

**ORIGINAL**

**Timolyn Henry**

070368-TP

**From:** Nelson, Douglas [GA] [Douglas.C.Nelson@sprint.com]  
**Sent:** Friday, June 08, 2007 4:19 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** kay.lyon@bellsouth.com; Randy.Ham@bellsouth.com; la2177@att.com; Chiarelli, Joe M [LEG]; Atkinson, Bill R [GA]; Nelson, Douglas [GA]; Kite, Jim C [NTK]; Felton, Mark G [NTK]  
**Subject:** ELECTRONIC FILING - NOTICE OF ADOPTION OF AN INTERCONNECTION AGREEMENT BY NPCR, Inc. d/b/a NEXTEL PARTNERS  
**Attachments:** Notice of Adoption by NPCR Inc.pdf

A.

Douglas C. Nelson

Sprint Nextel

233 Peachtree Street, N.E., Suite 2200

Atlanta, GA 30303

Tel: 404-649-0003

[douglas.c.nelson@sprint.com](mailto:douglas.c.nelson@sprint.com)

B.

No docket number. Title of Filing: Notice of the Adoption by NPCR, Inc. d/b/a Nextel Partners 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.

C.

NPCR, Inc. d/b/a NEXTEL PARTNERS

D.

2 pages total (Notice of Adoption).

E.

Letter to Ann Cole, Commission Clerk, providing notice to the Florida Public Service Commission that NPCR, Inc. d/b/a Nextel Partners has adopted the existing interconnection agreement between BellSouth Telecommunications, Inc. and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P.

<<Notice of Adoption by NPCR Inc.pdf>>

*Douglas C. Nelson  
Attorney, State Regulatory Affairs*

*Sprint Nextel*

6/8/2007

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Sprint

Together with NEXTEL

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Douglas C. Nelson  
Attorney, State Regulatory Affairs

June 8, 2007

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**By Electronic Filing**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

070368 - TP

Re: Notice of the Adoption by NPCR, Inc. d/b/a Nextel Partners 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.

Dear Ms. Cole:

NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners") hereby provides notice to the Florida Public Service Commission that effective immediately Nextel Partners has adopted in its entirety, the "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 ("Sprint ICA") as amended.<sup>2</sup> The agreement has been filed and approved in each of the 9-legacy BellSouth states, including Florida<sup>3</sup>. Nextel Partners has exercised its right pursuant to the Federal Communications Commission approved Merger Commitment Nos. 1 and 2 under "Reducing Transaction Costs Associated with Interconnection Agreements" as ordered by ("Merger Commitments") in the BellSouth - AT&T merger, WC Docket No. 06-74<sup>4</sup>, and 47 U.S.C. § 252(i).

<sup>1</sup> Sprint Communications Company Limited Partnership, Sprint Communications Company L.P. and Sprint Spectrum L.P. are collectively referred to herein as "Sprint".

<sup>2</sup> BellSouth Telecommunications, Inc. is now registered in Florida as BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and is referred to herein as "AT&T Southeast."

<sup>3</sup> For the purposes of this letter, the 9 legacy BellSouth states means: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. The Sprint ICA was initially approved by the Florida Public Service Commission in Dockets No. 000828-TP and 000761-TP. A true and correct copy of the 1,169 page Interconnection Agreement, as amended, can be viewed at: [http://cpr.bellsouth.com/clec/docs/all\\_states/800aa291.pdf](http://cpr.bellsouth.com/clec/docs/all_states/800aa291.pdf), and is incorporated fully herein by reference. Due to the size of the file and its general availability, we are not providing a copy of the agreement with this letter, but will provide paper or electronic copies upon request.

<sup>4</sup> Merger Commitment No. 1 states:

*The AT&T/BellSouth ILECs shall make available to any requesting telecommunications carrier any entire effective interconnection agreement, whether negotiated or arbitrated that an AT&T/BellSouth ILEC entered into in any state in the AT&T/BellSouth 22-state ILEC operating territory, subject to state-specific pricing and performance plans and technical feasibility, and provided, further, that an AT&T/BellSouth ILEC shall not be obligated to provide pursuant to this commitment any interconnection arrangement or UNE unless it is feasible to provide, given the technical, network, and OSS attributes and limitations in, and is consistent with the laws and regulatory requirements of, the state for which the request is made.* (Emphasis added).

Merger Commitment No. 2 states:

The AT&T/BellSouth ILECs shall not refuse a request by a telecommunications carrier to opt into an agreement on the ground that the agreement has not been amended to reflect changes of law, provided the requesting telecommunications carrier agrees to negotiate in good faith an amendment regarding such change of law immediately after it has opted into the agreement.

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All relevant state-specific differences among the 9 legacy BellSouth states are already contained within the Sprint ICA, including Florida. Since the same state-specific terms are applicable to Nextel Partners on a state-by-state basis, there are no "state-specific pricing and performance plans and technical feasibility" issues pursuant to Merger Commitment No. 1. Likewise, since the Sprint ICA is already TRRO compliant and has an otherwise effective change of law provision, there is no issue preventing Nextel Partners from adopting the Sprint ICA in each applicable state, including Florida, pursuant to Merger Commitment No. 2.

The Sprint ICA is current and effective, although Sprint and AT&T Southeast have a dispute regarding the term of the agreement.<sup>5</sup> Sprint believes the term of the agreement ends March 19, 2010 while AT&T Southeast has maintained, among other things, that the term may end no later than December 31, 2007.

Nextel Partners has contacted AT&T Southeast regarding Nextel Partners' adoption of the Sprint ICA, but AT&T Southeast refuses to voluntarily acknowledge and honor Nextel Partners' rights regarding such adoption.

The Sprint ICA adopted today replaces in its entirety the existing interconnection agreement between Nextel Partners and AT&T Southeast.

Should you have any questions regarding Nextel Partners' adoption of the Sprint ICA, please do not hesitate to call.

Sincerely,



Douglas C. Nelson

CC by email unless otherwise noted:

Mr. Eddie A. Reed, Jr., AT&T Director-Contract Management (by US mail)  
Ms. Kay Lyon, Lead Negotiator, AT&T Wholesale  
Mr. Randy Ham, Assistant Director, AT&T Wholesale  
Ms. Lynn Allen-Flood, AT&T Wholesale – Contract Negotiations  
Mr. Joseph M. Chiarelli, Counsel for Nextel Partners  
Mr. William R. Atkinson, Counsel for Nextel Partners  
Mr. Jim Kite, Sprint Nextel Interconnection Solutions

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<sup>5</sup> See Docket No. 070249-TP.