

**CALIFORNIA PUBLIC UTILITIES
COMMISSION**
**Advice Letter Filing Summary Sheet
(PAL)**

(Date Filed / Received Stamp by CPUC Industry Division)

Date AL served on parties: March 30, 2020

Company Name: Sprint Communications Company L.P.

CPUC Utility Number U-5112-C

Address: 900 7th Street, NW, Suite 700

☐ GRC-LEC ☒ URF-Carrier ☐ Other

City, State, ZIP: Washington, DC 20001

☐ Commission Resolution Requested
☐ Carrier of Last Resort (See D.96-10-066)

Filing AL #: 918 **Requested Effective Date:** March 30, 2020

AL Tier I ☒ II ☐ III ☐

Name:		Email Address:	Phone No.:	Fax No.:
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Certif.				No. Tariff Sheets: _____

(Name, email address & Phone and FAX numbers ***are Required for "Filer"***)

Tariff Schedules: N/A **Keyword:** Carrier Information Changes – No Longer Providing Service as Regulated PU

(see keyword list on reverse)

For Contract Keyword, Type: Government ☐ Other ☐ Date Executed _____ Contract Total Rev (\$) _____

Subject of filing: Relinquish Certificate of Public Convenience and Necessity – No longer providing service as a regulated public utility.

(Service(s) included)

Authorization for filing: G.O. 96-B, Telecommunications Industry Rule 7.1(9) and 1.16.

(Resolution #, Decision #, etc.)

Affected services: N/A

(Other services affected, pending or replacement AL filings)

Rate Element(s) affected and % change: N/A

(Non-recurring and / or recurring)

☐ Customer Notice Required (if so, please attach)

Notes/Comments: _____

(Other information & reference to advice letter, etc.)

File Protest and/or Correspondence to:

Director, Communications Division
505 Van Ness Ave., San Francisco, CA 94102

and if you have email capability, ALSO email to:

TD_PAL@cpuc.ca.gov

Protest also *must be served on utility:*

(see utility advice letter for more information)

GRC-LEC = Cost of Service LEC Carrier

URF-Carrier = Uniform Regulatory Framework Carrier

(see D.06-08-030/D.07-09-019)

OTHER = Wireless (CMRS) Carrier

(FOR CPUC USE ONLY)

- ☐ Resolution Required
- ☐ Executive Action Resolution Req'd.
- ☐ TD Suspension on: ____ / ____ / ____
- ☐ Comm. Suspension on: ____ / ____ / ____

Resolution No.: T - _____

Rev. 09/24/07

Supv. / Analyst _____ / _____

Due Date to Supv.: _____

Analyst Completion Date: _____

Supervisor Approval Date: _____

AL / Tariff Effective Date: _____

Notes: _____

March 30, 2020

VIA ELECTRONIC FILING / MESSENGER AND EMAIL

U 5112 C

Advice Letter No. 918 – Tier 1

Attn: Proposal and Advice Letter Coordinator
Communications Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

**Re: *Sprint Communications Company L.P. (U-5112-C) – Tier 1 Advice Letter No. 918
Relinquishing Certificate of Public Convenience and Necessity***

Dear Sir or Madam,

Pursuant to General Order (“GO”) 96-B, Telecommunications Industry Rule 7.1(9), as further defined in Rule 1.16, Sprint Communications Company L.P. (U-5112-C) (“Sprint Wireline”), a certificated Competitive Local Exchange Carrier (“CLEC”) and Non-dominant Interexchange Carrier (“NDIEC”) that provides services exclusively to enterprise and carrier customers, respectfully submits this Tier 1 Advice Letter (“Advice Letter”) to notify the California Public Utilities Commission (“CPUC” or “Commission”) that it is no longer providing services in California as a regulated public utility and is therefore relinquishing its Certificate of Public Convenience and Necessity (“CPCN”) granted pursuant to Commission Decisions (“D.”) 07-07-027, 97-08-045, and 88-11-045. Sprint requests that the effective date of this Advice Letter be today, March 30, 2020.

