

Timolyn Henry

From: Whitt, Chrystal [CC] [Chrystal.Whitt@mail.sprint.com]
Sent: Monday, April 11, 2005 4:17 PM
To: Filings@psc.state.fl.us
Subject: 041464-TP Sprint's
Attachments: 041464 bb waiver letter pdf.doc.pdf

Filed on behalf of:

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Docket No. 041464

Title of filing: Waiver Letter

Filed on behalf of: Sprint

No. of pages: 3

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DOCUMENT NUMBER-DATE

03531 APR 11 '05

FDSC-COMMISSION OF EDU

ORIGINAL



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April 11, 2005

Ms. Blanca Bayó, Director
Division of Commission Clerk and
Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 041464-TP

Dear Ms. Bayó:

This docket involves the arbitration of disputed terms for an interconnection agreement between Sprint-Florida, Incorporated ("Sprint") and Florida Digital Network, Inc. ("FDN") The agreement under which the parties are currently operating expired on December 26, 2003 and the parties have been negotiating the terms of a new interconnection agreement since July 2003. In the course of these negotiations, the parties agreed that day 160 (the day on which a petition for arbitration had to be filed to comply with the time frames set forth in §252 of the federal Telecommunications Act) would fall on January 1, 2005. Sprint filed the petition that is the subject of this arbitration on December 30, 2004. In accordance with the time frames set forth in §252, the Commission is required to resolve this arbitration within 270 days or by April 21, 2005.

Recognizing the constraints of the Commission's workload and calendar, the parties have agreed to waive the 270 day arbitration time frame discussed above. While Sprint is willing to agree to the waiver to accommodate the Commission's resources and calendar, Sprint has significant interests in resolving the disputed issues in the arbitration as quickly as possible. A primary disputed issue between the parties is the implementation of the UNE rates ordered by this Commission in January 2003, in Order No. PSC-03-0058-FOF-TP. FDN has refused to agree to the implementation of these rates, either as an amendment to the existing arrangement between the parties or in the context of the agreement that is the subject of this arbitration. Since the Sprint UNE Order required that the rates would not take effect until adopted through an amendment to an existing agreement or in a new agreement, the resolution of this arbitration is critical for Sprint to be able to implement the new rates for FDN. Therefore, while this letter serves as Sprint's agreement to a waiver of the arbitration time frame, Sprint wants to make it clear that this waiver is solely for the purpose of accommodating Commission

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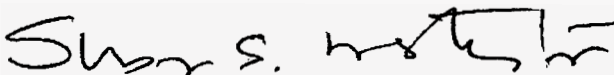
Ms. Blanca Bayo
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scheduling concerns and that it is not intended as an open-ended waiver to otherwise delay the resolution of the arbitration.

Commission staff has indicated that a hearing date is tentatively available in August 2005. Sprint agrees to extend the arbitration to accommodate that hearing date and subsequent post hearing activity in a reasonable time frame subsequent to that date. Should the procedural schedule be altered such that these time frames are extended to an appreciable degree, Sprint reserves any rights that it may have in a circumstance where a state commission fails to act within the nine month period established by 47 U.S.C. 252(b)(4)(C).

If you have any questions, please call me at 850-599-1560.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan S. Masterton". The signature is written in a cursive, somewhat stylized font.

Susan S. Masterton

Cc: Parties of Record

**CERTIFICATE OF SERVICE
DOCKET NO. 041464-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. and electronic mail on this 11th day of April, 2005 to the following:

Kira Scott
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

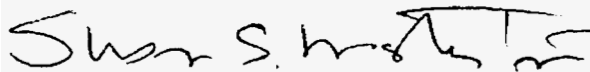
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