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September 16, 2005

VIA HAND DELIVERY

Ms. Blanca Bayò
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

RE: Docket No. 050374

Dear Ms. Bayò:

This original letter and 15 copies are filed on behalf of Sprint-Florida, Incorporated ("Sprint") regarding Item No. 8 scheduled for consideration at the Commission's September 20, 2005 Agenda Conference. Item No. 8 addresses Sprint's Petition to recover the costs it incurred as a result of the extraordinary 2004 hurricane season. Sprint hereby requests the opportunity to address the Commission regarding this item.

This item is before the Commission as a decision affecting substantial interests under Section 120.57(2), Florida Statutes, that is, a decision not involving disputed material facts. Sprint and the Office of Public Counsel entered into a stipulation of the material facts upon which Sprint's Petition would be decided, which was accepted by the Commission in July 2005. See Order Nos. PSC-05-0735-PAA-TP (July 8, 2005) and PSC-05-0757-PCO-TL (July 19, 2005).

As part of the Stipulation, Sprint and OPC agreed that Section 120.57(2), Florida Statutes, was the appropriate procedural framework for consideration of the issues in this case and that the parties would submit briefs presenting their legal arguments concerning the merits of Sprint's Petition. The Commission approved the parties' procedural stipulation in Order PSC-05-0757-PCO-TP.

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Proceedings under Section 120.57(2), Florida Statutes, do not involve formal evidentiary hearings, since no facts are in dispute. Therefore, the post-hearing provisions of the Commission's procedural rules are not strictly applicable to the Commission's decision in this matter. Instead, Rule 25-22.002(1), Florida Administrative Code, addressing participation at Agenda Conferences applies. That rule provides:

Persons who may be affected by Commission action on certain items on the agenda for which a hearing has not been held...will be allowed to address the Commission concerning those items when taken up for discussion at the conference.

Section 120.57(2)(a)2, Florida Statutes, also contemplates that parties will have an opportunity to address an agency concerning the action it proposes to take, stating that the agency shall:

Give the parties or their counsel the option, at a convenient time and place, to present to the agency or hearing officer written or oral evidence in opposition to the action of the agency or its refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction.

Sprint informed the OPC of its intent to make this request. The OPC stated the following in response:

OPC's expectation was that briefs would be filed in lieu of a hearing and that the staff recommendation would follow the normal post-hearing procedure, which does not allow parties to participate at agenda. Accordingly, we do not support Sprint's request.

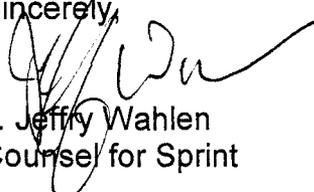
Sprint understands that the Commission has previously interpreted Section 120.57(2), Florida Statutes, to allow participation by the parties at the October 5, 2004 agenda conference in Docket No. 040601-TP, which involved Covad.

Sprint's Petition is the first request for relief under Section 364.051(4), Florida Statutes, and, therefore, is a case of first impression. The Commission's ruling substantially affects Sprint's ability to recover the costs it incurred as a result of the storm damage. For these reasons, Sprint believes that it should be allowed to address the Commission before a decision is rendered and that the Commission will benefit in hearing from the parties prior to making its decision.

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Accordingly, Sprint respectfully requests that the parties have the opportunity to address the Commission on the staff recommendation in this matter at the Agenda Conference on September 20, 2005.

Sincerely,



J. Jeffrey Wahlen
Counsel for Sprint

JJWjh

Enclosures

cc: Adam Teitzman, Staff Counsel, via hand delivery
Charlie Beck, Office of Public Counsel, via hand delivery
Patty Christiansen, Office of Public Counsel, via hand delivery
Susan Masterton, Sprint, via hand delivery