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June 17, 2008

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

**Re: Nextel Issue Position Statements  
Dockets Nos. 070368-TP and 070369-TP**

Dear Ms. Cole:

Attached please find for filing in the above referenced dockets the Issue Position Statement of Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners (collectively, "Nextel"). Please do not hesitate to contact me if you have any questions.

Sincerely,

Douglas C. Nelson  
/s/ Marsha E. Rule  
Marsha E. Rule

cc: Parties of Record

Nextel Issue Position Statements  
June 17, 2008

1. Can Nextel as a wireless entity avail itself of 47 U.S.C. Section 252(i) to adopt the Sprint ICA?

**Nextel Position:** Yes. “[A]ny requesting telecommunications carrier” can avail itself of 252(i), regardless of the technology it uses to provide service. Per federal law, the only exceptions upon which this Commission may allow AT&T to avoid Nextel’s adoption of the Sprint ICA are expressly provided by 47 C.F.R. § 51.809(b)(1) or (b)(2).

2. A. Does the Commission have jurisdiction over AT&T's FCC Merger Commitments?

**Nextel Position:** Yes. By FCC Order, the Merger Commitments do not “restrict, supercede, or otherwise alter” this Commission’s jurisdiction, or “limit state authority to adopt...policies that are not inconsistent with these Commitments.” This Commission has already recognized its authority under Fla. Stat. § 364.01(4) to acknowledge a Merger Commitment adoption.

B. If so, do the Merger Commitments allow Nextel to adopt the Sprint ICA?

**Nextel Position:** Yes. Independent of Section 252(i), the Merger Commitments allow Nextel to adopt “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.

3. If the answer to Issue 1 or Issue 2B is "yes," what should be the effective date of Nextel's adoption of the Sprint ICA?

**Nextel Position:** The effective date should be June 8, 2007, the date of Nextel’s Notice of Adoption. Any other date is inconsistent with sound public policy and the Merger Commitments, resulting in prejudice to Nextel and rewarding AT&T for any delay that has occurred, regardless of the reason for delay.

**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the foregoing Issue Positions Statement has been furnished by Electronic Mail and U.S. Mail on the following parties on this 17<sup>th</sup> day of June, 2008.

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/s/ Marsha E. Rule  
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