

Ruth Nettles

From: Marsha Rule [marsha@reuphlaw.com]
Sent: Friday, October 10, 2008 1:22 PM
To: Filings@psc.state.fl.us
Cc: Adam Teitzman; Lee Eng Tan; greg.follensbee@att.com; Tracy Hatch; jt9523@att.com; Douglas.C.Nelson@sprint.com; Joe.M.Chiarelli@sprint.com; Bill.Atkinson@sprint.com; Marsha Rule; Roxanne Levingston
Subject: Dockets 070368 and 070369
Attachments: Letter Cole + Attachments 10 10 2008.pdf

The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

MARSHA E. RULE
Rutledge, Ecenia & Purnell, P. A.
Post Office Box 551
Tallahassee, Florida 32302-0551
(850) 681-6788
marsha@reuphlaw.com

The docket number and title of docket:

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
and
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

The name of the parties on whose behalf the document is filed:

NPCR, Inc. d/b/a Nextel Partners and Nextel South Corp. and Nextel West Corp. (collectively "Nextel")

The total number of pages in the attached document: 12

A brief but complete description of each attached document:

Letter to Ann Cole dated October 10, 2008 and attachments

Marsha Rule, Esq.

Rutledge, Ecenia & Purnell, P.A.
215 S. Monroe St., Suite 420
Tallahassee, FL 32301
marsha@reuphlaw.com
850.681.6788 phone
850.681.6515 fax

DOCUMENT NUMBER-DATE

09601 OCT 10 8

RUTLEDGE, ECENIA & PURNELL

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
JOHN M. LOCKWOOD
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ

GOVERNMENTAL CONSULTANTS
JONATHAN M. COSTELLO
MARGARET A. MENDUNI

October 10, 2008

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

Re: Docket Nos. 070368-TP and 070369-TP

Dear Ms. Cole:

In its Order PSC-08-0584-FOF-TP, issued on September 10, 2008 in the above dockets, the Commission granted the Nextel South Corp. and NPCR, Inc. (collectively "Nextel") adoption requests and ordered Nextel and AT&T Florida to submit signed adoption documents "no later than 7 days following this Commission's vote", or by September 11, 2008. On September 11, AT&T Florida filed the signed adoption agreements reflecting the Commission's determination to require a June 8, 2007 effective date for the adoptions. On September 22, AT&T Florida re-filed the signed adoption documents, this time with "Exhibit 1" attached, which was previously expressly identified and incorporated by reference within the adoption agreements but mistakenly not attached to AT&T's original filing of the adoption agreements. Both adoption documents clearly identified and incorporated the specific 1,180 pages of the Sprint ICA and amendments that were adopted by Nextel, however Exhibit 1 serves to identify the location of such documents.

On September 17, AT&T Florida filed its Motion for Reconsideration of that portion of Order PSC-08-0584-FOF-TP requiring a June 8, 2007 effective date for the Nextel adoptions. Subsequent to AT&T Florida's filing and re-filing of the signed adoption documents, Nextel noticed another error in the phrasing of a portion of the pro forma language in Paragraph 1 of the adoption documents. Paragraph 1 of the adoption notice appears to indicate that the adoption includes the Sprint ICA and only those amendments executed and approved by the Commission as of June 8, 2007 rather than as amended by the 3-year term Extension Amendment jointly filed on December 4, 2007 by AT&T Florida and Sprint in Docket No. 070249-TP. See, e.g., Order No. PSC-08-0584-FOF-TP, at pp. 2-3. However, the notice explicitly identifies and incorporates the

DOCUMENT NUMBER-DATE

09601 OCT 10 8

FPSC-COMMISSION CLERK

October 10, 2008

Page 2

specific 1,180 pages actually adopted by Nextel, which clearly include the 3-year extension Amendment.

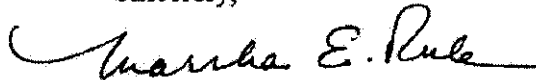
Accordingly, Nextel is filing revised adoption documents, which correct the error in Paragraph 1 as follows:

As of the Effective Date of this Agreement, [Nextel entity] adopts in its entirety the 2001 AT&T Florida/Sprint Agreement and any and all amendments to said agreement executed and approved by the Florida Public Service commission as of the date of Order No. PSC-08-0584-FOF-TP. ~~Effective date of this Agreement~~. The 2001 AT&T Florida/Sprint Agreement and all amendments are attached hereto as Exhibit 1 and incorporated herein by this reference. The adoption of this agreement with amendment(s) consists of the following: [The chart identifying the specific pages adopted remains unchanged]

If the Commission denies AT&T Florida's pending Motion for reconsideration and affirms its determination in Order PSC-08-0584-FOF-TP that the appropriate effective date for the Nextel adoptions is June 8, 2007 (as Nextel believes the Commission should), then Nextel respectfully requests that the Commission require the parties to execute and file the attached revised adoption documents, which clearly and correctly implement the Commission's determination in Order PSC-08-0584-FOF-TP. Nextel raised the issue of the language inconsistency in Paragraph 1 of the adoption documents with counsel for AT&T earlier this week, and AT&T expressed an intention to wait for resolution of its Motion for Reconsideration before addressing this matter.

