

ORIGINAL
RUTLEDGE, ECENIA, PURNELL & HOFFMAN
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
LORENA A. HOLLEY
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

January 14, 2005

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

RECEIVED - FPSC
05 JAN 14 PM 12:13
COMMISSION CLERK

Re: Docket No. 040326-TL

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket on behalf of Northeast Florida Telephone Company ("Northeast Florida") and Sprint Spectrum, L.P. d/b/a Sprint PCS ("Sprint PCS") are an original and fifteen (15) copies of a Joint Motion Seeking Commission Approval of Stipulation and Settlement Agreement.

Please acknowledge receipt of these documents by stamping the extra copy of this letter filed and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____ KAH/rl
MMS _____ Enclosures
RCA _____
SCR _____
SEC _____
OTH _____ Kum P.
ok silva for kmp

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
00505 JAN 14 05
FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

| | | |
|----------------------------------|---|-------------------------|
| In the Matter of the Application |) | |
| of Northeast Florida Telephone |) | Docket No. 040326-TL |
| Company d/b/a NEFCOM for |) | |
| Suspension or Modification of |) | Filed: January 14, 2004 |
| Section 251(b)(2) of the |) | |
| Communications Act of 1934 as |) | |
| Amended. |) | |
| _____ |) | |

JOINT MOTION SEEKING COMMISSION APPROVAL OF STIPULATION AND SETTLEMENT

COME NOW, Northeast Florida Telephone Company d/b/a NEFCOM (“NEFCOM”) and Sprint Spectrum, L.P. d/b/a Sprint PCS (hereinafter “Sprint”), pursuant to Rule 28-106.204, Florida Administrative Code, and hereby file this Joint Motion requesting the Florida Public Service Commission (“Commission” or “FPSC”) to approve the Stipulation and Settlement between NEFCOM and Sprint. In support of this Joint Motion, NEFCOM and Sprint state as follows:

1. The above-captioned docket is presently pending before the FPSC. All proceedings in this docket have been abated pursuant to Order No. PSC-04-1267-PCO-TL issued December 22, 2004, pending the submission by the parties of a Stipulation and Settlement Agreement and a Joint Motion to approve such Stipulation and Settlement Agreement.

2. NEFCOM and Sprint believe that it is in the best interests of the customers of NEFCOM and Sprint to amicably resolve the issues pending in this docket without the expenditure of further time, money and other resources in litigating this issue before the Commission and the courts.

3. NEFCOM and Sprint have negotiated a Stipulation and Settlement of the issues in this docket. That settlement is set forth in the Stipulation and Settlement executed by NEFCOM and

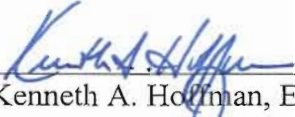
DOCUMENT NUMBER - DATE
00505 JAN 14 08
FPSC-COMMISSION CLERK

Sprint, a copy of which is attached hereto as Exhibit A.


4. Because the Stipulation and Settlement is in the best interests of NEFCOM's customers, as well as the customers of Sprint, NEFCOM and Sprint request that the Commission expeditiously accept and approve the Stipulation and Settlement as filed and close Docket No. 040326-TL upon the approval of the attached Stipulation and Settlement.

WHEREFORE, NEFCOM and Sprint respectfully request that the Florida Public Service Commission grant the relief sought in this Joint Motion and approve the parties' Stipulation and Settlement.

Respectfully submitted this 14th day of January, 2005.



