred for provision of the service.

5. The specific issues of appropriate billing and cost recovery are matters related to interconnection agreements and intrastate tariffs through which interconnection arrangements are offered to wireless carriers. In its Petition, Sprint disparages BellSouth's concerns regarding its intrastate tariffs. Sprint overlooks the fact that the interconnection agreements do not contemplate these NXX arrangements, leaving only BellSouth's offering of a Virtual NXX arrangement pursuant to its intrastate tariff as the mechanism for transporting traffic where the rating point is in an exchange that is different than the interconnection point. The tariff issue arises because BellSouth's Virtual NXX arrangement is only offered within BellSouth's exchange territory, which is the geographic scope of its tariff. Under Sprint's arrangement, the rating point is in BellSouth territory but the routing is outside BellSouth territory to independent ILEC territory. The questions to be resolved are whether BellSouth provides Sprint with the equivalent of a virtual NXX under its existing tariff; does the tariff have to be modified; or does a new interconnection arrangement need to be defined and the appropriate transport charges to be associated therewith.²

6. All of these questions are matters for the appropriate state commission to resolve. Indeed, in its revised carrier notification letter, BellSouth made clear that it would bring such issues to the attention of the state commission for resolution. With regard to Sprint's

² Underlying these questions is whether in routing traffic outside of its exchange area, BellSouth is acting in a manner that is inconsistent with its state certificate of authority.

arrangements, BellSouth filed a Petition for Declaratory Statement with the Florida Public Service Commission on May 10, 2002.³

7. Properly understood, the dispute between Sprint and BellSouth is about intercarrier compensation and state tariffs. It does not involve a refusal to interconnect or a refusal by BellSouth to adhere to numbering requirements. Thus, this dispute revolves around the financial consequences of a wireless carrier's decision to have a single point of interconnection. Indeed, in its order granting BellSouth's application for interLATA authority in Georgia and Louisiana, the Commission termed complaints similar to Sprint's made by Nextel and Triton as largely unresolved intercarrier compensation issues. Further, the Commission acknowledged that the underlying issues are already before the Commission in its intercarrier compensation proceeding.⁴ Hence, a declaratory ruling by the Commission here would be inappropriate to establish new policy in view of the pending rulemaking proceeding. Instead, the state commission having jurisdiction should resolve the immediate compensation and other issues.

³ At the time BellSouth filed its Petition with the Florida Public Service Commission, BellSouth was unaware that Sprint had filed a petition with the Commission. A copy of BellSouth's Petition is attached as Attachment 1.

⁴ *In the Matter of Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc. And BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services In Georgia and Louisiana*, CC Docket No. 02-35, *Memorandum Opinion and Order*, FCC 02-147, ¶ 208 (rel. May 15, 2002).

8. For the reasons stated above, the Commission should deny Sprint's request for a declaratory ruling.

Respectfully submitted,

BELLSOUTH CORPORATION
BELLSOUTH TELECOMMUNICATIONS, INC.

By: /s/ Richard M. Sbaratta
Richard M. Sbaratta

Its Attorney

Suite 4300
675 West Peachtree Street, N. E.
Atlanta, Georgia 30375-0001
(404) 335-0756

Date: May 22, 2002

Attachment 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Declaratory Statement before) Docket No.:
the Florida Public Service Commission by)
BellSouth Telecommunications, Inc.)
regarding Sprint PCS' Service Request)
_____) Filed: May 10, 2002

PETITION FOR DECLARATORY STATEMENT

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 28-105.001, Florida Administrative Code, respectfully requests that the Florida Public Service Commission ("Commission") determine whether the provision of telecommunications service by BellSouth to Sprint PCS, as requested by Sprint PCS, in McClenney, Florida, which is not in BellSouth's exchange service, violates BellSouth's General Subscriber Service Tariff ("GSST") for the State of Florida. BellSouth is concerned that Sprint PCS' request could violate BellSouth's GSST, Section A35 because it would result in BellSouth providing virtual designated exchange service outside of BellSouth's exchange. In support of this Petition, BellSouth states the following:

1. Section A35 of BellSouth's GSST, which is entitled "Interconnection Services for Mobile Service Providers," provides for a service called "virtual designated exchange." This service allows a carrier to provide a NXX number to a customer in an exchange that is different from the exchange where the Mobile Service Provider's ("MSP") interconnection with BellSouth exists.

