

**Marguerite McLean**

**From:** Marsha Rule [marsha@reuphlaw.com]  
**Sent:** Friday, September 19, 2008 4:12 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:** Nextel M for Extension 09 19 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](mailto: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: 4****A brief but complete description of each attached document:**

Nextel's Motion for Extension of Time to Respond to AT&T's Motion for Reconsideration

**Marsha Rule, Esq.**

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

DOCUMENT NUMBER-DATE

08868 SEP 19 08

9/19/2008

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Notice of the Adoption by NPCR, Inc. d/b/a	)	
Nextel Partners of the Existing "Interconnection	)	Docket No. 070368-TP
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	)	
	)	
	)	
Notice of the Adoption by Nextel South Corp.	)	
and Nextel West Corp. (collectively "Nextel")	)	Docket No. 070369-TP
Of the Existing "Interconnection Agreement	)	
By and Between BellSouth	)	Filed: September 19, 2008
Telecommunications, Inc. and Sprint	)	
Communications Company Limited Partnership,	)	
Sprint Communications Company L.P.,	)	
Sprint Spectrum L.P." dated January 1, 2001	)	
	)	

**NEXTEL PARTNERS' MOTION FOR EXTENSION OF TIME  
TO RESPOND TO AT&T FLORIDA'S MOTION FOR RECONSIDERATION**

NPCR, Inc., d/b/a Nextel Partners, and Nextel South Corp. (collectively, "Nextel"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby file this Motion for Extension of Time to Respond to AT&T Florida's Motion For Reconsideration. In support, Nextel states as follows:

1. On September 4, 2008, the Commission voted to approve a Staff Recommendation to uphold Nextel's adoption of the existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum. On September 9, 2008, AT&T filed its Expedited Motion to Stay Effectiveness of Commission Vote. The Commission issued its Order

DOCUMENT NUMBER-DATE

08868 SEP 19 8

FPSC-COMMISSION CLERK

No. PSC-08-0584-FOF-TP approving the adoption on September 10, 2008, after which AT&T withdrew its Expedited Motion for Stay and filed its Motion for Reconsideration on September 17, 2008.

2. AT&T's Motion is not well taken, and Nextel intends to file a Response in Opposition. Pursuant to Rule 28-106.204, Florida Administrative Code, Nextel's response is due on September 24, 2008. Due to the press of other deadlines, including but not limited to preparation for a hearing before the Louisiana Public Service Commission next week, Nextel requests a brief 7-day extension of time up to and including October 1, 2008, in which to respond to AT&T Florida's Motion to Dismiss.

3. This Motion for Extension of Time is made in good faith, and the short extension requested will not unduly delay this proceeding. The Commission has already made its final determination in Order No. PSC-08-0584-FOF-TP, and there are no further events scheduled in this docket. Nor will an extension of time prejudice AT&T. AT&T's Motion for Reconsideration urges the Commission to determine that Nextel's adoption of interconnection agreements should be effective October 11, 2008 (thirty days after the adoption documents were filed with the Commission) rather than June 8, 2007. The Commission cannot vote on AT&T's motion before October 11, 2007,<sup>1</sup> and therefore the Commission's determination will be "after the fact" in any event. Further, had AT&T believed that it would be prejudiced if the October 11 date passed without a

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<sup>1</sup> The first Agenda Conference at which the Commission could possibly consider AT&T's Motion under the current schedule is October 14, 2008 – and even that is unlikely because it could occur only if Staff's workload permitted Staff to analyze the motion and response in time to prepare and file a recommendation within six working days after Nextel filed its Response.

Commission determination on its Motion, it doubtless would not have withdrawn its request for a stay “until a timely-filed Motion for Reconsideration has been resolved.”<sup>2</sup>

4. Pursuant to Rule 28-106.204, Florida Administrative Code, counsel for Nextel Partners conferred with counsel for AT&T Florida regarding this request and was informed that AT&T opposes an extension of time.<sup>3</sup>

**WHEREFORE**, Nextel Partners requests the Commission to grant an extension of time up to and including October 1, 2008, for the filing of Nextel’s reponse in opposition to AT&T’s Motion for Reconsideratin.

Respectfully submitted this 19<sup>th</sup> day of September, 2008.

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

Douglas C. Nelson  
William R. Atkinson  
Sprint Nextel  
233 Peachtree Street NE, Suite 2200  
Atlanta, GA 30339-3166

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<sup>2</sup> Expedited Motion of AT&T Florida to Stay Effectiveness of Commission Vote, September 9, 2008, ¶11.

<sup>3</sup> Specifically, counsel for AT&T advised that it did not believe that workload presented a sufficient reason for AT&T to consent to an extension of time. Nextel notes that the Commission granted AT&T’s second motion for extension of time to respond to motions filed by Nextel in this consolidated docket, which motion stated only that “AT&T Florida requires more time to properly prepare appropriate responses to the Motions.” AT&T’s Second Motion for Extension of Time, January 14, 2008; Order No. PSC-08-0041-PCO-TP.

(404) 649-0003  
Fax: (404) 649-0009  
[douglas.c.nelson@sprint.com](mailto:douglas.c.nelson@sprint.com)

Joseph M. Chiarelli  
Sprint Nextel  
6450 Sprint Parkway  
Mailstop: KSOPHN0214-2A671  
Overland Park, KS 66251  
(913) 315-9223  
Fax: (913) 523-9623  
[joe.m.chiarelli@sprint.com](mailto:joe.m.chiarelli@sprint.com)

Attorneys for Nextel

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email and U.S. mail on September 19, 2008 to the following parties:

Lee Eng Tan, Esq.  
Adam Teitzman, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

E. Edenfield, Jr.  
Tracy W. Hatch  
Manuel Gurdian  
c/o Greg Follensbee  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

/s/ Marsha E. Rule  
Marsha E. Rule