Kenneth A. Hoffman, Esq.
Martin P. McDonnell, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302
850-681-6788 (Telephone)
850-681-6515 (Facsimile)



Susan S. Masterton, Esq.
Sprint Spectrum L.P. d/b/a Sprint PCS
1313 Blairstone Road
P. O. Box 2214
Tallahassee, Florida 32316-2214
(850) 599-1560 (Telephone)
(850) 878-0777 (Facsimile)

--and--

Attorney for Sprint Spectrum L.P. d/b/a
Sprint PCS

Benjamin H. Dickens, Jr., Esq.
Mary J. Sisak, Esq.
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, Northwest
Washington, DC 20037
202-828-5510 (Telephone)
202-828-5568 (Facsimile)

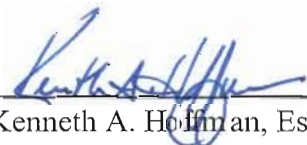
Attorneys for Northeast Florida Telephone
Company d/b/a NEFCOM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by telecopier and U.S. Mail this 14th day of January, 2005, to the following:

Susan S. Masterton, Esq.
Sprint PCS
1313 Blairstone Road
P. O. Box 2214
Tallahassee, Florida 32314-2214

Jeremy L. Susac, Esq.
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



Kenneth A. Hoffman, Esq.

NFTC\motionforapproval

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of the Application)
of Northeast Florida Telephone) Docket No. 040326-TL
Company d/b/a NEFCOM for)
Suspension or Modification of) Filed: January 14, 2004
Section 251(b)(2) of the)
Communications Act of 1934 as)
Amended.)
_____)

**STIPULATION AND SETTLEMENT BY AND BETWEEN
NORTHEAST FLORIDA TELEPHONE COMPANY D/B/A NEFCOM
AND SPRINT SPECTRUM, L.P. D/B/A SPRINT PCS**

Pursuant to Section 120.57(4), Florida Statutes (2004), Northeast Florida Telephone Company d/b/a NEFCOM (“NEFCOM”) and Sprint Spectrum, L.P. d/b/a Sprint PCS (hereinafter “Sprint”) have entered into this Stipulation and Settlement to effect an informal disposition and complete and binding resolution of any and all matters and issues raised by the parties and which might be addressed by the Florida Public Service Commission (“FPSC” or “Commission”) in this docket regarding NEFCOM’s Petition for a Suspension or Modification of Section 251(b)(2) of the Communications Act of 1934, as amended, with respect to the implementation of intermodal (wireline-to-wireless) local number portability. This Stipulation and Settlement avoids the time, expense and uncertainty associated with adversarial litigation in keeping with the Commission’s long-standing policy and practice of encouraging parties in contested proceedings to settle issues whenever possible. Accordingly, without prejudice to any party’s position in this or any other proceeding before the Commission or any other court, regulatory body or other venue, present or future, the parties stipulate and agree as follows:



1. On November 10, 2003, the Federal Communications Commission (“FCC”) released its *Intermodal Porting Order*.¹ The *Intermodal Porting Order* requires rural wireline carriers such as NEFCOM to begin porting numbers to wireless carriers on May 24, 2004.

2. This docket was opened in response to a Petition filed by NEFCOM for a Suspension or Modification of the Local Number Portability (“LNP”) requirement in Section 251(b)(2) of the Communications Act of 1934, as amended, and as implemented by the FCC in the *Intermodal Porting Order*.

3. On May 11, 2004, the Commission issued Order No. PSC-04-0485-PCO-TL granting NEFCOM a suspension of the intermodal reporting requirement for sixty days. Absent that sixty day suspension, intermodal LNP would have been required for NEFCOM by May 24, 2004.

4. Thereafter, on July 15, 2004, the Commission issued Proposed Agency Action Order No. PSC-04-0691-PAA-TL (“PAA Order”) granting NEFCOM a temporary suspension of the intermodal LNP requirement until January 6, 2005. On August 8, 2004, NEFCOM timely filed a protest of the PAA Order.

5. Sprint submitted a bona fide request for local number portability to NEFCOM on May 16, 2003. Thereafter, Sprint sought and was granted intervention in this proceeding.

