

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** December 26, 2007

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Competitive Markets & Enforcement (Pruitt, King)  
Office of the General Counsel (Teitzman, Wiggins)

**RE:** Docket No. 070249-TP – Petition by Sprint Communications Company Limited Partnership and Sprint Spectrum Limited Partnership d/b/a Sprint PCS for arbitration of rates, terms and conditions of interconnection with BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast.

**AGENDA:** 01/08/08 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Carter

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\070249.RCM.DOC

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### Case Background

On October 16, 2007, the Commission granted the request by Sprint Communications Company L.P. and Sprint Spectrum L.P. d/b/a Sprint PCS (Sprint) to file an Amended Petition (Petition) for resolution of a single issue in its Interconnection Agreement (ICA) with BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast (AT&T) under 47 U.S.C. Section 252 of the Telecommunications Act of 1996. (Order No. PSC-07-0834-PCO-TP)

On November 13, 2007, AT&T filed its Response and Motion to Dismiss Sprint's Petition. The Commission approved Sprint's subsequent unopposed Motion for Extension of Time to Respond to AT&T's Motion to Dismiss by granting the extension until December 4,

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2007. (Order No. PSC-07-0932-PCO-TP) On November 26, 2007, AT&T filed a letter with the Commission stating that it had “clarified its position concerning the date from which interconnection agreements may be extended” and that its “clarified position may impact this Docket.”

Sprint and AT&T filed a Joint Motion to Approve Amendment on December 4, 2007. This amendment is a product of negotiations between the parties and effectively eliminates the need for the Commission to arbitrate the single issue identified in Sprint’s Petition.

### Discussion of Issues

**Issue 1:** Should the Commission approve the Amendment to the existing Interconnection Agreement between AT&T and Sprint submitted December 4, 2007?

**Recommendation:** Yes. The Amendment has been signed by the respective parties, reviewed by staff for compliance with 47 U.S.C. Section 252, and has provided Sprint its requested relief in resolving the one issue in this docket, a three-year extension of the ICA beginning March 20, 2007. (Pruitt)

**Staff Analysis:** Under the requirements of Section 252(e)(1) “[a]ny interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission.” Section 252(e)(2) provides that any portion of an agreement adopted by negotiation can only be rejected by a State commission if it discriminates against a company not a party to the agreement, or if the agreement is not in the public interest.

Staff reviewed the Amendment and found that it met the requirements of Section 252 and the standards of review routinely used by this Commission for negotiated agreements and amendments. Therefore, staff recommends the Amendment to the ICA between AT&T and Sprint be approved.

**Issue 2:** Should this docket be closed?

**Recommendation:** Yes. Staff recommends that if the Commission approves staff’s recommendation in Issue 1, this docket should be closed because no other issues need to be addressed by the Commission. (Teitzman)

**Staff Analysis:** Staff recommends that if the Commission approves staff’s recommendation in Issue 1, this docket should be closed because no other issues need to be addressed by the Commission.