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From: terry.scobie@verizon.com
Sent: Thursday, October 28, 2004 4:01 PM
To: Filings@psc.state.fl.us
Cc: Richard Chapkis; Kimberly Caswell; David Christian; demetria.c.watts@verizon.com
Subject: Docket 040156-TP - Verizon Florida's Withdrawal of Opposition to Sprint's Intervention

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thdrawal of (

The attached filing is submitted in Docket 040156-TP on behalf of Verizon Florida Inc. by

Richard A. Chapkis
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The attached .pdf document contains 6 pages - transmittal letter (1 page), certificate of service (1 page), service list (1 page), and Withdrawal (3 pages).

(See attached file: 040156 VZ FL Withdrawal of Opp-Sprint Int.pdf)

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CMP _____
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October 28, 2004 – **VIA ELECTRONIC MAIL**

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 040156-TP
Petition for Arbitration of Amendment to Interconnection Agreements With Certain Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Florida by Verizon Florida Inc.

Dear Ms. Bayo:

Enclosed for filing is Verizon Florida Inc.'s Withdrawal of its Opposition to Sprint's Petition for Intervention in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions concerning this filing, please contact me at 813-483-1256.

Sincerely,

/s/ Richard A. Chapkis

Richard A. Chapkis

RAC:tas
Enclosures

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of Verizon Florida Inc.'s Withdrawal of its Opposition to Sprint's Petition for Intervention in Docket No. 040156-TP were sent via U.S. mail on October 28, 2004 to the parties on the attached list.

/s/ Richard A. Chapkis

Richard A. Chapkis

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Verizon Florida Inc. for Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Florida Pursuant to Section 252 of the Communications Act of 1934, as Amended, and the *Triennial Review Order*	)	Docket No. 040156-TP Filed: October 28, 2004

VERIZON FLORIDA'S INC.'S WITHDRAWAL OF ITS OPPOSITION TO SPRINT'S PETITION FOR INTERVENTION

Sprint Communications Company L.P. ("Sprint") asked to intervene in this arbitration on September 29, 2004, even though Sprint had sought (and obtained) dismissal of Verizon Florida Inc.'s ("Verizon") original arbitration petition.[1] Verizon opposed Sprint's petition to intervene, pointing out that Sprint had not made clear whether it even wished to amend its interconnection agreement or whether it agreed to be bound by the results of the arbitration. Verizon Opposition, at 5.

After Verizon filed its Opposition, the prehearing officer issued a procedural order making clear that all parties participating in this proceeding will "be bound by the ultimate findings in this proceeding."[2] By intervening in this arbitration, Sprint will be bound by its results. The October 19 ruling thus removes the concern that Sprint could participate in this arbitration as a party, but then deny that it is bound by the Commission's rulings here. Therefore, Verizon withdraws its Opposition to Sprint's petition to intervene.

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[1] *See* Verizon's Opposition to Sprint's Petition for Intervention at 1-3 (filed Oct. 11, 2004) ("Opposition"), at 1-3.

[2] Order Establishing Scope of Proceedings and Initial Schedule, Order No. PSC-04-1016-PCO-TP (Oct. 19, 2004) ("October 10 Order"), at 1.

Verizon's withdrawal of its Opposition to Sprint's intervention does ***not***, however, change its position that Sprint's contract does not require amendment before Verizon may discontinue UNEs that are no longer required under federal law.[3] But, as Verizon pointed out in its Opposition, it is *not* necessary to interpret the Verizon/Sprint contract now, outside the context of a concrete dispute about discontinuation of a specific UNE (and there are no such disputes at this time).[4] Verizon Opposition, at 3, 5-7. If such a dispute does arise in the future, Verizon reserves the right to argue that Sprint's existing interconnection agreement permits it to cease providing UNEs that are not subject to a federal unbundling obligation.

Because Verizon is withdrawing its Opposition to Sprint's petition for intervention, Verizon understands that the further briefing on Sprint's petition that was requested in Order number PSC-04-1053-PCO-TP, issued on October 27, is no longer necessary.

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[3] As Verizon explained in its Opposition, its contract with Sprint provides, in the clearest language, that arbitration is not necessary to incorporate new legal developments. The parties expressly agreed that new regulations and judicial decisions would "automatically supersede" "any" term or condition of the agreement that "conflict[ed]'" with the new regulation or judicial decision. Sprint/Verizon Interconnection Agreement, §1.2. Although arbitration with Sprint is not necessary to implement elimination of Verizon's unbundling obligations, allowing Sprint to unnecessarily amend its contract will probably do no harm, except in terms of a loss in administrative efficiency.

[4] The October 27, 2004 Order requesting further briefing on Sprint's petition for intervention mistakenly recited that Verizon had argued that ruling on Sprint's petition "would"—instead of "would not"--require an interpretation of Sprint's agreement. *See* Order No. PSC-04-1053-PCO-TP, at 2.

Respectfully submitted,

/s/ Richard A. Chapkis

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October 28, 2004