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Public Service Commission

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COMMISSION
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DATE: March 24, 2011

TO: Office of Commission Clerk (Cole)

FROM: Division of Regulatory Analysis (Trueblood)
Office of the General Counsel (Murphy)

Handwritten initials: CM, AT, JH, and a signature.

RE: 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.

AGENDA: 04/05/11 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Edgar

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\RAD\WP\100176.RCM.DOC

Case Background

On April 9, 2010, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (“AT&T”) filed petitions for arbitration of its interconnection agreements with Sprint Communications Company, Sprint Spectrum, L.P., Nextel South Corporation, and NPCR, Inc. d/b/a Nextel Partners. The first petition, assigned Docket No. 100176-TP, concerns wireline interconnection and involves only Sprint Communications Company L.P. The second petition, assigned Docket No. 100177-TP, concerns interconnection between AT&T and Sprint’s wireless companies and

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Docket Nos. 100176-TP, 100177-TP
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involves Sprint Spectrum, L.P., Nextel South Corporation, and NPCR, Inc. By Order No. PSC-10-0481-PCO-TP, issued on August 2, 2010, the Florida Public Service Commission (“Commission”) consolidated Docket Nos. 100176-TP and 100177-TP and established hearing procedures. By Order No. PSC-10-0641-PCO-TP, issued on October 26, 2010, as amended by Order No. PSC-10-0641A-PCO-TP, issued on October 27, 2010, the Commission granted a joint motion to stay these proceedings until January 11, 2011, in order to provide the parties with an opportunity to resolve issues in the dockets. By Order No. PSC-11-0029-PCO-TP, issued on January 13, 2011, the Commission modified the procedural order to reflect a new hearing schedule and related matters. On February 8, 2011, the parties filed a Joint Motion to Withdraw Petitions and to Close Dockets.

Discussion of Issues

Issue 1: Should the Commission grant the parties' Joint Motion to Withdraw Petitions and to Close Dockets?

Recommendation: Yes, the Commission should grant the parties' Joint Motion to Withdraw Petitions and to Close Dockets. (Murphy)

Staff Analysis: In the Joint Motion to Withdraw Petitions and Close Dockets, the parties assert the following:

they have been negotiating with one another;

they have agreed to amend the relevant existing interconnection agreements to extend the term until March 1, 2012;

they want "to terminate all litigation arising from AT&T Florida's April 9, 2010 petitions and to close these arbitration dockets upon the parties' filing of the applicable Amendments to extend their existing interconnection agreements to March 1, 2012."

The parties further assert that granting the Joint Motion to Withdraw Petitions and Close Dockets "will allow the Commission to conserve its valuable resources and will not prejudice any party."

Staff observes that the referenced amendments to existing interconnection agreements were filed on February 25, 2011. As such, staff believes that there is nothing for the parties to litigate at this time and no reason for these dockets to remain open. Thus, staff recommends that the Joint Motion to Withdraw Petitions and Close Dockets be granted.