

Ruth Nettles

From: Slaughter, Brenda [bs3843@att.com]
Sent: Tuesday, June 17, 2008 5:03 PM
To: Filings@psc.state.fl.us
Cc: Woods, Vickie; Holland, Robyn P; Tracy Hatch; Tyler, John
Subject: Docket Nos. 070368-TP and 070369-TP
Importance: High
Attachments: 070368-TP 070369-TP ATT Florida Statement of Position.pdf

A. Brenda Slaughter
Legal Secretary to J. Phillip Carver, Robert A. Culpepper, and John T. Tyler
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B. Re: 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

Re: 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. BellSouth Telecommunications, Inc. d/b/a AT&T Florida

on behalf of Manuel A. Gurdian

D. 4 pages total (includes letter, certificate of service and pleading)

E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Statement of Position

<<070368-TP 070369-TP ATT Florida Statement of Position.pdf>>

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6/18/2008

FPSC-COMMISSION CLERK



Tracy Hatch
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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: Dockets Nos. 070368-TP and 070369-TP

Dear Ms. Cole:

Enclosed for filing in the above referenced dockets is the Statement of Position of BellSouth Telecommunications, Inc. d/b/a AT&T Florida, which we ask you to file in the referenced docket. A copy will be provided to all parties of record.

If you have any questions about this filing please do not hesitate to contact me at (850) 425-6360.

Sincerely,


Tracy Hatch

cc: All Parties of Record

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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 17th day of June, 2008 to the following:

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John T. Tyler

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Notice of the Adoption by NPCR, Inc. d/b/a Nextel)
Partners of the Existing "Interconnection Agreement) Docket No. 070368-TP
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)

Notice of the Adoption by Nextel South Corp. And)
Nextel West Corp. (collectively "Nextel")Of the) Docket No. 070368-TP
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) Filed: June 17, 2008

AT&T'S STATEMENT OF POSITIONS

In accordance with the agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Nextel Nextel South Corp., Nextel West Corp. and NPCR, Inc. d/b/a Nextel Partners and Staff, AT&T hereby submits it positions on the issues that have been identified and agreed to for purposes of the instant proceeding.

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

AT&T Position: Nextel is not an appropriate entity to avail itself of the opt-in provisions of Section 252(i). Nextel is not seeking to adopt the Sprint interconnection agreement "upon the same terms and conditions" as required by the FCC's rulings. In addition, Nextel's proposed adoption the Sprint ICA is an inappropriate attempt to evade its current wireless inter-carrier compensation mechanism by seeking a CLEC provision from the Sprint ICA that provides for bill-and-keep. Bill and keep has never been offered or required for interconnection for standalone wireless carriers. Moreover, Nextel is inappropriately attempting to take advantage of a CLEC provision from the Sprint ICA that provides for the equal sharing of facilities.

Issue 2(A): Does the Commission have jurisdiction over AT&T's FCC Merger Commitments?

AT&T Position: The Commission does not have the jurisdiction under state law to interpret or enforce the AT&T/BellSouth merger conditions.

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Issue 2(B): If so, do the Merger Commitments allow Nextel to adopt the Sprint ICA?

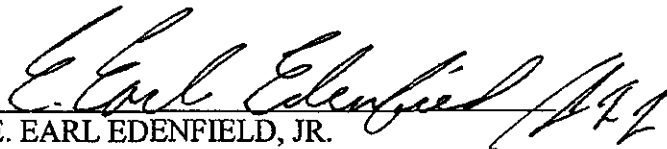
AT&T Position: If the Commission has jurisdiction to interpret and enforce the merger commitments, the merger commitments do not allow Nextel to adopt the Sprint ICA.

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?

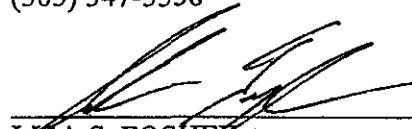
AT&T Position: If the answer to Issue 1 or Issue 2B is "yes," then the effective date of Nextel's adoption of the Sprint ICA should be thirty (30) calendar days after the final party executes the adoption document.

Respectfully submitted this 17th day of June 2008.

BELLSOUTH TELECOMMUNICATIONS, INC.
d/b/a AT&T FLORIDA



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