

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida and Sprint Communications Company L.P.

DOCKET NO. 100176-TP

In re: 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.

DOCKET NO. 100177-TP

ORDER NO. PSC-10-0641-PCO-TP

ISSUED: October 26, 2010

ORDER GRANTING JOINT MOTION TO STAY PROCEEDINGS

On April 9, 2010, BellSouth Telecommunications, Inc. d/b/a AT&T Florida (“AT&T Florida”) filed its Petitions for Arbitration of Interconnection Agreements with Sprint Communications Company Limited Partnership, Sprint Spectrum L.P. d/b/a Sprint PCS, Nextel South Corp. and NPCR, Inc. d/b/a Nextel Partners (collectively “Sprint”). On August 2, 2010, the Florida Public Service Commission (“Commission”) issued an Order Establishing Procedure¹ in Dockets Nos. 100176-TP and 100177-TP, which established consolidated procedural dates for various events in these dockets.

On October 22, 2010, AT&T Florida and Sprint (collectively the “Parties”) filed a Joint Motion to Stay Proceedings (“Joint Motion”). Based on the extended illness of an AT&T witness and the desire of the Parties to engage in settlement discussions to attempt to resolve or narrow some or all of the issues in these dockets, the Parties request a suspension of the current procedural schedule in accordance with the following criteria:

- The Proceedings will be stayed until January 11, 2010. This includes all procedural deadlines and responses to all pending discovery.
- The Parties will negotiate and determine an agreed upon schedule for resolution of any remaining issues in the docket. The Parties will advise Commission Staff of the proposed schedule on, or before, November 5, 2010. In the event that the Parties cannot agree on a proposed schedule, either party may petition the Commission to lift the stay after November 19, 2010.
- On January 25, 2011, each party will file its responses to Staff’s 2nd Set of Interrogatories and Requests for Production of Documents, to the extent that any such Interrogatory or Request for Production of Documents is relevant to issues that remain in dispute.
- Similarly, following completion of the stay, the Parties and Staff will establish a date for each party to respond to Staff’s 3rd Set of Interrogatories and Request for Production of

¹ Order No. PSC-10-0481-PCO-TP.

DOCUMENT NUMBER: 0411

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Documents, to the extent that any such Interrogatory or Request for Production of Documents is relevant to issues that remain in dispute.

- Thirty days from the date this Order is issued, and every thirty days thereafter during the stay, the Parties will file a joint status report with the Commission: 1) identifying any issues that have been resolved and 2), notifying the Commission of any new or revised issues.


The parties assert that granting the Joint Motion will permit the Commission to conserve resources and will not prejudice any party.

Upon review, I find the Parties' Joint Motion to be reasonable and shall grant the same, thereby staying the consolidated proceeding in Dockets Nos. 100176-TP and 100177-TP, subject to the conditions specified by the Parties in the Joint Motion.

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the October 22, 2010, Joint Motion to Stay Proceedings filed by AT&T Florida and Sprint is hereby GRANTED as set forth above.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 26th day of October, 2010.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(SEAL)

CWM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.