

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by NPCR, Inc. d/b/a Nextel Partners.

DOCKET NO. 070368-TP

In re: Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by Nextel South Corp. and Nextel West Corp.

DOCKET NO. 070369-TP

ORDER NO. PSC-08-0402-PCO-TP

ISSUED: June 17, 2008

ORDER ESTABLISHING PROCEDURE

Case Background

On June 8, 2007, NPCR, Inc. d/b/a Nextel Partners, Nextel South Corp. and Nextel West Corp. (collectively "Nextel") filed its Notice of Adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast (AT&T) and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., and Sprint Spectrum L.P. (collectively "Sprint"), pursuant to AT&T/BellSouth Merger Commitments and Section 252(i) of the Federal Telecommunications Act of 1996 (Act).

On June 28, 2007, AT&T filed a motion to dismiss Nextel's adoption. On July 9, 2007, Nextel filed a Response in Opposition to AT&T's motion. By Order No. PSC-07-0813-FOF-TP (Order Denying Dismissal), issued October 16, 2007, AT&T's Motion to Dismiss was denied, and the dockets were to remain open pending resolution of Docket No. 070249-TP. The Sprint – AT&T docket was resolved when the parties filed a Joint Motion on December 4, 2007 to approve an amendment extending the underlying agreement for three years. The Commission, by Order No. PSC-08-0066-FOF-TP, issued on January 29, 2008, acknowledged the amendment of the Sprint ICA.<sup>1</sup>

<sup>1</sup> Docket No. 070249-TP, Petition by Sprint Communications Company Limited Partnership and Sprint Spectrum Limited Partnership d/b/a Sprint PCS for arbitration of rates, terms and conditions of interconnection with BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast.

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FPSC-COMMISSION CLERK

Nextel filed a Motion for Summary Final Order on December 26, 2007, requesting that the Florida Public Service Commission (Commission) acknowledge Nextel's adoptions of the existing Sprint ICA. On January 22, 2008, AT&T filed a Response in Opposition to Nextel's Motion for Summary Final Order. At the June 3, 2008, Agenda Conference, the Motion for Summary Final Order was denied, and this Commission voted to set these dockets for a hearing to be conducted pursuant to the procedures set forth in 120.57(2), Florida Statutes.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

After participation by the parties and staff in a series of conference calls, the parties were able to reach agreement on a proposed list of issues (Attachment A) and a list of stipulated facts (Attachment B). Additionally, the parties reached agreement on the following procedural dates:

1. Basic Position Statements            June 17, 2008
2. Legal briefs                            June 26, 2008

Upon consideration, I find it reasonable and appropriate to approve the agreements reached by the parties as set forth above. Parties shall file basic position statements of no more than 50 words per issue by June 17, 2008. Legal briefs shall be filed by June 26, 2008, and shall be limited to thirty (30) pages excluding attachments.


Based upon the foregoing, it is

ORDERED that the parties will file Basic Position Statements in the dockets, no later than June 17, 2008. It is further

ORDERED that briefs shall be filed by June 26, 2008, which shall be limited to thirty (30) pages excluding attachments. It is further

ORDERED that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 17th day of  
June, 2008.

  
LISA POLAK EDGAR  
Commissioner and Prehearing Officer

( S E A L )

TLT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

**Attachment A**

**Tentative Issues List for Docket No. 070368-TP & 070369-TP**

1. Can Nextel as a wireless entity avail itself of 47 U.S.C. Section 252(i) to adopt the Sprint ICA?
2. A. Does the Commission have jurisdiction over AT&T's FCC Merger Commitments?  
B. If so, do the Merger Commitments allow Nextel to adopt the Sprint ICA?
3. If the answer to Issue 1 or Issue 2B is "yes," what should be the effective date of Nextel's adoption of the Sprint ICA?

