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Section	1 -	Bureau	of	Records	Completes

Company: Florida Digital Network, Inc. d/b/a Sprint-Florida, Incorporated

Docket No. 041464-TP Date Docketed: 12/30/2004 Title: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

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Case Scheduling/Rescheduling Advice

Last Revised 05/05/2005 at 14:23

Printed on 05/05/2005 at 14:39

Page 1 of 1

To: X Commissioner Deason X Deputy Executive Director/EXA **Economic Regulation Director** External Affairs Director **Commissioner Bradley** X General Counsel Director X Court Reporter х Commissioner Davidson Auditing & Safety Director x X Commissioner Edgar Comm. Clerk & ADM Services X Staff Contact - David Dowds Executive Director X Competitive Markets/Enforcement Public Information Officer X Consumer Affairs Director

From: Office of Chairman Braulio Baez

Docket Number: 041464-TP

Docket Title: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		07/18/2005	Tallahassee, Room 152	1:30 PM - 3:00 PM
Hearing		08/04/2005	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		08/05/2005	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

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Florida Digital Network, Inc. d/b/a Company: Sprint-Florida, Incorporated

Docket No. 041464-TP Date Docketed: 12/30/2004 Title: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

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Case Scheduling/Rescheduling Advice

Last Revised 06/03/2005 at 09:35

Printed on 06/03/2005 at 10:19

Page 1 of 1

To: X Commissioner Deason Deputy Executive Director/EXA **Economic Regulation Director** X General Counsel Director Commissioner Bradley Х External Affairs Director X X Commissioner Edgar Auditing & Safety Director X Court Reporter X X Staff Contact - David Dowds Commissioner Davidson Comm. Clerk & ADM Services X X **Executive Director** Competitive Markets/Enforcement Public Information Officer X Consumer Affairs Director

From: Office of Chairman Braulio Baez

Docket Number: 041464-TP

Docket Title: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Hearing		08/04/2005	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		08/05/2005	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

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Case Scheduling/Rescheduling Advice

Last Revised 06/20/2005 at 14:19

Printed on 06/20/2005 at 14:25

Page 1 of 1

To: Deputy Executive Director/EXA **Economic Regulation Director** X Commissioner Deason Χ X X Commissioner Bradley X General Counsel Director External Affairs Director Commissioner Edgar X Auditing & Safety Director Court Reporter x X Commissioner Davidson Comm. Clerk & ADM Services X Staff Contact - David Dowds **Executive Director** X Competitive Markets/Enforcement X Public Information Officer X Consumer Affairs Director

From: Office of Chairman Braulio Baez

Docket Number: 041464-TP

Docket Title: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

1. Schedule Information

Former Date	New Date	Location –	Time
	07/18/2005	Tallahassee, Room 148	1:30 PM - 3:00 PM
		Former Date New Date 07/18/2005 07/18/2005	

2. Hearing/Prehearing Assignment Information

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Docket No.<u>041464-TP</u> Date Docketed: <u>12/30/2004</u> Title:

Company: Florida Digital Network, Inc. d/b/a Sprint-Florida, Incorporated Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

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Florida Digital Network, Inc. d/b/a Company: Sprint-Florida, Incorporated

Docket No. 041464-TP Date Docketed: 12/30/2004 Title: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

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	<u>R Kennedy, J Maduro</u> J Mann, R Moses	3. Agenda 11/29/2005 4. Standard Order 12/19/2005	
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Sprint-Florida, Incorporated

Docket No. <u>041464-TP</u> Date Docketed: <u>12/30/2004</u> Title: Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

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Commissioners: Braulio L. Baez, Chairman J. Terry Deason Lila A. Jaber Rudolph "Rudy" Bradley Charles M. Davidson

STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK & Administrative Services Blanca S. Bayó, Director (850) 413-6770 (Clerk) (850) 413-6330 (Admin)

Hublic Service Commission

January 3, 2005

Susan S. Masterton, Attorney Sprint-Florida, Incorporated 1313 Blair Stone Road, FLTLHO0103 Tallahassee, Florida 32301

Re: Docket No. 041464-TP

Dear Ms. Masterton:

This will acknowledge receipt of a petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated, which was filed in this office on December 30, 2004, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

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CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850 An Affirmative Action / Equal Opportunity Employer

PSC Website: http://www.floridapsc.com

Internet E-mail: contact@psc.state.fl.us



Public Serbice Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: July 22, 2005

- **TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services
- **FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services
- **RE:** DOCKET NO. 041464-TP, PREHEARING HELD 07/18/05.
- RE: PETITION FOR ARBITRATION OF CERTAIN UNRESOLVED ISSUES ASSOCIATED WITH NEGOTIATIONS FOR INTERCONNECTION, COLLOCATION, AND RESALE AGREEMENT WITH FLORIDA DIGITAL NETWORK, INC. D/B/A FDN COMMUNICATIONS, BY SPRINT-FLORIDA, INCORPORATED.