2. Specifically, Section A35 1.1.R. provides:

R. Assignment of Numbers and NXX Codes

1. When a new dedicated NXX is assigned, if the NXX will reside at the MSP's Point of Presence (POP), at least one number from that NXX must terminate in a milliwatt test line (Technical Reference: ANSI T1.207-1989), to be used for test purposes. When a dedicated NXX is assigned for *BellSouth CMRS* Type 1

service, and *BellSouth CMRS Local Loop Trunks*, then the NXX resides in the Company end office, in which case the Company will terminate a MSP selected number in a milliwatt test line.

2. The MSP will provide the Company with both the name of the desired designated exchange and the V&H coordinates for each dedicated NXX established with a *BellSouth CMRS* type 2A/Type 2A-SS7 interconnection. If the desired designated exchange for the dedicated NXX is different than the exchange where the MSP's *BellSouth CMRS* Type 2A/Type 2A-SS7 interconnection exists, it is called a virtual designated exchange. A virtual designated exchange is only allowed when the chosen designated exchange meets the following criteria:

- a. Is a Company exchange
- b. Is in the same LATA as the MSP's point of interconnection
- c. Is billed from the same Regional Accounting Office (RAO) as MSP's interconnection
- d. Is located within the NPA's geographic area
- e. Is in a different local calling area than the exchange where the MSP's interconnection exists

Once ordered, the chosen designated exchange cannot be changed for six months after implementation.

3. The MSP may move an existing dedicated NXX that resides in a Company end office to the MSP's Point of Presence (POP) within the same LATA. A *BellSouth CMRS* Type 2A/Type 2ASS7 interconnection must exist at the POP. Both locations must be served by the same access tandem.

3. As stated above, Section A35.1.1R.2.a. provides that virtual designated exchange service is only allowed when the chosen exchange is a "Company" (meaning BellSouth) exchange.

4. Sprint PCS has requested that BellSouth activate certain NPA/NXXs. Said activation results in the routing of traffic to these NPA/NXXs being established within BellSouth's service area while the rating of such traffic is established in Northeast Florida Telephone Company, Inc.'s ("Northeast Florida Telephone") rate center service area. See attached Affidavit of Robert E. James, attached hereto as Exhibit A.

5. The effect of this request is that traffic is routed to these NPA/NXXs over BellSouth's network for termination rather than over Northeast Florida Telephone's network. Additionally, this arrangement, which establishes a rate center in Northeast Florida Telephone's service area and a routing center in BellSouth's service area, results in inaccurate rating of landline end user local and toll option calls. See Exhibit A. BellSouth is concerned that the above-arrangement places BellSouth in the position of having to rate calls based on Northeast Florida Telephone's tariff, as if the calls actually originated from or terminated to Northeast Florida Telephone.

6. BellSouth is also concerned that Sprint PCS' request potentially places BellSouth in violation of its own tariff, specifically Section A35.1.1, because it would require BellSouth to provide virtual designated exchange service outside of BellSouth's exchange.

7. Because there is a good faith disagreement between BellSouth and Sprint PCS as to whether Sprint PCS' request would violate BellSouth's tariff and because Sprint PCS alleged that the failure to implement the request would cause numbering resource difficulties, BellSouth has implemented the request pending the Commission's determination of this Declaratory Statement.

WHEREFORE, for the foregoing reasons, BellSouth respectfully requests that the Commission interpret BellSouth's GSST, Section A35 and determine whether the provision of telecommunications service by BellSouth to Sprint PCS, as requested by Sprint PCS as set forth herein, violates BellSouth's GSST, Section A35.

Respectfully submitted this 10th day of April, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

NANCY B. WHITE
JAMES MEZA III
150 West Flagler Street, Suite 1910
Miami, FL 33130
(305) 347-5558

R. DOUGLAS LACKEY
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0747

446392

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

Petition for Declaratory Statement before) Docket No.:
the Florida Public Service Commission by)
BellSouth Telecommunications, Inc.)
Regarding Sprint PCS' Service Request)

AFFIDAVIT OF ROBERT E. JAMES

1. I, Robert E. James, do solemnly swear that I am over the age of eighteen, competent to testify, and have personal knowledge of the facts set forth herein:
2. My name is Robert E. James. I am employed by BellSouth Telecommunications, Inc. (BST) as Staff Manager – Wireless Interconnection in Interconnection Services. My business address is NW1B, 3535 Colonnade Parkway, Birmingham, Alabama, 35243.

