

**Marguerite McLean**

100176-TP

**From:** WOODS, VICKIE (Legal) [vf1979@att.com]  
**Sent:** Tuesday, September 14, 2010 10:17 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** 100176-TL/100177-TL AT&T Florida and Sprint's Joint Motion to Modify Issue  
**Attachments:** Document.pdf

A. Vickie Woods

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

150 South Monroe Street

Suite 400

Tallahassee, Florida 32301

(305) 347-5560

[vf1979@att.com](mailto:vf1979@att.com)

B. Docket No. 100176-TP: Petition for Arbitration of Interconnection Agreement between

BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Communications

Company L.P.

Docket No. 100177-TP: Petition for Arbitration of Interconnection Agreement between

BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Spectrum L.P., Nextel

South Corp., and NPCR, Inc. d/b/a Nextel Partners

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

on behalf of Manuel A. Gurdian

D. 5 pages total (includes letter, pleading and certificate of service)

E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's and Sprint Spectrum L.P., Nextel South Corp., NPCR, Inc. d/b/a Nextel Partners and Sprint

Communications Company, L.P.'s Joint Motion to Modify Issue

.pdf

<<Document.pdf>>

9/14/2010

DOCUMENT NUMBER DATE

07659 SEP 14 2010

FPSC-COMMISSION CLERK



Manuel A. Gurdian  
General Attorney

AT&T Florida  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301

T: (305) 347-5561  
manuel.gurdian@att.com

September 14, 2010

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

**Docket No. 100176-TP: Petition for Arbitration of Interconnection Agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Communications Company L.P.**

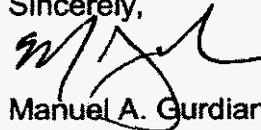
**Docket No. 100177-TP: Petition for Arbitration of Interconnection Agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Spectrum L.P., Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Spectrum L.P., Nextel South Corp., NPCR, Inc. d/b/a Nextel Partners and Sprint Communications Company, L.P.'s Joint Motion to Modify Issue.

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

Sincerely,



Manuel A. Gurdian

cc: All parties of record  
Gregory R. Follensbee  
Jerry D. Hendrix  
E. Earl Edenfield, Jr.

**Certificate of Service**  
**Docket Nos. 100176-TP and 100177-TP**

I HEREBY CERTIFY that a true and correct copy was served via Electronic Mail and U.S. Mail this 14<sup>th</sup> day of September, 2010 to the following:

Florida Public Service Commission  
Charles Murphy, Staff Counsel  
Larry Harris, Staff Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
[cmurphy@psc.state.fl.us](mailto:cmurphy@psc.state.fl.us)  
Tel. No. (850) 413-6191  
[lharris@psc.state.fl.us](mailto:lharris@psc.state.fl.us)  
Tel. No. (850) 413-6856

Douglas C. Nelson  
Sprint Nextel  
233 Peachtree Street NE, Suite 2200  
Atlanta, GA 30339-3166  
Tel. No.: (404) 649-8983  
Fax. No.: (404) 649-8980  
[douglas.c.nelson@sprint.com](mailto:douglas.c.nelson@sprint.com)

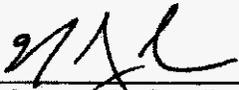
Joseph M. Chiarelli  
6450 Sprint Parkway  
Mailstop: KSOPHN03 14-3A621  
Overland Park, KS 66251  
Tel. No.: (913) 315-9223  
Fax. No.: (913) 523-9623  
[joe.m.chiarelli@sprint.com](mailto:joe.m.chiarelli@sprint.com)

Bill Atkinson  
Director & Senior Counsel  
Sprint Nextel  
3065 Akers Mill Rd., SE  
Mailstop GAATLD0704  
Atlanta, GA 30339  
Tel. No. (404) 649-8981  
Fax. No. (404) 649-8980  
[bill.atkinson@sprint.com](mailto:bill.atkinson@sprint.com)

Marsha E. Rule  
Rutledge, Ecenia & Purnell, P. A.  
Post Office Box 551  
Tallahassee, Florida 32302-0551  
(850) 681-6788  
[marsha@reuphlaw.com](mailto:marsha@reuphlaw.com)