DOCUMENT NO: 06993-05, 07/21/05

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

Hong Wang

From:Kira ScottSent:Tuesday, July 26, 2005 4:09 PMTo:Hong WangSubject:RE: Rec in Docket 041464

Hong, I confirm that the date for the rec and the Critical dates should be as stated below. Please make the necessary changes.

Thanks!

----Original Message----From: Hong Wang Sent: Tuesday, July 26, 2005 4:06 PM To: Kira Scott Cc: Cheryl Bulecza-Banks Subject: Rec in Docket 041464

Kira, the staff rec. filed this afternoon has the date of July 21, 2005. Also, the it has 8/04/04 - 8/05/05 as the Critical Dates. Please confirm that the date for the rec should be July 26, 2005 and the Critical Dates should be 8/04/05 - 8/05/05. I'll make the changes on the rec.

Thanks!

Message

Kay Flynn

From: on behalf of Filings@psc.state.fl.us
To: Claudia Ponce; Filings@psc.state.fl.us; Matthew Feil
Cc: Kira Scott; Jeremy Susac

Subject: RE: E-Filing for Docket No. 041464

Yes, we received the filing by FedEx this morning.

Thank you for responding so quickly!

Kay Flynn

From: Claudia Ponce [mailto:cponce@mail.fdn.com] Sent: Tuesday, August 02, 2005 1:06 PM To: Filings@psc.state.fl.us; Matthew Feil Cc: Kira Scott; Jeremy Susac Subject: RE: E-Filing for Docket No. 041464

Ms. Flynn:

FDN has submitted the testimony in its original format and enclosed 17 copies sent via overnight FedEx which should have delivered this morning. Please let me know if you have any questions.

Page 1 of 2

04146

Thank you Claudia Ponce

Claudia Ponce Executive Administrative Assistant FDN Communications Finance and Accounting Departments Legal Department 407-447-6753 phone 407-447-4062 fax

<u>cponce@mail.fdn.com</u>

-----Original Message-----From: Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US] Sent: Monday, August 01, 2005 3:48 PM To: Claudia Ponce Cc: Kira Scott; Jeremy Susac Subject: FW: E-Filing for Docket No. 041464

Ms. Ponce, the attached e-filing was printed, document numbered, and entered in our Case Management System before staff here realized the supplemental testimony of Dr. Ankum was attached. Testimony is not eligible for filing electronically, primarily because of formatting concerns. Please resubmit the testimony in an original and 15 copies and follow the formatting requirements set out on page 3 of the order establishing procedure, Order No. PSC-05-0496-PCO-TP.

Please let me know if any questions.

State of I	Florida
DATE:	August 3, 2005 DOCUMENT NO. 11817-06 (180)
TO:	Beth W. Salak, Director, Division of Competitive Markets & Enforcement
FROM:	Catherine S. Beard, Regulatory Analyst I, Division of Competitive Markets &
RE:	Request for Permission to Copy Confidential Materials for 041464-TP

Per APM 11.04 (C)(6.)(c)(2)(d), I am requesting permission to make a single copy of the Highlighted Portions of Sprint's Responses to Staff's 1^{st} set of Interrogatories No.'s 1, 36, 38 and attachments to the response of Production of Documents No. 2, to be provided to the court reporter for the hearing in Docket No. 041464-TP.

If you have any questions, please let me know.

cc: Cheryl Bulecza-Banks, Chief, Bureau of Competitive Markets Bob Casey, Supervisor, Bureau of Competitive Markets

06103.05

State of Florida



Jublic Service Commission -M-E-M-O-R-A-N-D-U-M-

DATE: August 8, 2005

- **TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services
- **FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services
- **RE:** DOCKET NO. 041464-TP, AGENDA HELD 08/02/05.
- RE: PETITION FOR ARBITRATION OF CERTAIN UNRESOLVED ISSUES ASSOCIATED WITH NEGOTIATIONS FOR INTERCONNECTION, COLLOCATION, AND RESALE AGREEMENT WITH FLORIDA DIGITAL NETWORK, INC. D/B/A FDN COMMUNICATIONS, BY SPRINT-FLORIDA, INCORPORATED.