The filing of this Advice Letter follows a years-long process during which Sprint Wireline has transitioned its regulated wireline services—including wireline voice services previously provided in traditional Time-Division Multiplexing (“TDM”) format—to newer Internet Protocol (“IP”) formats, including Voice over Internet Protocol (“VoIP”) service. Sprint Wireline has now completed this transition.

Following the completion of this voice service transition, in accordance with the Commission’s rules, Sprint Wireline registered as a VoIP provider today¹ and is awaiting receipt of a VoIP Registration Number from the CPUC staff. Upon receipt of its VoIP Registration Number, Sprint Wireline will remit Public Purpose Program surcharges and fees using its VoIP registration identification. The Commission does not require VoIP service providers to hold a CPCN, and it routinely grants requests for relinquishment of CPCNs where service providers have transitioned from regulated telecommunications services to VoIP services.² It is also well

¹ See California Public Utilities Commission VoIP Registration, (filed March 30, 2020); see also <https://www.cpuc.ca.gov/General.aspx?id=1004>.

² See, e.g., Mitel Cloud Services, Inc. (U-5238-C) Advice Letter at 1 (filed Aug. 1, 2019 and approved Sept. 2, 2019) (“Mitel’s business model has continued to evolve and develop since [its] CPCNs were originally granted.

established that VoIP is an “information service” that is not subject to public utility or common carrier regulation.³ Moreover, the remaining wireline data services that Sprint Wireline provides to customers in California—including broadband services and other IP-based services with enhanced information-processing, storage and/or retrieval capabilities—are exclusively information services⁴ and/or jurisdictionally interstate services.⁵ In addition, these services—all of which are sold on a non-tariffed basis—include IP-based services that do not require a CPCN. As a result, all of the services that Sprint Wireline currently provides to its California customers are not subject to public utility or common carrier regulation under both California law and federal law.

The public convenience and necessity will not be adversely affected by this relinquishment, nor will any of Sprint Wireline’s customers be adversely affected. No customers will experience service interruptions or disconnections. All customers received at least 30 days of advanced notice of the transition to IP-based services.

Today, the Company serves its customers through VoIP and a variety of over-the-top nomadic interconnected services as well as private business communication and collaboration solutions. Therefore, the CPCNs granted by the Commission are no longer necessary.”); *Momentum Telecom, Inc. (U-7108-C) Advice Letter at 1 & n.1* (filed and approved May 4, 2018) (noting that “Momentum is not providing service to any customers under its CPCN but rather provides service under its VoIP registration”).

³ See, e.g., *Charter Advanced Servs. (MN), LLC v. Lange*, 903 F.3d 715, 717-20 (8th Cir. 2018), *cert. denied sub nom. Lipschultz v. Charter Advanced Servs. (MN), LLC*, 140 S. Ct. 6 (2019).

⁴ See 47 U.S.C. § 153(24); *Restoring Internet Freedom*, 33 FCC Rcd. 311, 320-22, 335-38 ¶¶ 26-28, 30, 45-49 (2018) (describing information services), *vacated in part on other grounds, Mozilla Corp. v. FCC*, 940 F.3d 1 (D.C. Cir. 2019); *Charter*, 903 F.3d at 719-20.

⁵ Sprint Wireline provides these services to predominantly national and global customers. Given the nature of the customers and their use of the services, Sprint Wireline therefore treats the services as jurisdictionally interstate pursuant to the 10% interstate traffic rule and other federal precedent. See, e.g., *Order Instituting Rulemaking to Consider Modifications to the California Advanced Services Fund*, R.12-10-012, at 17 (Cal. P.U.C. Oct. 25, 2012) (providing examples of entities or services that “do not need state-issued CPCNs.”); D. 16-12-025, at 159, n.409 (Dec. 1, 2016) (corrected by D. 17-03-014) (“If a special access line has over 10% interstate traffic, it is considered an interstate facility, and therefore falls under federal jurisdiction. At present, most special access lines in California are so classified.”); *Federal-State Joint Board on Universal Service*, 12 FCC Rcd. 8776, 9173 ¶ 778 (1997); see also *Pacific Bell v. Pac West Telecomm., Inc.*, 325 F.3d 1114, 1125 (9th Cir. 2003); *MTS and WATS Market Structure Amendment of Part 36 of the Commission’s Rules and Establishment of a Joint Board*, Recommended Decision and Order, 4 FCC Rcd. 1352, n.14 (1989) (“Under the ‘contamination doctrine,’ all special access lines carrying interstate traffic are subject to federal regulatory authority, and the costs of such lines are directly assigned to the interstate jurisdiction. The terminology reflects the fact that, under this approach, any interstate traffic is deemed to ‘contaminate’ the service, even when the facilities involved are physically intrastate, and thus bring the service under federal regulation.”); *MTS and WATS Market Structure Amendment of Part 36 of the Commission’s Rules and Establishment of a Joint Board*, Decision and Order, 4 FCC Rcd. 5660 (1989) (adopting the Joint Board’s recommendation that the FCC assign special access lines with more than 10% interstate traffic to the interstate jurisdiction for separations purposes).

