

August 6, 2014

Richard B. Engelman
Director, Legal and Government Affairs
Sprint Corporation
900 Seventh St. NW, Suite 700
Washington, DC 20001

Re: Notification of Intent to File Formal Complaint Against Sprint
Corporation for Violations of 47 C.F.R. § 8.3

Dear Mr. Engelman:

Pursuant to 47 C.F.R. § 8.13(c), this letter hereby notifies Sprint Corporation of Public Knowledge’s intent to file a formal complaint under the Federal Communication Commission’s Open Internet rules. We intend to file this complaint in response to Sprint’s policy of throttling some subscribers during times of network congestion.¹ Sprint’s failure to disclose specific information about what level of use makes a subscriber eligible for throttling, as well as the failure to disclose which parts of the network are subject to throttling at any given time, violates 47 C.F.R. § 8.3. This rule obligates Sprint to “publicly disclose accurate information regarding network management practices . . . sufficient for consumers to make informed choices regarding use of such services.”

If Sprint decides to continue with this throttling practice, Public Knowledge respectfully requests that Sprint take two steps in order to comply with the FCC’s Open Internet rules. Sprint explains that subscribers falling within the top 5% of data users may be prioritized below other customers. Although Sprint does provide guidance that customers who use 5 GB or more of data a month are likely to fall within the top 5% of users, it does so recognizing that the actual level of the 5% threshold will vary from month to month. This prevents Sprint subscribers from knowing exactly what level of usage will make them eligible for throttling. Sprint’s first step should be to publish, in an open and accessible format, the specific data usage level that is equal to the current top 5% threshold. A specific data level will give all subscribers – even those who are not in the top 5% of users – an understanding of how close they may be to throttling.

Sprint also suggests that subscribers eligible for throttling will only be throttled during times of network congestion. Sprint’s second step should be to publish, in an open and accessible format, real-time information about which parts of its network are currently congested at a level that triggers throttling. This information may help subscribers subject to throttling avoid those congested areas. Publishing the information in open and accessible formats will allow third parties to build tools to facilitate this avoidance, and potentially provide users with additional guidance.

¹ Sprint, *Open Internet Information*,
http://www.sprint.com/legal/open_internet_information.html.

Respectfully,

/s/ Michael Weinberg
Vice President
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