DOCUMENT NO: 07631-05, 08/02/05

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

State of Florida



Hublic Service Commission -M-E-M-O-R-A-N-D-U-M-

DATE: August 9, 2005

- **TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services
- **FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services
- **RE:** DOCKET NO. 041464-TP, HEARING HELD 08/04/05.
- RE: PETITION FOR ARBITRATION OF CERTAIN UNRESOLVED ISSUES ASSOCIATED WITH NEGOTIATIONS FOR INTERCONNECTION, COLLOCATION, AND RESALE AGREEMENT WITH FLORIDA DIGITAL NETWORK, INC. D/B/A FDN COMMUNICATIONS, BY SPRINT-FLORIDA, INCORPORATED.

DOCUMENT NO: 07704-05, 08/09/05

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm



Hublic Service Commission -M-E-M-O-R-A-N-D-U-M-

DATE: August 10, 2005

TO: Blanca Bayó, Director, Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services

RE: DOCKET NO. 041464-TP, HEARING HELD 08/04/05.

Attached for filing are Exhibits 1 through 19 representing a complete filing of the exhibits identified and admitted into the record during the proceedings held in the above docket.

Acknowledged BY:

JF/rim

CCA Official Filing ***9/23/2005 10:50 AM***

Matiida Sanders

Matilda Sanders

From: Sent: To: Subject:

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LaSandra Givens Friday, September 23, 2005 10:50 AM CCA - Orders / Notices Order / Notice Submitted

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COMMISSION CLERK

Date and Time: Docket Number: Filename / Path: Order Type:

9/23/2005 10:48:00 AM 041464-TP 041464or.RCC2.doc Signed / Hand Deliver

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ORDER GRANTING SPRINT-FLORIDA, INCORPORATED'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 06103-05 AND 07643-05

SIGNED BY A COMMISSIONER/HARD COPY HAND DELIVERED

1 PAGE ATTACHMENT NOT ON-LINE

THANKS

Ymailed



Jublic Serbice Commission -M-E-M-O-R-A-N-D-U-M-

DATE: January 4, 2006

- **TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services
- **FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services
- **RE:** DOCKET NO. 041464-TP, AGENDA HELD 12/20/05.
- RE: PETITION FOR ARBITRATION OF CERTAIN UNRESOLVED ISSUES ASSOCIATED WITH NEGOTIATIONS FOR INTERCONNECTION, COLLOCATION, AND RESALE AGREEMENT WITH FLORIDA DIGITAL NETWORK, INC. D/B/A-FDN COMMUNICATIONS, BY SPRINT-FLORIDA, INCORPORATED.

DOCUMENT NO: 11895-05, 12/27/05

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

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Matilda Sanders	0089-PCD	
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From: Sent: To: Subject:

Date and Time:

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LaSandra Givens Wednesday, February 08, 2006 8:52 AM CCA - Orders / Notices Order / Notice Submitted

2/8/2006 8:51:00 AM 041464-TP 041464STAY.DOC Signed / Hand Deliver 06 FEB -8 PH 1:28

Hold COMPLISSION G. CLERK OR to usue L.B.

Order granting stay pending reconsideration

Signed by a Commissioner/hard copy hand delivered

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CCA Official	Filing
3/20/2006	2:13 PM

Matilda Sanders

0238- FOP

From:LaSandra GivensSent:Monday, March 20, 2006 2:07 PMTo:CCA - Orders / NoticesCc:Kira ScottSubject:Order / Notice Submitted

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Date and Time:3/20/2006 2:05:00 PMDocket Number:041464-TPFilename / Path:041464RECON-OR.KS.DOC

ORDER GRANTING IN PART AND DENYING IN PART SPRINT'S MOTION FOR RECONSIDERATION AND CLARIFYING CERTAIN PORTIONS OF ORDER NO. PSC-06-0027-FOF-TP

10.



Matilda Sanders

From:Kay FlynnSent:Monday, March 20, 2006 1:05 PMTo:Kira ScottCc:LaSandra Givens; Matilda Sanders; Ruth Nettles; Tiffany Williams; Hong WangSubject:RE: Docket 041464-TP (Late Order)

Thanks, Kira. We will be looking for it.

Kay

From: Kira Scott Sent: Monday, March 20, 2006 1:04 PM To: Kay Flynn; Hong Wang Cc: LaSandra Givens Subject: Docket 041464-TP (Late Order) Importance: High

Good afternoon,

An Order will be filed today in the above-referenced docket. I will try to get it to CCA by 2pm, however, it has not been reviewed by my supervisor yet. So there is that chance that it will be after 2pm. It needs to be filed today.