Thank you for your assistance and please call me if you should have any questions regarding this matter.

Sincerely,



Marsha E. Rule

cc: Parties of Record

By and Between

**BellSouth Telecommunications, Inc. d/b/a
AT&T Florida d/b/a
AT&T Southeast**

And

Nextel South Corp. and Nextel West Corp.

AGREEMENT

This Agreement, which shall be considered effective in the State of Florida as of June 8, 2007 ("Effective Date"), and is entered into by and between Nextel South Corporation ("Nextel South"), a Georgia Corporation, and Nextel West Corp. ("Nextel West"), a Delaware corporation, (Nextel South and Nextel West are collectively referred to herein as "Nextel") and BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida"), a Georgia corporation, having an office at 675 W. Peachtree Street, Atlanta, Georgia, 30375, on behalf of itself and its successors and assigns.

WHEREAS, the Telecommunications Act of 1996 (the "Act") was signed into law on February 8, 1996; and

WHEREAS, Nextel has requested that AT&T Florida make available the interconnection agreement in its entirety between AT&T Florida and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P. and Sprint Spectrum L.P. dated January 1, 2001 for the State of Florida ("2001 AT&T Florida/Sprint Agreement").

WHEREAS, pursuant to the Florida Public Service Commission's Staff Recommendation adopted by the Commission at the September 4, 2008 Agenda Conference in Docket No. 070369-TP, for purposes of this Agreement, Nextel has adopted the 2001 AT&T Florida/Sprint Agreement.

NOW, THEREFORE, in consideration of the promises and mutual covenants of this Agreement, Nextel and AT&T Florida hereby agree as follows:

1. As of the Effective Date of this Agreement, Nextel adopts in its entirety the 2001 AT&T Florida/Sprint Agreement and any and all amendments to said agreement executed and approved by the Florida Public Service Commission as of the date of Order No. PSC-08-0585-FOF-TP. Effective Date of this Agreement. The 2001 AT&T Florida/Sprint Agreement and all amendments are attached hereto as Exhibit 1 and incorporated herein by this reference. The adoption of this agreement with amendment(s) consists of the following:

ITEM	NO. PAGES
Adoption Papers	4
Exhibit 1 – 2001 AT&T Florida/Sprint Agreement including Amendments	1176
TOTAL	1180

DOCUMENT NUMBER - DATE
09601 OCT 10 08
COMMISSION CLERK

2. In the event that Nextel consists of two (2) or more separate entities as set forth in the preamble to this Agreement, all such entities shall be jointly and severally liable for the obligations of Nextel under this Agreement.

3. The term of this Agreement shall be from the Effective Date as set forth above and shall expire as set forth in Section 2.1, Part A of the General Terms and Conditions of the 2001 AT&T Florida/Sprint Agreement.

4. Notice to the parties as may be required under the terms of the 2001 AT&T Florida/Sprint Agreement shall be provided as follows to:

AT&T Florida

Contract Management
ATTN: Notices Manager
311 S. Akard, 9th Floor
Four AT&T Plaza
Dallas, TX 75202-5398
Facsimile: 214-464-2006

**Nextel South Corporation
Nextel West Corporation**

Sprint/Nextel
Manager, ICA Solutions
6330 Sprint Parkway
Mailstop: KSOPHA0310-3B268
Overland Park, KS 66251
Phone 913-762-4847 (overnight mail only)

Manager, ICA Solutions
P.O. Box 7954
Shawnee Mission, KS 66207-0954

With a copy to:

Sprint/Nextel
Legal/Telecom Management Privacy Group
6450 Sprint Parkway
Mailstop: KSOPHN0312-3A318
Overland Park, KS 66251
Phone 913-315-9762 (overnight mail only)

Legal/Telecom Management Privacy Group
P.O. Box 7966
Overland Park, KS 66207-0966

IN WITNESS WHEREOF, the Parties have executed this Agreement through their authorized representatives.

