

Matilda Sanders

From: terry.scobie@verizon.com  
Sent: Tuesday, March 14, 2006 3:04 PM  
To: Filings@psc.state.fl.us  
Cc: leigh.a.hyer@verizon.com; David Christian; demetria.c.watts@verizon.com  
Subject: Docket Nos. 050119-TP and 050125-TP - Verizon Access Petition to Intervene

Attachments: 050119 VZ Access Petition to Intervene.pdf



050119 VZ  
Access Petition to

The attached filing is submitted in Docket Nos. 050119-TP and 050125-TP on behalf of Verizon Access Transmission Services by

Leigh A. Hyer  
P. O. Box 110, FLTC0717  
Tampa, Florida 33601  
(813) 483-1256  
leigh.a.hyer@verizon.com

The attached .pdf document contains 7 pages - transmittal letter (1 page), certificate of service (1 page), service list (2 pages) and Petition to Intervene (3 pages).

(See attached file: 050119 VZ Access Petition to Intervene.pdf)

Terry Scobie  
Executive Adm. Assistant  
Verizon Legal Department  
813-483-2610 (tel)  
813-204-8870 (fax)  
terry.scobie@verizon.com

CMP \_\_\_\_\_  
COM 5 \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
OTH Kim R \_\_\_\_\_

DOCUMENT NUMBER-DATE

02208 MAR 14 08

FPSC-COMMISSION CLERK

Leigh A. Hyer  
Vice President-General Counsel, Southeast Region  
Legal Department



FLTC0717  
201 North Franklin Street (33602)  
Post Office Box 110  
Tampa, Florida 33601-0110

Phone 813 483-1256  
Fax 813 204-8870  
[leigh.a.hyer@verizon.com](mailto:leigh.a.hyer@verizon.com)

March 14, 2006 – **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. 050119-TP  
Joint Petition of TDS Telecom d/b/a TDS Telecom/Quincy Telephone, ALLTEL  
Florida, Inc., Northeast Florida Telephone Company d/b/a NEFCOM, GTC, Inc. d/b/a  
GT Com, Smart City Telecommunications, LLC d/b/a Smart City Telecom, ITS  
Telecommunications Systems, Inc. and Frontier Communications of the South, LLC,  
("Joint Petitioner") objecting to and requesting suspension of Proposed Transit Traffic  
Service Tariff filed by BellSouth Telecommunications, Inc.

Docket No. 050125-TP  
Petition and complaint for suspension and cancellation of Transit Traffic Service Tariff  
No. FL2004-284 filed by BellSouth Telecommunications, Inc., by AT&T  
Communications of the Southern States, LLC

Dear Ms. Bayo:

Enclosed is Verizon Access Transmission Services' Petition to Intervene for filing in the above-referenced matters. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

s/ Leigh A. Hyer

Leigh A. Hyer

LAH:tas  
Enclosures

DOCUMENT NUMBER-DATE

02208 MAR 14 08

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

I hereby certify that copies of Verizon Access Transmission Services' Petition to Intervene in Docket Nos. 050119-TP and 050125-TP-TP were sent via U.S. mail on March 14, 2006 to the parties on the attached list.

s/ Leigh A. Hyer

Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

ALLTEL  
Stephen Rowell/Bettye Willis  
One Allied Drive, B5F11  
Little Rock, AR 72202

ALLTEL Florida Inc.  
James White  
6867 Southpoint Drive, N.  
Suite 103  
Jacksonville, FL 32216

Ausley Law Firm  
J. Jeffry Wahlen  
P. O. Box 391  
Tallahassee, FL 32302

BellSouth Telecommunications  
Nancy B. White/R. D. Lackey  
c/o Nancy H. Sims  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301

Blooston Law Firm  
Benjamin H. Dickens  
2120 L Street, NW  
Suite 300  
Washington, DC 20037

Competitive Carriers of the South  
Vicki Gordon Kaufman  
Moyle Law Firm  
118 N. Gadsden Street  
Tallahassee, FL 32301