Finally, to the best of its knowledge, Sprint Wireline owes no outstanding surcharges, fees, or other payments to the Commission as of the date of this filing.⁶

A copy of this advice letter is being served on the CPUC Communication Advice Letter Service List, and will be served on any persons upon request. As noted above, Sprint requests that the effective date of this Advice Letter be today, March 30, 2020.

Anyone may object to this Advice Letter by sending a written protest to:

Telecommunications Advice Letter Coordinator
Communications Division
California Public Utilities Commission
505 Van Ness Ave., 3rd Floor
San Francisco, CA 94102-3298
Email: TD PAL@cpuc.ca.gov

A protest must state specifically the grounds on which it is based. Any protests must be received by the Telecommunications Advice Letter Coordinator no later than 20 days after the date that this Advice Letter was filed. To obtain information about the Commission's procedures for advice letters and protests, parties may access the Commission's website (www.cpuc.ca.gov). On or before the day on which any protest is sent to the Telecommunications Advice Letter Coordinator, the protestant must send a copy of the protest to:

Stephen H. Kukta
Sprint Communications Company L.P.
900 7th Street, NW, Suite 700
Washington, DC 20001
Telephone: 415.572.8358
Email: stephen.h.kukta@sprint.com

For the reasons stated above, Sprint Wireline hereby relinquishes its CPCN (U-5112-C).

Please do not hesitate to contact the undersigned if there are any questions about this submission.

⁶ See D. 19-12-008 at 14 (“Mitel filed a Tier 1 Advice letter notifying the Commission of its intent to withdraw its CPCN license. The Commission will grant a request to withdraw a CPCN license if the carrier is current with relevant user fees and surcharges and has provided 30 days’ notice to customers before granting the applicant’s request.”).

March 30, 2020

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Respectfully submitted,

/s/ Stephen H. Kukta

Stephen H. Kukta
Sprint Communications Company L.P.

*Counsel for Sprint Communications Company
L.P. (U-5112-C)*

cc: CPUC Advice Letter Service List (Any Advice Letter Not Fitting Within the Preceding
Categories)

(Certificate of Service follows)

March 30, 2020

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Certificate of Service

I, Kristin Jacobson, hereby certify that, on March 30, 2020, I served an electronic copy of this advice letter and its associated files on the email addresses on the service list for “Any Advice Letter not fitting within the preceding categories” as set forth below.

Dated: March 30, 2020, at Benicia, CA.

/s/

Kristin Jacobson



**California Public
Utilities Commission**

**Any Advice Letter not fitting within the
preceding categories.**

NOTE: If you want to be removed from a list, please send an email to: telcoadviceletterservice@cpuc.ca.gov

Select another list

Export To Excel

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Steve	Fetzer	sfetzer@4cct.com	CCT Telecomm		3/1/2012
John	Gutierrez	John_Gutierrez@cable.comcast.com	Comcast Phone of California, LLC	U-5698-C	3/1/2012
PHILIP	JOSEPHSON	PJOSEPHSON@STERLINGBUSINESSLAW.COM	TNCI		3/5/2012
KAREN	MCBEE	TRUCKEE25@AOL.COM	PPG COMMUNICATIONS		3/6/2012
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