

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADOPTION BY NPCR, INC. D/B/A NEXTEL)	
PARTNERS OF THE EXISTING)	CASE NO.
INTERCONNECTION AGREEMENT BY AND)	2007-00256
BETWEEN BELLSOUTH)	
TELECOMMUNICATIONS, INC. AND SPRINT)	
COMMUNICATIONS COMPANY LIMITED)	
PARTNERSHIP, SPRINT COMMUNICATIONS)	
COMPANY L.P., SPRINT SPECTRUM L.P.)	

O R D E R

On June 21, 2007, NPCR, Inc. d/b/a Nextel Partners (“Nextel Partners”) filed what it styled as a “notice of adoption” of the currently effective interconnection agreement between BellSouth Telecommunications, Inc. (“BellSouth”) d/b/a AT&T Kentucky, Inc. (“AT&T Kentucky”) and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P. (“Sprint Interconnection Agreement”). The Sprint Interconnection Agreement was dated January 1, 2001 and has been amended. Nextel Partners asserts that it is adopting the Sprint Interconnection Agreement pursuant to a Federal Communications Commission (“FCC”) order and 47 U.S.C. § 252(i). Nextel Partners contends that the FCC order approving merger commitments between BellSouth and AT&T Corporation authorizes this adoption.¹ Merger Commitment No. 1 of that order states that AT&T/BellSouth

¹ FCC WC Docket No. 06-74, Appendix F, Order dated March 26, 2007.

incumbent local exchange carriers (“ILECs”) shall make available to any requesting telecommunications carrier any entire effective interconnection agreement, whether negotiated or arbitrated, that an AT&T/BellSouth ILEC entered into in any state in the AT&T/BellSouth 22-state ILEC operating territory.

Based on this merger commitment and on 47 U.S.C. § 252(i), Nextel Partners requests to adopt the Sprint Interconnection Agreement initially approved by the Commission in Case No. 2000-00480² in its entirety and as amended. The agreement which Nextel Partners seeks to adopt was arbitrated pursuant to 47 U.S.C. §§ 251 and 252.

On July 5, 2007, AT&T Kentucky submitted an objection to Nextel Partners’ notice of adoption and submitted a motion to dismiss this proceeding. AT&T Kentucky claimed that the Commission has no jurisdiction over matters that arose from its merger commitments. For reasons set forth in the Commission’s September 18, 2007 Order in Case No. 2007-00180,³ the Commission finds that AT&T’s motion must be denied.

The Sprint Interconnection Agreement has been extended for 3 additional years pursuant to Merger Commitment No. 4, agreed upon by AT&T and BellSouth in the FCC merger proceeding. In an Order dated September 18, 2007, this Commission determined that the agreement in question is extended for 3 years from the date of the

² Case No. 2000-00480, The Petition of Sprint Communications Company, L.P. for Arbitration with BellSouth Telecommunications, Inc. Pursuant to Sections 252(b) of the Telecommunications Act of 1996.

³ Case No. 2007-00180, Petition of Sprint Communications Company L.P. and Sprint Spectrum L.P. d/b/a Sprint PCS for Arbitration of Rates, Terms and Conditions of Interconnection with BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky d/b/a AT&T Southeast.

AT&T/BellSouth merger, December 29, 2006. Thus, the term of the agreement which Nextel Partners seeks to adopt extends to December 29, 2009. The Commission finds that there is a reasonable time left to this agreement, making its adoption lawful.

The Commission, having been otherwise sufficiently advised, HEREBY ORDERS that:

1. The request of Nextel Partners to adopt the currently effective Sprint Interconnection Agreement is granted, effective the date of this Order.

2. AT&T Kentucky's motion to dismiss Nextel Partners' adoption petition is hereby denied.

3. Within 20 days of the date of this Order, Nextel Partners and AT&T Kentucky shall submit their executed adoption of the Sprint Interconnection Agreement.

4. This Order is final and appealable.

Done at Frankfort, Kentucky, this 18th day of December, 2007.

By the Commission

ATTEST:



Executive Director