Thanks!

Kira

PSC-06-0300-FOF-T

Marguerite Lockard

,

From: Sent: To: Subject: LaSandra Givens Monday, April 17, 2006 1:09 PM CCA - Orders / Notices Order / Notice Submitted

Date and Time: Docket Number: Filename / Path: 4/17/2006 1:08:00 PM 041464-TP 041464OR.ICA.DOC



ORDER APPROVING ARBITRATED, COLLOCATION AND RESALE AGREEMENT

041464-7

Marguerite Lockard

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From: David Smith Sent: Monday, October 16, 2006 1:10 PM To: Hong Wang Subject: FW; show_case_doc

From: David Smith Sent: Monday, October 16, 2006 1:08 PM To: Kay Flynn Subject: show_case_doc

Kay, attached is the proposed report of the parties in fed. ct. case no. 4 000440105 and am sending it to you because it has a proposed briefing schedule and date for preparation of the index. It calls for the parties to file directions to the clerk by Dec. 1, with an index due Dec. 8. It is in docket no. 041464-tp which was an arbitration involving Bell and FDN. The issue is a legal one, so I doubt they will want an extensive record.

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION

FLORIDA DIGITAL NETWORK, INC., a Delaware corporation,	
Plaintiff,)
v.	
The FLORIDA PUBLIC SERVICE) う
COMMISSION; LISA POLAK EDGAR,	Ś
Chairman of the Florida Public Service)
Commission; and J. TERRY DEASON,)
ISILIO ARRIAGA, MATTHEW M.)
CARTER, III and KATRINA J. TEW,)
in their official capacities as Commissioners)
of the Florida Public Service Commission;)
and SPRINT-FLORIDA, INC., a Florida)
corporation n/k/a EMBARQ FLORIDA, INC.)
)
Defendants.)

Case No. 4:06-CV-407-RH/WCS

JOINT REPORT OF PARTIES

)

Pursuant to this Court's Initial Scheduling Order of September 7, 2006, Plaintiff Florida

Digital Network, Inc. ("FDN"), Defendant Sprint-Florida, Inc. n/k/a Embarq Florida, Inc.

("Embarq"), and Defendant Florida Public Service Commission and its Commissioners named in

their official capacities, Lisa Polak Edgar, J. Terry Deason, Isilio Arriaga, Matthew M. Carter, III

and Katrina J. Tew (collectively, "FPSC" or "Commission"), by and through undersigned

counsel, hereby submit this Joint Report of the Parties.

1. Conference of the parties. Pursuant to the Federal Rule of Civil Procedure

26(f), the parties met and conferred on October 4, 2006. The meeting occurred via

teleconference and was attended by the following: David Smith, counsel for the Commission; Jeff Wahlen, counsel for Embarq; Michael Sloan, counsel for FDN.

2. Nature and Basis of Claims and Defenses. FDN filed this action, pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 252(e)(6), to challenge certain decisions of the Commission setting the rates at which FDN is permitted to lease various components of Embarq's network pursuant to the interconnection agreement between the parties. FDN alleges that the Commission's refusal to permit FDN to arbitrate new rates in the proceeding before the Commission was inconsistent with the requirements of §§ 251 and 252 of the Communications Act and the implementing regulations issued by the Federal Communications Commission ("FCC").

Embarq and the FPSC deny FDN's allegations. This case is an appeal of orders issued by the FPSC in Docket No. 041464-TP, an arbitration between FDN and Embarq. Embarq asserts that its prices for unbundled network elements were set in FPSC Order No. PSC-03-0058-FOF-TP, Dkt No. 990649B-TP (Jan. 8, 2003), which order was affirmed by this Court and the Eleventh Circuit in appeals by FDN in <u>Florida Digital Network, Inc. v. Embarq Florida, Inc.</u> (<u>11th Cir.</u> Case No. 05-16653-HH and ND Fla. Case No. 4:03cv-00282-RH/WCS) and that the decisions of the FPSC in Docket No. 041464-TP comport with the requirements of §§ 251 and 252 of the Act and the implementing regulations issued by the Federal Communications Commission ("FCC").