SUMMARY

3. BST provides interconnection to all Commercial Mobile Radio Service (CMRS) providers licensed to provide service in BellSouth's service areas within its nine (9) state region. Interconnection is provided in full compliance with Section 251 and Section 252 of The Telecommunications Act of 1996 (The Act).
4. Sprint PCS (Sprint) has secured NPA/NXX codes from NeuSTAR, the North American Numbering Plan Administrator, which is appointed by the Federal Communication Commission (FCC). In the process of securing these NPA/NXXs, Sprint established a rating center of McClenny, Florida (McClenny) and a routing destination, for termination of traffic, of Jacksonville, Florida (Jacksonville).
5. McClenny is a local service exchange of Northeast Florida Telephone Company, Inc. (NFTC). Jacksonville is a local service exchange of BST.
6. NPA/NXX code activation guidelines established by NeuSTAR stipulate in Central Office Code (NXX) Assignment Guideline, INC 95-0407-008 at 4.1 that an initial code assignment will be based on identification of a new switching entity, physical point of interconnection (POI), or unique rate center consistent with regulatory restriction.
7. By securing this NPA/NXX in this configuration, Sprint has effectively required BST to provide the equivalent of its tariffed Virtual Designated Exchange Service (VDE). BST offers VDE in its General Exchange Service Tariff (GSST) at Section

A35.1.1.R.2.a. VDE provides CMRS with the option of activating NPA/NXX codes within BST's service area where the routing destination and rate center are in different local calling areas.

8. By complying with Sprint's stipulated NPA/NXX code activation parameters, Sprint creates a situation whereby compensation of all participants for resulting traffic may/will be incorrect. Potential participants may include but not limited to Sprint, BST, NFTC, and users of both BST and NFTC, other Alternative Local Exchange Carriers (ALECs) and InterExchange Carriers (IXCs).
9. Further, by complying with Sprint's stipulated NPA/NXX code activation parameters, BST is in possible violation of Section A35 of BellSouth's GSST because the rate center for the involved NPA/NXX is in a different Incumbent Local Exchange Carrier's (ILEC) local service area.

SPECIFICS SUPPORTING DECLARATORY RULING

10. Figure 1, attached to this affidavit, provides a pictorial representation of the situation created by activating NPA/NXX codes in the manner described above. This Figure shows that Sprint is utilizing BST's network to compete with NFTC for local subscribers in NFTCs' McClenney local exchange. Such competition is being achieved without giving NFTC the opportunity to receive adequate compensation for the use of its network. Additionally, this arrangement causes end users of both BST and NFTC to be billed for the placement of calls in a manner that is inconsistent with the way the calls are actually routed and completed.
11. For instance, when a BST end user (EU) in Jacksonville places a call to a Sprint Mobile Service Subscriber (MSS), whose call number is in the NPA/NXX with a rate center of McClenney, the call is routed from the BST end office serving the EU over interoffice trunks to the BST tandem. From the BST tandem, the call is routed over the BST provided Type 2A interconnection to the Sprint Mobile Switching Center (MSC) located in Jacksonville. Because the McClenney rate center is a toll call from the Jacksonville exchange, the BST EU is billed a toll call even though the call never leaves the Jacksonville exchange and even though NFTCs network never processes the call.
12. Similarly, when a Sprint MSS, whose call number is in the NPA/NXX with a rate center of McClenney, places a call to a BST EU in Jacksonville, the call is routed over the BST provided Type 2A interconnection from the Sprint MSC to the BST Tandem. From the BST tandem the call is routed over interoffice trunks to the BST end office serving the BST EU. Even though the originating party has a call number with a McClenny rate center, which would normally make this an intercompany transit call, compensation between Sprint and BST will take place as though this is a "local" call as defined in the interconnection agreement between Sprint and BST. Because the originating number of the call is supported by a McClenny rate center and the terminating number of the call is supported by a Jacksonville rate center, the

possibility exists that the intercompany settlement plan between BST and NFTC could result in incorrect settlements between the two companies. Additionally, because NFTC, based on the rate center assigned to the NPA/NXX, would normally be the company providing the transit function in this call scenario, NFTC should be compensated by Sprint for that function.

