

Docket No: 12-0550
Bench Date: 5/15/13
Deadline: 6/28/13

MEMORANDUM

TO: The Commission

FROM: Leslie Haynes and Heather Jorgenson,
Administrative Law Judges

DATE: May 7, 2013

SUBJECT: SprintCom, Inc., WirelessCo, L.P. NPCR, Inc. d/b/a Nextel Partners and Nextel West Corp.

Petition for Arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Illinois Bell Telephone Company.

RECOMMENDATION: Deny Oral Argument.

This proceeding involves a Petition for Arbitration of an Interconnection Agreement, pursuant to the Telecommunications Act of 1996, 47 U.S.C. § 251, et seq., between SprintCom, Inc., Wireless Co, L.P., NPCR, Inc. d/b/a Nextel Partners and Nextel West Corp. (“Sprint”) and Illinois Bell Telephone Company d/b/a AT&T Illinois (“AT&T Illinois” or “AT&T”).

The Administrative Law Judges issued a Proposed Arbitration Decision on April 26, 2013. The Briefs on Exceptions (“BOE”) were filed on May 6, 2013. The Replies to Exceptions are due May 13, 2013. The deadline for Commission action in this docket is June 28, 2013.

Sprint, in its BOE, requested Oral Argument on its exceptions to the Proposed Arbitration Decision. In particular, Sprint wants the opportunity to discuss a new Second Circuit Court of Appeals decision (*S. New England Tel. Co. v. Comcast*, Docket No. 11-2332 (2nd Cir. May 1, 2013) and the FCC’s *CAF Order (Connect America Fund Order*, FCC 11-161, 2011 WL 5844975 (Nov. 18, 2011)), which the Commission has not yet interpreted.

The ALJs believe that the briefs on exceptions and replies to exceptions will discuss these legal arguments thoroughly. Accordingly, we do not recommend that the Commission grant oral argument. Moreover, the Commission is not required to grant a request for oral argument in this type of proceeding, but of course, is free to do so at its own discretion.

LH/HJ:jt