

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL  
FILE COPY

In Re: Approval of the Interconnection )  
Agreement Negotiated by BellSouth ) Docket No. 960719-TP  
Telecommunications, Inc. ("BellSouth") )  
and Time Warner AxS of Florida, L.P. )  
d/b/a Time Warner Communications & )  
Digital Media Partners ("Time Warner") ) Filed: July 10, 1996  
pursuant to Sections 251 and 252 of )  
the Telecommunications Act of 1996. )

The Florida Interexchange Carriers Association's  
Petition to Intervene

The Florida Interexchange Carriers Association (FIXCA), pursuant to rule 25-22.039, Florida Administrative Code, files its Petition to Intervene in the above docket. As grounds therefor, FIXCA states:

1. All notices, pleadings, and correspondence in this docket should be sent to:

Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson, Rief  
& Bakas, P.A.  
117 S. Gadsden Street  
Tallahassee, Fl 32301

2. FIXCA is an industry association of interexchange carriers who are authorized to provide intraLATA and interLATA interexchange services in the state of Florida. FIXCA's business address is:

Florida Interexchange Carriers Association, c/o  
Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson, Rief & Bakas,  
P.A.  
117 S. Gadsden Street  
Tallahassee, Fl 32301

FIXCA's Substantial Interests

3. On June 7, 1996, BellSouth Telecommunications, Inc.

DOCUMENT NUMBER-DATE

07263 JUL 10 1996

FPSC-RECORDS/REPORTING

(BellSouth) and Time Warner AxS of Florida, L.P. d/b/a Time Warner Communications & Digital Media Partners (Time Warner) filed a Master Interconnection Agreement (Agreement) with this Commission. They ask the Commission to approve the Agreement pursuant to § 252(e) of the Telecommunications Act of 1996 (the Act).

4. Section 252(e) requires this Commission to reject an interconnection agreement negotiated under the Act if

the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement . . . .

5. Section 3(a)(49) defines telecommunications carriers as providers of telecommunications services. Telecommunications services are defined as the offering of telecommunications for a fee directly to the public. § 3(a)(51). FIXCA members are clearly telecommunications carriers within the definition of the Act.

6. As telecommunications carriers within the definition of the Act, FIXCA members have a substantial interest in ensuring that any agreement negotiated under §252(e) comports with its requirements regarding nondiscrimination. Thus, FIXCA's substantial interests will be affected by Commission action in this docket.<sup>1</sup>

#### Disputed Issues of Material Fact

7. The disputed issues of material fact include, but are not

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<sup>1</sup> In a pleading filed simultaneously with this Petition to Intervene, FIXCA sets out its position on the BellSouth/Time Warner Agreement. As FIXCA notes, it does not object to Commission approval of the Agreement so long as the rates BellSouth charges Time Warner for access are made available to FIXCA members. This is the only way in which the Agreement can pass the nondiscrimination test of § 252(e).

limited to, whether the BellSouth/Time Warner Agreement is nondiscriminatory as required by § 252(e).

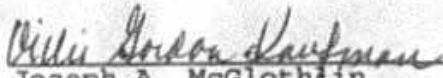
Ultimate Issues of Fact

8. It is FIXCA's position that it will be substantially affected by Commission action in this docket. It is further FIXCA's position that the BellSouth/Time Warner Agreement should be approved but that to meet the requirements of § 252(e) regarding nondiscrimination the terms and prices pursuant to which the parties agree to provide access services must be made available to all telecommunications providers, including FIXCA members, on a nondiscriminatory basis.

Statutes and Rules

9. The pertinent statutory provisions entitling FIXCA to relief are §§ 251 and 252 of the Act.

WHEREFORE, FIXCA requests that it be permitted to intervene in this proceeding and that it be accorded full party status.

  
Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Rief & Bakas, P.A.  
117 S. Gadsden Street  
Tallahassee, FL 32301  
904/222-2525

Attorneys for the Florida  
Interexchange Carriers  
Association

CERTIFICATE OF SERVICE

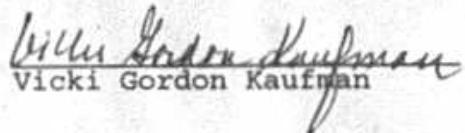
I HEREBY CERTIFY that a true and correct copy of FIXCA's Petition to Intervene was provided by hand delivery\* or by U.S. Mail this 10th day of July, 1996 to the following parties:

Donna Canzano\*  
Staff Attorney  
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