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June 23, 2004

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

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Re: Docket No. 040489-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Sprint Communications Company Limited Partnership are the original and 15 copies of Sprint's Petition to Intervene.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

Please acknowledge receipt of this filing by stamping and initialing a copy of this letter and returning same to my assistant. If you have any questions, please do not hesitate to call me at 850/599-1560.

Sincerely,

CMP _____ Susan S. Masterton

COM _____

CTR _____ Enclosure

ECR _____

GCL _____

OPC _____

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**CERTIFICATE OF SERVICE
DOCKET NO. 040489-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. mail on this 23rd day of June, 2004 to the following:

✶

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Email: terry.larkin@algx.com

BellSouth Telecommunications,
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White/Lackey/Culpepper/Shore/
Meza/Mays
Foshee c/o Ms. Nancy H. Sims
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FDN Communications
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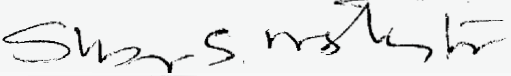
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Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency Complaint Seeking Order) Docket No. 040489-TP
Requiring BellSouth Telecommunications, Inc.)
And Verizon Florida, Inc. to Continue to Honor)
Existing Interconnection Obligations, by XO)
Florida, Inc. and Allegiance Telecomm of)
Florida, Inc. (collectively Joint CLECs)) Filed: June 23, 2004

PETITION TO INTERVENE
OF SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP

Pursuant to Rules 25-22.039 and 28-106.201(2), Florida Administrative Code, Sprint Communications Company Limited Partnership (“Sprint”) files this Petition to Intervene with the Florida Public Service Commission (“Commission”) in the above-referenced docket. In support hereof, Sprint states as follows:

1. Petitioner’s full name and principal place of business are:

Sprint Communications Company Limited Partnership
6450 Sprint Parkway
Overland Park, KS 66251-6100

2. All pleadings, orders, notices and other correspondence with respect to this docket should be addressed to:

Susan S. Masterton
1313 Blair Stone Road
P.O. Box 2214
Tallahassee, Florida 32316-2214
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3. Sprint is a certificated competitive local exchange telecommunications carrier (“CLEC”) in Florida. As such, Sprint is subject to the rules, regulations and orders of the Commission, and those rules, regulations and orders impact Sprint’s ability to provide service in the state of Florida.

4. The Commission’s decision in this proceeding may have a direct impact on all CLECs in this state, including Sprint, since CLECs purchase access to UNEs via Commission-approved interconnection agreements with incumbent carriers.¹ Sprint is similarly situated to petitioners with respect to the need for enforcement of interconnection agreement terms and with respect to the uncertainty created by the D. C. Circuit Court’s *USTA II* ruling and BellSouth and Verizon reactions to that ruling.

5. Commitments made by BellSouth and Verizon in their responses to this Petition and in various communications to the FCC and this Commission explaining how they will implement the *USTA II* mandate have alleviated some of the uncertainty surrounding *USTA II*.² However, significant issues regarding the implementation and interpretation of *USTA II* still require the Commission to act in an expedited fashion to resolve the remaining uncertainties. Specifically, BellSouth and Verizon have interpreted *USTA II* to vacate the TRO’s national finding of impairment for high capacity loops, as well as mass market switching and transport, even though the D.C. Circuit Court did not address high capacity loops in its decision. In addition, Verizon has taken the position that it may unilaterally terminate access to (or raise the prices for) these UNEs.

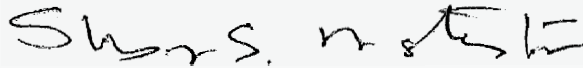
¹ Sprint is a party to current, effective interconnection agreements in Florida with both BellSouth and Verizon.

² See, Letter from Duane Ackerman to The Honorable Michael K. Powell, dated June 10, 2004 and Letter from Ivan G. Seidenberg to Honorable Michael K. Powell, dated June 11, 2004. BellSouth and Verizon made similar commitments during an information status conference call hosted by FPSC staff on June 8, 2004.

6. Sprint strongly disagrees with BellSouth's and Verizon's interpretation of the scope of *USTA II* regarding high capacity loops. BellSouth's position to implement *USTA II* through the change in law provisions of its interconnection agreements (which generally allow parties to petition the Commission to resolve disputes concerning such implementation) may provide a forum for resolution of any disputed issues between Sprint and BellSouth. However, Verizon's position that it has the unilateral right to terminate access to such UNEs (or to unilaterally raise the prices for these UNEs) does not. In addition, as Joint Petitioners and BellSouth suggest, many of the issues surrounding the implementation of *USTA II* are common issues that may be addressed more economically and efficiently in a single proceeding.³

WHEREFORE, Sprint requests that the Commission issue an order permitting Sprint to intervene in this proceeding, affording Sprint party status consistent with its rules, and directing all parties to serve on Sprint all filings hereafter made in this case.

Respectfully submitted this 23rd day of June 2004.



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ATTORNEY FOR SPRINT

³ See, Joint CLECs' Response to Motions to Dismiss, filed on June 17, 2004, at page 6 and BellSouth Telecommunications, Inc.'s Response in Opposition and Motion to Dismiss the Emergency Complaint of XO Florida, Inc. and Allegiance Telecom of Florida, Inc., filed on June 10, 2004, at page 12.