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Sent: Thursday, July 26, 2007 11:43 AM
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Subject: Dkt. 070249-TP - Sprint Motion for Leave to Present Oral Arg 07 26 2007.pdf
Attachments: Sprint Motion for Leave to Present Oral Arg 07 26 2007.pdf

ORIGINAL

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The docket number and title of docket:

Docket No. 070249-TP
 In the matter of Petition of 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.

The name of the parties on whose behalf the document is filed:

Sprint Communications Company Limited Partnership and Sprint Spectrum Limited Partnership d/b/a Sprint PCS

The total number of pages in the attached document: 4

A brief but complete description of each attached document.

Sprint Communications Company Limited Partnership and Sprint Spectrum Limited Partnership Motion for Leave to Present Oral Argument

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 PSC-COMMISSION CLERK

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Sprint Communications Company)	
Limited Partnership and Sprint Spectrum Limited)	
Partnership d/b/a Sprint PCS for arbitration of rates,)	Docket No. 070249-TP
terms and conditions of interconnection with)	
BellSouth Telecommunications, Inc. d/b/a AT&T)	Filed: July 26, 2007
Florida d/b/a AT&T Southeast)	
_____)	

**SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP
AND SPRINT SPECTRUM LIMITED PARTNERSHIP
MOTION FOR LEAVE TO PRESENT ORAL ARGUMENT**

Sprint Communications Company Limited Partnership and Sprint Spectrum Limited Partnership d/b/a Sprint PCS (collectively referred to as "Sprint"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby files this Motion for Leave to Present Oral Argument. In support, Sprint states as follows:

1. Sprint filed its Petition for Arbitration with BellSouth Telecommunications, Inc. d/b/a AT&T Florida in this docket on April 6, 2007. On May 1, 2007, AT&T filed a Motion to Dismiss and its interrelated Answer ("Motion") to Sprint's Petition, to which Sprint responded on May 15, 2007. Thereafter, Staff filed its recommendation on AT&T's Motion on July 19, 2007, for consideration at the Commission's July 31, 2007, Agenda Conference. For the reasons set forth below, Sprint asks the Commission to grant the parties ten (10) minutes per side to address the Commission Staff's recommendation during the July 31, 2007 Agenda Conference.

2. Sprint acknowledges that neither party to this docket requested oral argument under the Commission's recently adopted Rule 25-24.0022, Florida Administrative Code. However, the Commission traditionally has permitted argument on the merits of Motions to Dismiss filed prior to hearing and has discretion to hear such argument in any case.

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3. Further, the instant case presents issues of first impression before the Commission. In the interests of equity and justice, Sprint urges the Commission to permit oral argument and provide an opportunity to be heard before addressing this unique issue, and before considering any type of dismissal of this case.

4. Finally, Sprint submits that under no circumstances should the Commission dismiss its petition on the merits with prejudice. As Commission Staff recently noted in its recommendation dated June 27, 2007 in Docket No. 070127-TX, if the Commission elects to dismiss Sprint's petition, it should do so without prejudice pursuant to Section 120.569(2)(c), Florida Statutes, which provides that "[d]ismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured."

5. Movant has conferred with counsel for AT&T Florida and states that AT&T Florida opposes this Motion.

WHEREFORE, Sprint requests the Commission to grant the parties oral argument of ten (10) minutes per side during its July 31, 2007 agenda conference.

Respectfully submitted,

/s/ Marsha E. Rule

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ATTORNEYS FOR SPRINT
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PARTNERSHIP AND SPRINT SPECTRUM
LIMITED PARTNERSHIP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion has been furnished by U.S. Mail and email to the following parties on this 26th day of July, 2007:

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