3. **Rule 26(a)(1) and (a)(2) Disclosures**. Local Rule 26.1 exempts the parties from the disclosure requirements of Federal Rules of Civil Procedure 26(a)(1) and (a)(2) in actions "seeking review, upon a fully developed record, of administrative determinations of

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governmental departments or agencies." N.D. Fla. Local Rule 26.1(c); see also Fed. R. Civ. P.26(a)(1)(E)(i) (exempting "action[s] for review on an administrative record" from the initial disclosure requirements of Federal Rule of Civil Procedure 26(a)(1)). This case is in the nature of an administrative appeal, on a closed factual record developed before the Commission. Thus, the parties are exempt from the requirements of Federal Rules of Civil Procedure 26(a)(1) and (a)(2) and do not intend to submit such disclosures.

4. **Discovery Plan**. Likewise, because this case is in the nature of an administrative appeal on a closed record already developed before the PSC, discovery and trial are neither necessary nor warranted. *See generally* Fed. R. Civ. P.26(a)(1)(E)(i); N.D. Fla. Local Rule 26.1(c). No party intends to request any interrogatories, requests for admissions, depositions, expert reports or any other discovery, and no trial will be necessary. Review will be limited to the record developed before the PSC and to the arguments of counsel through appellate-style briefing and oral argument. This is the same procedure that is being or has been followed in prior cases brought in this Court pursuant to 47 U.S.C. § 252(e)(6)

5. Possibility of Settlement and/or Success of Mediation.

The parties do not believe that settlement and/or mediation is a realistic approach to resolving this case.

6. Magistrate Supervision.

Pursuant to Local Rule 73.1(A), the parties have conferred on the matter of magistrate judge jurisdiction.

6. **Proposed Timetables.** The parties propose the following schedule to complete the disposition of the case:

<u>Action</u>

Deadline

Case 4:06-cv-00407-RH-WCS

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Discovery Period	N/A
Conference of Parties and Filing of Joint Report	On or before October 18, 2006.
Rule 26(a)(1) Disclosures	N/A
Rule 26(a)(2) Disclosures	N/A
Schedule of Pre-Trial Matters	N/A
FDN shall file Directions to the Clerk of the PSC specifying the portions of the record developed before the PSC that should be transmitted to the Court	On or before November 17, 2006.
Commission Defendants and Sprint Florida shall file Supplemental Directions to the Clerk of the PSC specifying any additional portions of the record developed before the PSC that should be transmitted to the Court	On or before December 1, 2006
FPSC Clerk transmits record index to parties	On or before December 8, 2006
Plaintiff's Initial Brief Due	On or before December 18, 2006
Defendants' Answer Briefs Due	On or before February 19, 2007
Plaintiff's Reply Brief	On or before March 19, 2007
FPSC Clerk delivers record to Court	On or before March 20, 2007
Oral Argument	As scheduled by the Court

NOTE: By proposing this schedule, no party waives its rights to challenge any motion for leave to amend, motion to Consolidate, or motion to join additional parties.

7. **Page Limits for Briefs**. The parties further propose that the initial and answer briefs be limited to 50 pages, and that the reply brief be limited to 25 pages.

8. **Revisions to Initial Scheduling Order**. The parties respectfully request that all provisions of the Initial Scheduling Order that are inconsistent with the proposals herein and the disposition of this case through appellate-style briefing, without discovery or trial (e.g., discovery-related requirements and pre-trial deadlines), be treated as inapplicable.

Respectfully submitted this ____ day of October, 2006.

//s// Thomas Todd Pittenger

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//s// J. Jeffrey Wahlen

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Attorney for Embarg Florida, Inc.

//s// David E. Smith

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Attorney to Florida Public Service Commission And Commissioners Commissioners: Lisa Polak Edgar, Chairman J. Terry Deason Isilio Arriaga Matthew M. Carter II Katrina J. Tew

STATE OF FLORIDA

DIVISION OF THE COMMISSION CLERK & Administrative Services Blanca S. Bayó Director (850) 413-6770 (Clerk) (850) 413-6330 (Admin)

Jublic Service Commission

November 20, 2006

Susan S. Masterton, Esquire Sprint – Law/External Affairs 1313 Blair Stone Road Tallahassee, Florida 32316-2214

Re: Return of Confidential Documents to the Source, Docket No. 041464-TP

Dear Ms. Masterton:

Commission staff have advised that Confidential Document Nos. 06040-05, 06041-05, 06042-05, 06103-05, 06778-05, and 07643-05, filed on behalf of Sprint, can be returned to the source. The documents are enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

Kay Flynn Chief of Records

KF:mhl Enclosure

cc: Bob Casey, Division of Competitive Markets and Enforcement Catherine Beard, Division of Competitive Markets and Enforcement Kira Scott. Office of the General Counsel

12/11/06 DATE RECEIVE

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Internet E-mail: contact@psc.state.fl.us