Florida Public Service Commission  
Brenda Merritt  
2540 Shumard Oak Blvd.  
Room 270G  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6850  
[bmerritt@psc.state.fl.us](mailto:bmerritt@psc.state.fl.us)

Florida Public Service Commission  
Frank Trueblood  
2540 Shumard Oak Blvd.  
Room 270E  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-7019  
[ftueblo@psc.state.fl.us](mailto:ftueblo@psc.state.fl.us)

  
\_\_\_\_\_  
Manuel A. Gurdian

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Arbitration of )  
Interconnection Agreement Between ) Docket No. 100177-TP  
BellSouth Telecommunications, Inc. )  
d/b/a AT&T Florida )  
and Sprint Spectrum L.P., Nextel South )  
Corp., and NPCR, Inc. d/b/a Nextel Partners )

)  
In re: Petition for Arbitration of )  
Interconnection Agreement Between ) Docket No. 100176-TP  
BellSouth Telecommunications, Inc. )  
d/b/a AT&T Florida and Sprint )  
Communications Company L.P. )  
\_\_\_\_\_ ) Filed: September 14, 2010

**JOINT MOTION TO MODIFY ISSUE**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida (“AT&T Florida”) and Sprint Spectrum L.P., Nextel South Corp., NPCR, Inc. d/b/a Nextel Partners, Sprint Communications Company L.P. (collectively “Sprint”) hereby jointly move the Florida Public Service Commission (“Commission”) to modify its *Order Establishing Procedure and Consolidating Dockets*, Order No. PSC-10-0481-PCO-TP (Issued August 2, 2010) (“Order”). In support thereof, AT&T Florida and Sprint state the following:

1. On August 2, 2010, the Prehearing Officer entered the Order. Attachment A to the Order is the list of issues that have been identified in the proceeding.
2. Pursuant to the Order, the scope of the proceeding will be based upon the issues provided in Attachment A as well as other issues raised by the parties up to and including the Prehearing Conference, unless modified by the Commission.
3. Issue No. 1 currently states as follows:
  1. I.A.(1) What legal sources of the parties’ rights and obligations should be set forth in section 1.1 of the CMRS ICA?

DOCUMENT NUMBER: 100177-TP  
07659 SEP 14 2010  
FPSC-COMMISSION FILES

4. Since the entry of the Order, the parties have modified the language of Issue No. 1 in the other states where the parties are currently engaged in arbitrations to read as follows:

1. I.A.(1) What legal sources of the parties' rights and obligations should be set forth in section 1.1 of the CMRS ICA and in the definition of "Interconnection" (or "Interconnected") in the CMRS ICA?

5. Pursuant to Rule 28-106.211, the prehearing officer "may issue any orders necessary... to promote the just, speedy and inexpensive determination of all aspects of the case".

6. The entry of an Order modifying Issue No. 1 to reflect the current language agreed upon by the parties would "promote the just, speedy and inexpensive determination" of this matter before the Commission.

7. Accordingly, the parties respectfully request that the Commission modify Issue No. 1 to reflect the parties' agreed language.

WHEREFORE, AT&T Florida and Sprint jointly request the Prehearing Officer to enter an Order modifying Issue No. 1 as indicated above.

Respectfully submitted this 14<sup>th</sup> day of September, 2010.



---

E. Earl Edenfield, Jr.  
Tracy W. Hatch  
Manuel A. Gurdian  
AT&T Florida  
c/o Gregory R. Follensbee  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301  
Tel. No. (305) 347-5558  
Fax. No. (305) 577-4491  
[ke2722@att.com](mailto:ke2722@att.com)

th9467@att.com  
mg2708@att.com

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



---

Marsha E. Rule  
Rutledge, Ecenia, Purnell & Hoffman  
P.O. Box 551  
Tallahassee, FL 32302-0551  
(850) 681-6788  
Fax: (850) 681-6515  
marsha@reuphlaw.com

Attorney for Sprint Communications  
Company Limited Partnership, Sprint  
Spectrum L.P., Nextel South Corp., and NPCR, Inc.