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Via Overnight Delivery

October 13, 2003

Ms Blanca Báyo  
Director, The Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399

Re Docket No 03085 1-TP - In re. Implementation of Requirements Arising from Federal Communications Commission's Triennial UNE Review: Local Circuit Switching for Mass Market Customers

Dear Ms Báyo:

Enclosed are an original and three (3) copies of Granite Telecommunications, LLC's *Motion for Leave to Intervene* in the above-captioned proceeding

Please acknowledge receipt of this filing by date stamping the additional copy of this transmittal letter and returning it to us in the self-addressed, postage paid envelope enclosed for this purpose

Questions regarding this filing may be directed to the undersigned.

Sincerely,

MILLER ISAR, INC.

  
Andrew O. Isar

Regulatory Consultant to  
Granite Telecommunications, LLC

Enclosed

cc Geoff Cookman, Granite Telecommunications, LLC

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising )  
from Federal Communications Commission's )  
triennial UNE review: Local Circuit Switching )  
for Mass Market Customers. )  
\_\_\_\_\_ )

Docket No. 03085 1-TP

**MOTION FOR LEAVE TO INTERVENE  
OF  
GRANITE TELECOMMUNICATIONS, LLC**

Granite Telecommunications, LLC ("Granite"), pursuant to Florida Public Service Commission Rules of Practice and Procedure, §25-22.039, hereby respectfully moves the Florida Public Service Commission ("Commission") for leave to intervene in the above-captioned proceeding. In support of its Motion, Granite states as follows:

1. Granite is a Boston, Massachusetts-based competitive local exchange carrier ("CLEC") who has served Florida subscribers since late 2002. Granite provides competitive local exchange and interexchange services to national retail subscribers with stores located in Florida, as well as to other smaller and medium-sized business subscribers. Granite's competitive local exchange services are offered almost exclusively through unbundled network elements and the unbundled network element platform ("UNE-P") provided by BellSouth Telecommunications, and Verizon.

2. The Commission's findings in the instant proceeding will have significant, long-term effects on Granite's and other CLECs' ability to serve subscribers at reasonable, competitive rates, if at all. Granite's experience has shown UNEs to be the most effective mode of entry for serving local exchange subscribers in Florida and elsewhere, and a starting point for deployment of a facilities-based network. While Granite would welcome use of competitive alternatives to incumbent UNEs in "mass

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markets,” virtually none exist, as Granite believes will be amply demonstrated through this proceeding.

3. The Federal Communications Commission’s Triennial Review Order accords States significant flexibility to conduct an impairment analysis on the basis of granular market data that is to be introduced in each proceeding. Granite maintains that the conduct of an adjudicatory proceeding will be imperative toward supporting the Federal presumption of “mass market” impairment for CLECs. Granite maintains further, that its involvement in this proceeding will greatly contribute toward a procedural record that conclusively demonstrates ongoing competitive industry impairment in the absence of meaningful access to incumbent UNE alternatives.

4. As a competitive local exchange service provider in Florida, Granite will be materially and substantially affected by the Commission’s findings regarding CLEC impairment without access to unbundled network elements. A finding of CLEC “mass market” non-impairment, in the absence of meaningful alternatives to unbundled local switching, loops, and transport, would effectively preclude Granite from serving current and future Florida subscribers.

5. Granite respectfully requests leave to intervene for the specific purpose of monitoring the instant proceeding and submitting comments or briefs. Granite reserves its right for broader participation, as it may subsequently determine. Pursuant to Rule 25-22.039, Florida Administrative Code, Granite takes this case as it finds it.

6. Correspondence and communications regarding this matter should

be directed to the undersigned and:

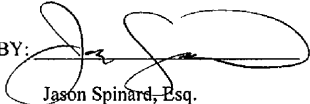
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WHEREFORE, Granite Telecommunications, LLC respectfully requests that the Commission grant its Petition for Leave to Intervene in this proceeding.

Respectfully submitted,

Granite Telecommunications, LLC

BY: 

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