13. When a NFTC end user (EU) in McClenney places a call to a Sprint Mobile Service Subscriber (MSS), whose call number is in the NPA/NXX with a rate center of McClenney, the call is routed from the NFTC end office serving the EU over intercompany or toll trunks to the BST tandem. From the BST tandem, the call is routed over the BST provided Type 2A interconnection to the Sprint Mobile Switching Center (MSC) located in Jacksonville. Because the McClenney rate center is a local call from the McClenney exchange, the NFTC EU is billed a local call even though the call leaves the McClenney exchange and is delivered to the Sprint MSC over facilities provided by BST. In this arrangement, even though BST provides a transit function by connecting the NFTC and Sprint networks, it will not be compensated for this function as both the originating and terminating telephone numbers have a rate center of McClenney. Under the intercompany settlement plan between BST and NFTC, this will appear as though it is a local call, all within the McClenney local service area. Because BST actually completes the call to the Sprint MSC, the possibility exists that Sprint may/could attempt to bill BST for such call delivery even though the call did not originate from a BST end user.
14. When a Sprint MSS, whose call number is in the NPA/NXX with a rate center of McClenney, places a call to a NFTC EU in McClenney, the call is routed over the BST provided Type 2A interconnection from the Sprint MSC to the BST Tandem. From the BST tandem, the call is routed over intercompany or toll trunks to the NFTC end office serving the NFTC EU. Even though the originating party has a call number with a McClenney rate center, which would normally make this an intracompany call between Sprint and NFTC, compensation between Sprint and BST will take place as though this is a "transit" call as defined in the interconnection agreement between Sprint and BST. Because the billing number of the Type 2A trunk group over which Sprint originates the call is established with an NPA/NXX that is different than the MSS's call number, BST is able to identify the call as a transit call. Sprint, who participates in Meet Point Billing (MPB) with BST, will be billed at the per minute of use transit rate for this call by BST. NFTC will be provided with call records of the call therefore enabling it to bill Sprint for terminating traffic on its network. Because the originating call number and the terminating call number both have assigned rate centers of McClenney, NFTC would normally bill Sprint for a local call terminated to its network. Further, because the call completes to NFTC over and intercompany or toll trunk group, NFTC will in all likelihood bill BST access for the call.
15. The above call scenarios demonstrate the pitfalls of the approach Sprint is taking by activating its NPA/NXXs in this manner. These pitfalls include but are not limited (1) rendering all compensation between the involved parties inaccurate; (2) preventing BST and NFTC from receiving accurate compensation for the use of their networks;


(3) rendering inaccurate settlements between BST and NFTC and inaccurate billings between the parties; and (4) billing BST and NFTC end users in a manner that is inconsistent with the actual routing/delivery of the calls. In addition, the above-scenario results in NFTC being unable to provide interconnection with its network by Sprint, and Sprint using BST's network to compete with NFTC on a local basis rather than interconnecting with NFTC and appropriately compensating NFTC for such interconnection.

16. In sum, by establishing a routing destination into BST and a rating destination in NFTC's exchange service area, Sprint places BST in the position of potentially:
- providing service in NFTC's exchange service area;
 - violating BellSouth's tariffs regarding VDE service;
 - skewing compensation between the carriers.

CONCLUSION

17. For all the reasons shown in my affidavit above, BST respectfully requests that the Commission issue a declaratory ruling as to the whether the proposed provision of telecommunications service as proposed by Sprint violates BellSouth A35 tariff.

The information contained in this affidavit is true and correct to the best of my knowledge and belief.



ROBERT E. JAMES

Sworn to and subscribed before me
on this the 10th day of May, 2002



NOTARY PUBLIC

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 19, 2004
BORN TO SERVE, NOTARY PUBLIC UNDERWRITERS

My Commission Expires: _____

446459

CERTIFICATE OF SERVICE

I do hereby certify that I have this 22nd day of May 2002 served the following parties to this action with a copy of the foregoing **OPPOSITION** by hand delivery and/or by placing a copy of the same in the United States Mail, addressed to the parties listed below.

+Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
The Portals, 445 12th Street, S. W.
Room 5-B540
Washington, D. C. 20554

+Qualex International
The Portals, 445 12th Street, S. W.
Room CY-B402
Washington, D. C. 20554

Luisa L. Lancetti
Vice President, PCS Regulatory Affairs
Sprint Corporation
401 9th Street, N. W., Suite 400
Washington, D. C. 20004

Charles W. McKee
Monica M. Barone
Sprint Corporation
6391 Sprint Parkway, 2d Floor
Mail Stop: KSOPHT0101-Z2060
Overland Park, KS 66252

/s/ Juanita H. Lee
Juanita H. Lee

+ VIA HAND DELIVERY

BellSouth Opposition
May 22, 2002