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Subject: Docket No. 070368
Attachments: 070368 Nextel's Motion for Extension.doc

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Attached for filing in Docket No. 070368 is Nextel Partners' Motion for Extension of Time to Respond to AT&T Florida's Motion to Dismiss on behalf of NPCR, Inc.

A total of 4 pages are being filed on behalf of NPCR, Inc.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In the Matter of 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 Filed: June 2, 2007
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NEXTEL PARTNERS' MOTION FOR EXTENSION OF TIME TO RESPOND TO AT&T FLORIDA'S MOTION TO DISMISS

NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby files this Motion for Extension of Time to Respond to AT&T Florida's Motion to Dismiss. In support, Nextel Partners states as follows:

1. On June 8, 2007, Nextel Partners filed its Notice of Adoption in this docket regarding its adoption of the 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 pursuant to its rights under the Federal Communications Commission approved Merger Commitment Nos. 1 and 2 as ordered in the BellSouth-AT&T merger, WC Docket No. 06-74; and 47 U.S.C. §252(i). On June 28, 2007, AT&T Florida filed its Motion to Dismiss Nextel Partner's Notice of Adoption.

2. In its Motion to Dismiss, AT&T Florida argues that "Nextel Partners erroneously claims to have adopted the interconnection agreement between AT&T Florida and Sprint" and that 1) the Commission "does not have the authority to interpret

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and enforce” the Merger Commitments; 2) that the Sprint agreement has expired and thus the adoption does not meet the “legal timing requirement under the Telecommunications Act of 1996 (the ‘Act’),”; and 3) that the Notice of Adoption is premature because Nextel Partners “failed to abide by contractual obligations regarding dispute resolution found in its existing interconnection agreement with AT&T Florida.” AT&T’s arguments that the Commission lacks jurisdiction over the Merger Commitments and that this adoption “does not meet the legal timing requirement” under the Act are matters of first impression for this Commission.

3. Pursuant to Rule 28-106.204, Florida Administrative Code, Nextel Partners’ response in opposition to AT&T Florida’s Motion to Dismiss is due on July 5, 2007. Given the unique issues presented by AT&T Florida’s Motion to Dismiss, Nextel Partners requests a brief extension of time up to and including July 9, 2007, in which to respond to AT&T Florida’s Motion to Dismiss. This Motion for Extension of Time is made in good faith, and the short extension requested will not unduly delay this proceeding or prejudice the rights of the parties.

4. Pursuant to Rule 28-106.204, Florida Administrative Code, counsel for Nextel Partners conferred with counsel for AT&T Florida regarding this request and was informed that AT&T Florida does not oppose seeking an extension of time up to and including July 9, 2007 to respond.

WHEREFORE, Nextel Partners requests the Commission to grant an extension of time up to and including July 9, 2007, for the filing of Nextel Partners’ response to AT&T Florida’s Motion to Dismiss.

Respectfully submitted,

/s/ Marsha E. Rule

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ATTORNEYS FOR NPCR, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished by U.S. Mail and email to the following parties on this 2nd day of July, 2007:

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