## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of Florida Power and Light Company	)	
For Emergency Rule or, Alternatively,	)	Docket No. 060355-EI
Declaratory Statement Prohibiting Wireless	)	
Attachments in Electric Supply Space	)	Filed: May 22, 2006

## SPRINT NEXTEL'S ADOPTION OF T-MOBILE'S RESPONSE IN OPPOSITION

Sprint Spectrum Limited Partnership, d/b/a Sprint PCS, and Nextel South Corporation (collectively, "Sprint Nextel"), through its undersigned counsel, hereby adopts T-Mobile South LLC's (T-Mobile) Response in Opposition to Florida Power and Light Company's Petition for Emergency Rule or, Alternatively, Declaratory Statement. Sprint Nextel respectfully states as follows:

- 1. On April 24, 2006, Florida Power and Light Company (FPL) filed a Petition for Emergency Rule or, Alternatively, Declaratory Statement (Petition) with the Commission. The Petition asks the Commission to adopt an "emergency" rule which would prohibit wireless telecommunications attachments in electric supply space. FPL requests that such emergency rule remain in effect until the Commission completes rulemaking in Docket No. 060173-EU. Alternatively, FPL seeks a declaratory statement prohibiting T-Mobile from attaching wireless telecommunications devices to FPL's poles until the conclusion of Docket No. 060173-EU.
- 2. On May 4, 2006, Sprint filed a Petition to Intervene in this docket, as its substantial interests will be affected by any action the Commission takes regarding FPL's Petition. An order on Sprint's request to intervene has not yet been entered, though the time for objection has run.
- 3. On May 12, 2006, T-Mobile filed a Response in Opposition to FPL's Petition and requested that the relief sought by FPL be denied.

- 4 Staff is scheduled to file a recommendation in this matter for the Commission's consideration at the June 6, 2006 Agenda.
- 5. Sprint adopts and incorporates the Response in Opposition filed by T-Mobile and urges the Commission to deny the relief FPL requests.

s/ Vicki Gordon Kaufman
Vicki Gordon Kaufman
Moyle, Flanigan, Katz,
Raymond, White & Krasker, P. A.
The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301
850-681-3828 (o)
850-681-8788 (f)
ykaufman@moylelaw.com

Douglas C. Nelson Sprint Nextel 3065 Cumberland Circle, SE Atlanta, Georgia 30339 404-649-4308 (o) 404-649-1652 (f) Douglas.c.nelson@sprint.com

Attorneys for Sprint Nextel

## **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Response in Opposition has been furnished by electronic and U.S. mail this 22<sup>nd</sup> day of May 2006 to:

Larry Harris
Samantha Cibula
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
<a href="mailto:lharris@psc.state.fl.us">lharris@psc.state.fl.us</a>
scibula@psc.state.fl.us

John T. Butler 9250 West Flagler Street Miami, FL 33174 John\_butler@fpl.com

R. Wade Litchfield Natalie Smith 700 Universe Boulevard Juno Beach, FL 33408-0420 Wade Litchfield@fpl.com Natalie\_Smith@fpl.com

Floyd Self 215 South Monroe Street, Suite 701 Tallahassee, FL 32302-1876 fself@lawfla.com

> s/ Vicki Gordon Kaufman Vicki Gordon Kaufman