

Ruth Nettles

From: Smith, Debbie N. [ds3504@att.com]
Sent: Friday, March 28, 2008 10:51 AM
To: Filings@psc.state.fl.us
Cc: Tyler, John; Gurdian, Manuel; Randa, Johna A; Woods, Vickie; Follensbee, Greg; Holland, Robyn P; Tracy Hatch
Subject: Florida Docket Nos. 070368-TP and 070369-TP
Importance: High
Attachments: supplemental.pdf

- A. Debbie Smith
Legal Secretary for John T. Tyler
BellSouth Telecommunications, Inc.
c/o Gregory Follensbee
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- B. Docket No. 070368-TP: 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.

Docket No. 070369-TP: 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

- C. AT&T Southeast
on behalf of John T. Tyler

- D. 8 pages total in PDF format (includes Cole Letter, Certificate of Service, and attachment)

- E. Cole Letter regarding Supplemental Submission in Support of AT&T Florida's Response in Opposition to Motion for Summary Final Order.

<<supplemental.pdf>>

Debbie N. Smith (sent on behalf of John T. Tyler)
Assistant to J. Phillip Carver & John T. Tyler
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Please note my new email address is debbie.n.smith@att.com

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3/28/2008

DOCUMENT NUMBER-DATE
02390 MAR 28 08
FPSC-COMMISSION CLERK



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March 28, 2008

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

Re: Docket No. 070368-TP (Nextel Partners)
Docket No. 070369-TP (Nextel)

Dear Ms. Cole:

Enclosed is a Supplemental Submission in Support of AT&T Florida's Response in Opposition to Motion for Summary Final Order, which we ask that you file in the captioned dockets.

On March 26, 2008, an Administrative Law Judge for the California Public Utilities Commission ruled in the Sprint California porting proceeding that she will wait on guidance from the FCC before ruling on AT&T California's pending motion to dismiss. In that proceeding, Sprint, Sprint Nextel Corp. and other Sprint wireless affiliates are attempting to port a BellSouth Kentucky interconnection agreement to California. The Order included the following analysis:

Since AT&T brought the issues to the FCC's attention, and the FCC set a quick cycle for comment, I expect the FCC to act on AT&T's petition fairly quickly. While parties have filed extensive briefs in support of their interpretations of the FCC's merger order, the FCC is in the best position to interpret its own order. I intend to wait for the FCC's ruling before acting on AT&T's motion to dismiss. Once the FCC renders its opinion, AT&T is required to serve an electronic copy of the FCC's order on all parties to this proceeding.¹

DOCUMENT NUMBER-DATE

02390 MAR 28 08

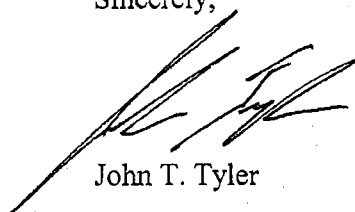
FPSC-COMMISSION CLERK

¹ See California Public Utilities Commission *Administrative Law Judge's Ruling Granting Motions*, at p. 2 in Docket/Application 07-12-017, entered March 26, 2008, enclosed herewith.

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March 28, 2008
Ms. Cole

Copies have been served to the parties shown on the attached Certificate of Service on this day.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Tyler", written over a horizontal line.

John T. Tyler

Enclosure

cc: All Parties of Record
Gregory Follensbee
E. Earl Edenfield, Jr.
Lisa S. Foshee

CERTIFICATE OF SERVICE
Docket Nos. 070368-TP and 070369-TP

I HEREBY CERTIFY that a true and correct copy was served via Electronic Mail and First Class U. S. Mail this 28th day of March, 2008 to the following:

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John T. Tyler

KAJ/tcg 3/26/2008



FILED

03-26-08
09:16 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Sprint Communications Company L.P. (U 5112 C), Sprint Spectrum L.P. as agent for WirelessCo., L.P. (U 3062 C) and Sprint Telephony PCS, L.P. (U 3064 C), and Nextel of California, Inc. (U 3066 C) for Commission Approval of an Interconnection Agreement with Pacific Bell Telephone Company d/b/a AT&T California pursuant to the "Port-In-Process" Voluntarily Created and Accepted by AT&T Inc. as a Condition of Securing Federal Communications Commission Approval of AT&T Inc.'s Merger with BellSouth Corporation.