Notice of the Adoption by NPCR, Inc. d/b/a	)	
Nextel Partners of the Existing "Interconnection	)	Docket No. 070368-TP
Agreement By and Between BellSouth	)	
Telecommunications, Inc. and Sprint	)	
Communications Company Limited Partnership,	)	
Sprint Communications Company L.P.,	)	
Sprint Spectrum L.P." dated January 1, 2001	)	
	)	
	)	
Notice of the Adoption by Nextel South Corp.	)	
And Nextel West Corp. (collectively "Nextel")	)	Docket No. 070369-TP
Of the Existing "Interconnection Agreement	)	
By and Between BellSouth	)	
Telecommunications, Inc. and Sprint	)	
Communications Company Limited Partnership,	)	
Sprint Communications Company L.P.,	)	
Sprint Spectrum L.P." dated January 1, 2001	)	
	)	
	)	Filed: June 13, 2008

**STIPULATIONS OF FACT**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Nextel South Corp., and NPCR Inc. d/b/a Nextel Partners respectfully stipulate to the following facts for the purpose of identifying issues for resolution in these proceedings:

1. The Sprint entities that are parties to the Sprint interconnection agreement ("ICA") for which Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners seek adoption in the above-referenced docket are identified in the Sprint ICA as Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., and Sprint Spectrum L.P., as agent and General Partner for WirelessCo, L.P., and SprintCom, Inc. (collectively the "Sprint parties to the original ICA").

2. Sprint Communications Company L.P. and Sprint Communications Company Limited Partnership are one and the same legal entity. The name of this entity is Sprint Communications Company L.P., and this entity was further listed in the Sprint ICA with "limited partnership" spelled out as a result of a requirement in the State of Florida. Sprint

Communications Company L.P. is a Delaware Limited Partnership that is certificated to and does provide wireline local exchange telecommunications services in the State of Florida. Sprint Communications Company L.P. is not licensed by the FCC to provide wireless telecommunications services.

3. Sprint Spectrum L.P. is a Delaware Limited Partnership, WirelessCo, L.P. is a Delaware Limited Partnership, and SprintCom, Inc. is a Kansas corporation, collectively, "Sprint PCS". Sprint PCS provides wireless telecommunications services in the State of Florida under license(s) issued by the FCC. Neither Sprint Spectrum L.P., WirelessCo, L.P., SprintCom, Inc., nor Sprint PCS is certificated to provide, and none of these entities provide wireline local exchange telecommunications services in the State of Florida.

4. Nextel South Corp. is a Georgia corporation that is licensed by the FCC to provide, and that does provide, wireless telecommunications services in the State of Florida. Nextel South Corp. is not certificated to provide and does not provide wireline local exchange telecommunications services in the State of Florida.

5. NPCR, Inc. d/b/a Nextel Partners is a Delaware corporation that is licensed by the FCC to provide, and that does provide, wireless telecommunications services in the State of Florida. NPCR, Inc. d/b/a Nextel Partners is not certificated to provide and does not provide wireline local exchange telecommunications services in the State of Florida.

6. On August 12, 2005 the parent holding company Sprint Corporation, through its subsidiary S-N Merger Corp., acquired the holding company Nextel Communications, Inc., with S-N Merger Corp. surviving the transaction. Contemporaneous with such acquisition, the subsidiary S-N Merger Corp. changed its name to Nextel Communications Inc. and the parent holding company Sprint Corporation changed its name to Sprint Nextel Corporation. Collectively, the foregoing actions are referred to as "the Sprint-Nextel Merger".

7. Prior to the Sprint-Nextel Merger, Sprint Communications Company L. P., Sprint Spectrum L.P., WirelessCo, L.P., SprintCom, Inc., Nextel South Corp., and NPCR, Inc. d/b/a Nextel Partners were six separate legal entities.

8. Prior to the Sprint-Nextel Merger, each of the Sprint parties to the Sprint ICA were either directly or indirectly wholly owned by, and under common control, as subsidiaries under the holding parent company Sprint Corporation.

9. Prior to the Sprint-Nextel Merger, Nextel South Corp., was either directly or indirectly wholly owned by, and under common control of, as a subsidiary under the holding parent company Nextel Communications, Inc.

