

ORIGINAL

Matilda Sanders

From: Teri Choulat [Teri@reuphlaw.com]
Sent: Monday, July 02, 2007 4:57 PM
To: Filings@psc.state.fl.us
Cc: james.meza@bellsouth.com; John.tyler@bellsouth.com; Nancy Sims; Victor McKay; Douglas.C.Nelson@sprint.com
Subject: Docket No. 070369-TP
Attachments: 070369TP Nextel Motion for Extension.doc

Attached for filing in Docket No. 07036 TP is Nextel's Motion for Extension of Time to Respond to AT&T Florida's Motion to Dismiss on behalf of Nextel South Corp. and Nextel West Corp.

A total of 4 pages are being filed.

The person responsible for this electronic filing is:
MARSHA E. RULE
Rutledge, Ecenia, Purnell & Hoffman, P. A.
Post Office Box 551
Tallahassee, Florida 32302-0551
(850) 681-6788
marsha@reuphlaw.com

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

Notice of the Adoption by Nextel South Corp. and Nextel West Corp. (collectively "Nextel") 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

Docket No. 070369-TP

Filed: July 2, 2007

**NEXTEL'S MOTION FOR EXTENSION OF TIME
TO RESPOND TO AT&T FLORIDA'S MOTION TO DISMISS**

Nextel South Corp. and Nextel West Corp., (collectively, "Nextel"), 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 states as follows:

1. On June 8, 2007, Nextel 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's Notice of Adoption.

2. In its Motion to Dismiss, AT&T Florida argues that "Nextel 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 and enforce"

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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 “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’s 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 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 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 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

MARSHA E. RULE
Rutledge, Ecenia, Purnell & Hoffman, P.A.
Post Office Box 551
Tallahassee, Florida 32301-0551
marsha@reuphlaw.com
(850) 681-6788
(850) 681.6515 facsimile

Douglas C. Nelson
William R. Atkinson
Sprint Nextel
233 Peachtree Street, NE, Suite 2200
Atlanta, GA 30339-3166
douglas.c.nelson@sprint.com
bill.atkinson@sprint.com
Telephone: 404.649.0003
Fax: 404.649.0009
and

Joseph M. Chiarelli
6450 Sprint Parkway
Mailstop: KSOPHNO214-2A671
Overland Park, KS 66251
joe.c.chiarelli@sprint.com
Telephone: 913.315.9223
Fax: 913.523.9623

ATTORNEYS FOR NEXTEL SOUTH
CORP. AND NEXTEL WEST CORP.

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:

Victor McKay Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
vmckay@psc.state.fl.us
850.420.8011

James Meza III
Manuel Gurdian
c/o Nancy Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
james.meza@bellsouth.com
nancy.sims@bellsouth.com
305.347.5558
850.222.8640

E.Edenfield Jr.
John T. Tyler
AT&T Midtown Center – Suite 4300
675 West Peachtree Street, NE
John.tyler@bellsouth.com
Atlanta, GA 30375
404.335.0757

/s/ Marsha E. Rule

Marsha E. Rule