Application 07-12-017
(Filed December 20, 2007)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTIONS**

On February 19, 2008, Pacific Bell Telephone Company, Inc., d/b/a AT&T California (AT&T) filed in this proceeding, as attachment 1 to its Reply in Support of Motion to Dismiss, a copy of the February 5, 2008 Petition of AT&T for a Declaratory Ruling in FCC Docket No. WC 08-23 (AT&T FCC Petition).

On February 26, 2008, Sprint Communications Company L.P. (U 5112 C), Sprint Spectrum L.P. as agent for WirelessCo., L.P. (U 3062 C), Sprint Telephony PCS, L.P. (U 3064 C), and Nextel of California, Inc. (U 3066 C) (Sprint Nextel or Applicants) filed a motion for leave to file a copy of the public version of the Opposition of Sprint Nextel Corporation to the AT&T FCC Petition, stating that

“review of the Opposition will permit this Commission to be fully apprised regarding the issues before the FCC.”

On March 3, 2008, AT&T filed in FCC Docket WC 08-23 their Reply in Support of Petition for a Declaratory Ruling, which AT&T asserts is necessary for the Commission to be fully apprised regarding the issues before the FCC in that docket. Accordingly, AT&T, pursuant to Rule 11.1 of the Commission’s Rules of Practice, on March 12, 2008, filed a motion for leave to file the public version of the March 3, 2008 aforementioned Reply. AT&T also indicates that it has no objection to the Sprint Nextel filing, so long as AT&T is permitted to file its Reply.

I will grant both Sprint Nextel’s motion and AT&T’s motion to accept their filings at the FCC as part of this proceeding. There appears to be a lack of clarity in the FCC’s order approving AT&T’s merger with BellSouth Corporation. Since AT&T brought the issues to the FCC’s attention, and the FCC set a quick cycle for comments, I expect the FCC to act on AT&T’s petition fairly quickly. While parties have filed extensive briefs in support of their interpretations of the FCC’s merger order, the FCC is in the best position to interpret its own order. I intend to wait for the FCC’s ruling before acting on AT&T’s motion to dismiss. Once the FCC renders its opinion, AT&T is required to serve an electronic copy of the FCC’s order on all parties to this proceeding.

IT IS RULED that:

1. The February 26, 2008 motion of Sprint Communications Company, L.P. (U 5112 C), Sprint Spectrum L.P. as Agent for WirelessCo, L.P. (U 3062 C), Sprint Telephony PCS, L.P. (U 3064 C), and Nextel of California, Inc. (U 3066 C) for leave to file a copy of the public redacted version of the Opposition of Sprint

A.07-12-017 KAJ/tcg

Nextel Corporation to Petition of AT&T ILECs in Federal Communications
Docket No. WC 08-23 is hereby granted.

2. AT&T's March 12, 2008 motion for leave to file FCC Reply Comments is
hereby granted.

3. AT&T shall serve an electronic copy of the FCC's order in FCC Docket
No. WC 08-23 to all parties on the service list of this proceeding, within 24 hours
of its release.

Dated March 26, 2008, at San Francisco, California.

/s/ KAREN A. JONES

Karen A. Jones
Administrative Law Judge

A.07-12-017 KAJ/tcg

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a hard copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the hard copy of the filed document is current as of today's date.

Dated March 26, 2008, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

***** SERVICE LIST *****

Last Updated on 25-MAR-2008 by: AJH
A0712017 LIST

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