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

**Nextel South Corporation
Nextel West Corporation.**

By: _____

By: _____

Name: Kathy Wilson-Chu _____

Name: _____

Title: Director _____

Title: _____

Date: _____

Date: _____

EXHIBIT 1

2001 AT&T FLORIDA/SPRINT AGREEMENT

**This Interconnection Agreement Is Currently On File With The Commission And Can Also
Be Found Via The Following Web Site Address:**

http://cpr.bellsouth.com/clec/docs/all_states/800aa291.pdf

By and Between

**BellSouth Telecommunications, Inc. d/b/a
AT&T Florida d/b/a
AT&T Southeast**

And

NPCR, Inc. d/b/a Nextel Partners

AGREEMENT

This Agreement, which shall be considered effective in the State of Florida as of June 8, 2007 ("Effective Date"), and is entered into by and between NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners"), a Delaware corporation and BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida"), a Georgia corporation, having an office at 675 W. Peachtree Street, Atlanta, Georgia, 30375, on behalf of itself and its successors and assigns.

WHEREAS, the Telecommunications Act of 1996 (the "Act") was signed into law on February 8, 1996; and

WHEREAS, Nextel Partners has requested that AT&T Florida make available the interconnection agreement in its entirety between AT&T Florida and Sprint Communications Company Limited Partnership, Sprint Communications Company, L.P. and Sprint Spectrum L.P. dated January 1, 2001 for the State of Florida ("2001 AT&T Florida/Sprint Agreement").

WHEREAS, pursuant to the Florida Public Service Commission's Staff Recommendation adopted by the Commission at the September 4, 2008 Agenda Conference in Docket No. 070368-TP, for purposes of this Agreement, Nextel Partners has adopted the 2001 AT&T Florida/Sprint Agreement.

NOW, THEREFORE, in consideration of the promises and mutual covenants of this Agreement, Nextel Partners and AT&T hereby agree as follows:

1. As of the Effective Date of this Agreement, Nextel Partners adopts in its entirety the 2001 AT&T Florida/Sprint Agreement and any and all amendments to said agreement executed and approved by the Florida Public Service Commission as of the date of Order No. PSC-08-0585-FOF-TP. Effective Date of this Agreement. The 2001 AT&T Florida/Sprint Agreement and all amendments are attached hereto as Exhibit 1 and incorporated herein by this reference. The adoption of this agreement with amendment(s) consists of the following:

ITEM	NO. PAGES
Adoption Papers	4
Exhibit 1 – 2001 AT&T Florida/Sprint Agreement including Amendments	1176
TOTAL	1180

DOCUMENT NUMBER - DATE

09601 OCT 10 08

FPSC-COMMISSION CLERK

2. In the event that Nextel Partners consists of two (2) or more separate entities as set forth in the preamble to this Agreement, all such entities shall be jointly and severally liable for the obligations of Nextel Partners under this Agreement.

3. The term of this Agreement shall be from the Effective Date as set forth above and shall expire as set forth in Section 2.1, Part A of the General Terms and Conditions of the 2001 AT&T Florida/Sprint Agreement.

4. Notice to the parties as may be required under the terms of the 2001 AT&T Florida/Sprint Agreement shall be provided as follows to:

AT&T Florida

Contract Management
ATTN: Notices Manager
311 S. Akard, 9th Floor
Four AT&T Plaza
Dallas, TX 75202-5398
Facsimile: 214-464-2006

NPCR, Inc. d/b/a Nextel Partners

Sprint/Nextel
Manager, ICA Solutions
6330 Sprint Parkway
Mailstop: KSOPHA0310-3B268
Overland Park, KS 66251
Phone 913-762-4847 (overnight mail only)

Manager, ICA Solutions
P.O. Box 7954
Shawnee Mission, KS 66207-0954

With a copy to:

Sprint/Nextel
Legal/Telecom Management Privacy Group
6450 Sprint Parkway
Mailstop: KSOPHN0312-3A318
Overland Park, KS 66251
Phone 913-315-9762 (overnight mail only)

Legal/Telecom Management Privacy Group
P.O. Box 7966
Overland Park, KS 66207-0966

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year written below.

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

NPCR, Inc. d/b/a Nextel Partners

By: _____

By: _____

Name: Kathy Wilson-Chu _____

Name: _____

Title: Director _____

Title: _____

Date: _____

Date: _____

EXHIBIT 1

2001 AT&T FLORIDA/SPRINT AGREEMENT

**This Interconnection Agreement Is Currently On File With The Commission And Can Also
Be Found Via The Following Web Site Address:**

http://cpr.bellsouth.com/clec/docs/all_states/800aa291.pdf