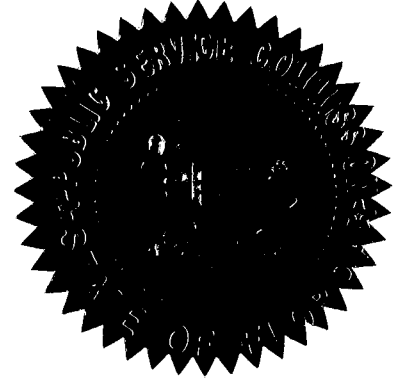


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070249-TP

In the Matter of:

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.



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PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 3

BEFORE: CHAIRMAN LISA POLAK EDGAR
COMMISSIONER MATTHEW M. CARTER, II
COMMISSIONER KATRINA J. McMURRIAN
COMMISSIONER NANCY ARGENZIANO
COMMISSIONER NATHAN A. SKOP

DATE: Tuesday, July 31, 2007

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: LINDA BOLES, RPR, CRR
Official FPSC Reporter
(850) 413-6734

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 06839 AUG-7 5

FPSC-COMMISSION CLERK

1 PARTICIPATING:

2 PATRICK WIGGINS, ESQUIRE, representing the Florida
3 Public Service Commission Staff.

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P R O C E E D I N G S

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2 CHAIRMAN EDGAR: And we will begin our discussions
3 with Item 3.

4 MR. WIGGINS: Good morning, Commissioners, Madam
5 Chair. Patrick Wiggins for staff.

6 Item 3 addresses AT&T's motion to dismiss Sprint's
7 petition to arbitrate a single issue under Section 252(b) of
8 the Telecommunications Act of 1996. But before introducing our
9 recommendation, staff notes that Sprint filed last Thursday a
10 motion for leave to present oral argument. Madam Chair, that
11 motion was late. Under Commission Rule 25-22.022, Sprint's
12 motion should have been on May 15, 2007, when Sprint filed its
13 response to AT&T's motion to dismiss. Madam Chair, although
14 there's no requirement that the Commission address Sprint's
15 motion, staff believes that for the purpose of keeping the
16 procedural record clear, it would be useful for the Commission
17 to do so. Staff recommends that the Commission deny Sprint's
18 motion for leave to present oral argument. And, of course, as
19 the Commission is aware, under our rules the Commission may
20 invite oral argument on its own motion, if it so chooses. If
21 that's the Commission's will, staff recommends that oral
22 argument be limited to five minutes.

23 CHAIRMAN EDGAR: Okay. Commissioners, you've heard
24 the summary from our staff. Is there a desire or a motion for
25 oral argument or are you prepared to move forward with the

1 material that you have already reviewed or with questions from
2 our staff?

3 COMMISSIONER CARTER: Madam Chair.

4 CHAIRMAN EDGAR: Commissioner Carter.

5 COMMISSIONER CARTER: I believe that we have adequate
6 information before us that really would not require or
7 necessitate oral arguments.

8 CHAIRMAN EDGAR: Commissioners, is there other
9 comment? Commissioners, I'm seeing nods.

10 Commissioner Skop.

11 COMMISSIONER SKOP: Thank you, Madam Chair. Again,
12 I would echo --

13 CHAIRMAN EDGAR: Are you on?

14 COMMISSIONER SKOP: Yes. I would echo Commissioner
15 Carter's recommendation that oral argument should be denied,
16 and I would at the appropriate time support seconding a motion
17 of that order.

18 CHAIRMAN EDGAR: Okay. Then for the interest of
19 clarity, Commissioner Carter, did you make a motion to deny the
20 request for oral argument?

21 COMMISSIONER CARTER: Madam Chairman, I so move that
22 we deny the motion for oral arguments in this matter.

23 COMMISSIONER SKOP: Second.

24 CHAIRMAN EDGAR: Okay. All in favor, say aye.

25 (Unanimous affirmative vote.)

1 Opposed? Show it adopted.

2 Mr. Wiggins.

3 MR. WIGGINS: Thank you, Madam Chair. As I said at
4 the outset, Item 3 addresses AT&T's motion to dismiss Sprint's
5 petition to arbitrate a single issue under Section 252(b) of
6 the Telecommunications Act of 1996.

7 The dispositive question placed before the Commission
8 in this dispute is therefore whether the issue seeks
9 Sprint's -- Sprint seeks to arbitrate is actually an open issue
10 arising out of the negotiations within the frameworks of
11 Section 251 and 252.

12 Staff recommends that the Commission determine that
13 it is not such an issue; that, in fact, it is an asserted right
14 coming out of an FCC order that Sprint is attempting to inject
15 into the negotiations that weren't there, and in this sense, in
16 this respect, that Sprint should seek its remedies with the FCC
17 where the FCC can enforce the alleged right. Staff is
18 available for questions.

19 CHAIRMAN EDGAR: Commissioners, are there questions?

20 COMMISSIONER CARTER: Just a comment.

21 CHAIRMAN EDGAR: Commissioner Carter.

22 COMMISSIONER CARTER: Just a comment, Madam Chairman.

23 I looked in staff's review and the documents before us, and
24 basically it seems that from what staff has done, and, by the
25 way, staff has done an excellent job on this matter, is that it

1 seems like Sprint is moving to put us in a posture where it's
2 something outside of his perspective of our jurisdiction in
3 terms of the way it's been defined here. Not that we wouldn't
4 have the authority to make a decision on those things that
5 clearly fall within the purview of the Florida Public Service
6 Commission, but it seems, from what staff has laid out, this is
7 primarily a matter between Sprint and the FCC. And I think,
8 you know, obviously we are open, we're into our discussion
9 phase. But at the appropriate time, Madam Chairman, you know,
10 after we've had our opportunity to discuss this, I'm going to
11 be moving staff's recommendation on this matter.

12 CHAIRMAN EDGAR: Thank you, Commissioner Carter.

13 Commissioners? Commissioner Skop.

14 COMMISSIONER SKOP: Thank you, Madam Chair.

15 Again, I'd echo Commissioner Carter in that regard.

16 I think that the procedural posture that we're being put in is
17 not, as staff has pointed out, is not the right one. And even
18 if we did have concurrent jurisdiction, I think we'd be able to
19 abstain from hearing it if the merits of the case so warranted.
20 So, again, I'm on board with Commissioner Carter in terms of
21 moving staff's recommendation at the appropriate time.

22 CHAIRMAN EDGAR: Commissioners, further -- is there
23 comment, question, discussion? There is not.

24 Okay. Commissioner Carter.

25 COMMISSIONER CARTER: Move staff.

1 COMMISSIONER SKOP: Second.

2 CHAIRMAN EDGAR: Okay. And that will encompass Issue
3 1 and Issue 2. Further -- thank you. Further discussion?
4 Seeing none, all in favor of the motion, say aye.

5 (Unanimous affirmative vote.)

6 Opposed? Show it adopted.

7 (Agenda Item 3 concluded.)

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

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I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 7th day of August, 2007.

Linda Boles
LINDA BOLES, RPR, CRR
FPSC Official Commission Reporter
(850) 413-6734