10. Prior to the Sprint-Nextel Merger, none of the Sprint parties to the original ICA had any affiliation with Nextel South Corp., and Nextel South Corp. had no affiliation with any of such Sprint parties.

11. After the Sprint-Nextel Merger, on June 26, 2006, through a subsidiary transaction, Nextel Communications, Inc. acquired NPCR, Inc. d/b/a Nextel Partners ("the NPCR acquisition"). Prior to the NPCR acquisition, none of the Sprint parties to the original ICA had any affiliation with NPCR, Inc. d/b/a Nextel Partners, and NPCR, Inc. d/b/a Nextel Partners had no affiliation with any of such Sprint parties.

12. Today, following the Sprint-Nextel Merger and the NPCR acquisition, Sprint Communications Company L.P., Sprint Spectrum L.P., WirelessCo, L.P., SprintCom, Inc., Nextel South Corp., and NPCR, Inc. d/b/a Nextel Partners are six separate legal entities.

13. Today, following the Sprint-Nextel Merger and the NPCR acquisition, the Sprint parties to the original ICA, Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners each are either directly or indirectly wholly owned by, and are under common control, as subsidiaries under the holding company Sprint Nextel Corporation.

**NOTE: Paragraphs 14 and 15 were copied from Nextel's proposal but the track changes did not copy from their document.**

14. In 2001, AT&T Florida and Sprint began operating under the negotiated Sprint ICA. The first three sentences of the introductory paragraph of the Sprint ICA state:

**"THIS INTERCONNECTION AND RESALE AGREEMENT is made by and between BellSouth Telecommunications, Inc., ("BellSouth"), a Georgia corporation, Sprint Communications Company Limited Partnership and Sprint Communications Company L.P. (collectively referred to as "Sprint CLEC"), a Delaware Limited Partnership and Sprint Spectrum L.P., a Delaware limited partnership, as agent and General Partner for WirelessCo, L.P., a Delaware limited partnership, and SprintCom, Inc., a Kansas corporation, all foregoing entities jointly d/b/a Sprint PCS ("Sprint PCS") ("the Agreement"). When the terms and conditions apply to both Sprint CLEC and Sprint PCS, the collective term "Sprint" shall be used. Otherwise, the applicable party shall be identified."**

15. The Sprint ICA is incorporated herein in its entirety by this reference and is posted on AT&T's website where it is viewable by the public at:

[http://cpr.bellsouth.com/clec/docs/all\\_states/800aa291.pdf](http://cpr.bellsouth.com/clec/docs/all_states/800aa291.pdf)

[Note to viewer: when typing in the foregoing link to a web-browser, the space between "all" and "states" is a single underscore character ("\_").]

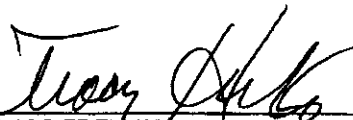
16. In addition to the foregoing stipulated items, the following matters are also incorporated into the record of this proceeding by reference, such that neither party need re-file the same as part of its written statement:

- (a) All notices, pleadings, motions, and intermediate rulings filed in this docket.
- (b) The official transcript(s) of all proceedings held in these dockets, including agenda conferences.

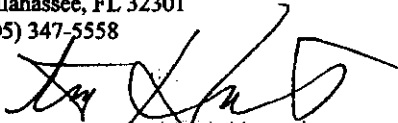


Respectfully submitted, this 13th day of June, 2008.

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d/b/a AT&T FLORIDA



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**CERTIFICATE OF SERVICE**  
**Docket Nos. 070368-TP and 070369-TP**

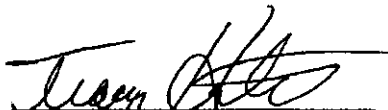
I HEREBY CERTIFY that a true and correct copy was served via Electronic Mail  
and First Class U. S. Mail this 16th day of June, 2008 to the following:

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