6. Following the filing of prefiled direct testimony and exhibits by the parties in this docket, the parties have engaged in discussions for the purposes of resolving this matter. After weighing the potential costs and benefits of implementation of intermodal LNP, including the parties’ differing views regarding such potential costs and benefits; applicable legal and regulatory

¹Telephone number portability, CC Docket No. 95-116, Memorandum and Opinion and Order and Further Notice of Proposed Rulemaking, FC 03-284, Rel. November 10, 2003 (“*Intermodal Porting Order*”).

precedents; and the costs, time and expenditure of resources associated with litigating the issues in this docket, the parties have stipulated and agreed that NEFCOM shall implement intermodal LNP from wireline to wireless carriers by November 24, 2005.

7. This Stipulation and Settlement will become effective on the day following the vote of the Commission approving this Stipulation and Settlement. The Commission's decision will be reflected in a final order.

8. No party to this Stipulation and Settlement will request, support or seek to impose a change in the application of any provision hereof. Furthermore, subject to the approvals of the Commission set forth herein, all parties hereto waive any right to request further administrative or judicial proceedings in regards to the establishment or implementation of this Stipulation and Settlement. This waiver of the right to further administrative or judicial proceedings shall include (but not be limited to): a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code; a motion for reconsideration of the decision in this matter in the form prescribed by Rule 25-22.060, Florida Administrative Code; or a notice of appeal to initiate judicial review by the Florida Supreme Court pursuant to Rule 9.110, Florida Rules of Appellate Procedure, in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure. However, nothing herein is intended to waive Sprint's rights to enforce, if necessary, NEFCOM's compliance with intermodal local number portability requirements subsequent to November 24, 2005.

9. This Stipulation and Settlement is contingent upon the Commission's acceptance of the provisions herein, which acceptance shall include explicit recognition by the Commission that all such matters are resolved by this Stipulation and Settlement.

10. This Stipulation and Settlement is also contingent upon approval in its entirety by the Commission. This Stipulation and Settlement will resolve all matters in this docket pursuant to and in accordance with Section 120.57(4), Florida Statutes (2004). This docket will be closed effective on the date of the Commission order approving this Stipulation and Settlement is final. If this Stipulation and Settlement is not accepted and approved without modification by an order not subject to further proceedings or judicial review, then this Stipulation and Settlement shall be considered null and void and of no further force or effect.

11. In the event that the Commission does not accept this document in its entirety pursuant to its terms, this document shall not be admissible in any hearing on the matters established by this docket, or in any other docket or forum. Moreover, no party to this Stipulation and Settlement waives any position on any issue that it could have otherwise asserted in this or any other docket as if this document had never been developed and written.

12. This Stipulation and Settlement dated this 14th day of January, 2005 may be executed in counterpart originals and a facsimile of an original signature shall be deemed an original.

13. The parties evidence their acceptance and agreement with the provisions of this Stipulation and Settlement by their signatures.

Sprint Spectrum L.P. d/b/a Sprint PCS

By: Susan S. Masterton

Susan S. Masterton, Esq.
1313 Blairstone Road
P. O. Box 2214
Tallahassee, Florida 32316-2214
(850) 599-1560 (Telephone)
(850) 878-0777 (Facsimile)

Attorney for Sprint Spectrum, L.P.
d/b/a Sprint PCS

Northeast Florida Telephone Company d/b/a NEFCOM

By: Kenneth A. Hoffman

Kenneth A. Hoffman, Esq.
Martin P. McDonnell, Esq.
P. O. Box 551
Tallahassee, Florida 32302
(850) 681-6788 (Telephone)
(850) 681-6515 (Facsimile)

--and--

Benjamin H. Dickens, Jr., Esq.
Mary J. Sisak, Esq.
Blooston, Mordkofsky, Jackson & Dickens
2120 L Street, Northwest
Washington, DC 20037
202-828-5510 (Telephone)
202-828-5568 (Facsimile)

Attorneys for Northeast Florida Telephone
Company d/b/a NEFCOM

F:\USERS\ROXANNE\NEFCOM\NPSETTLEMENT