Florida Cable Tele. Assn.  
Michael A. Gross  
246 E. 6<sup>th</sup> Avenue, Suite 100  
Tallahassee, FL 32303

Friend Law Firm  
Charles V. Gerkin Jr.  
Three Ravinia Drive  
Suite 1450  
Atlanta, GA 30346

Frontier Communications  
Angela McCall  
300 Bland Street  
Bluefield, WV 24701

GT Com  
Robert M. Ellmer  
P. O. Box 220  
Port St. Joe, FL 32457

ITS Telecommunications  
Robert M. Post Jr.  
P. O. Box 277  
Indiantown, FL 34956

MetroPCS California/Florida  
8144 Walnut Hill Lane, Suite 800  
Dallas, TX 75231

NEFCOM  
Deborah Nobles  
505 Plaza Circle, Suite 200  
Orange Park, FL 32073

NuVox Communications  
Susan J. Berlin  
Two North Main Street  
Greenville, SC 29601

Tracy Hatch  
AT&T Communications  
101 N. Monroe Street  
Suite 700  
Tallahassee, FL 32301

Floyd R. Self  
Messer, Caparello & Self  
215 S. Monroe Street  
Suite 701  
Tallahassee, FL 32302

Rutledge Law Firm  
Kenneth Hoffman  
Martin McDonnell/M. Rule  
P. O. Box 551  
Tallahassee, FL 32302

Smart City Telecom  
P. O. Box 22555  
Lake Buena Vista, FL 32830

Sprint Nextel  
William R. Atkinson  
Mailstop GAATLD0602  
3065 Cumberland Circle SE  
Atlanta, GA 30339

T-Mobile USA, Inc.  
Michele K. Thomas  
60 Wells Avenue  
Newton, MA 02459

Sprint Comm. Company  
Susan Masterton  
P. O. Box 2214  
Tallahassee, FL 32316-2214

TDS Telecom/Quincy Telephone  
Thomas McCabe  
P. O. Box 189  
Quincy, FL 32353

Troutman Law Firm  
Charles F. Palmer  
600 Peachtree Street N.E.  
Suite 5200  
Atlanta, GA 30308

Verizon Wireless  
Elaine D. Critides  
1300 I Street, N.W.  
Suite 400 West  
Washington, DC 20005

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of TDS Telecom d/b/a	)	Docket No. 050119-TP
TDS Telecom/Quincy Telephone,	)	
ALLTEL Florida, Inc., Northeast	)	
Florida Telephone Company d/b/a	)	
NEFCOM, GTC, Inc. d/b/a GT Com,	)	
Smart City Telecommunications, LLC	)	
d/b/a Smart City Telecom, ITS	)	
Telecommunications Systems, Inc. and	)	
Frontier Communications of the South,	)	
LLC, ("Joint Petitioner") objecting to	)	
and requesting suspension of Proposed	)	
Transit Traffic Service Tariff filed by	)	
BellSouth Telecommunications, Inc.	)	
	)	
In re: Petition and complaint for suspension	)	Docket No. 050125-TP
and cancellation of Transit Traffic	)	
Service Tariff No. FL2004-284 filed by	)	
BellSouth Telecommunications, Inc.,	)	Filed: March 14, 2006
by AT&T Communications of the	)	
Southern States, LLC.	)	
	)	

PETITION TO INTERVENE

Under Commission Rule 25-22.039, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services ("Verizon Access") asks the Commission to allow Verizon Access to intervene in this proceeding. Verizon Access is a telecommunications company as that term is defined in Section 364.02 of the Florida Statutes, and Verizon Access is a competitive local exchange carrier (CLEC). As such, its regulated intrastate operations are subject to the jurisdiction of this Commission.

Communications in regard to this proceeding should be directed to:

Leigh A. Hyer  
Verizon Access Transmission Services  
P. O. Box 110, FLTC0717  
Tampa, FL 33601-0110  
Telephone No. (813) 483-1256

DOCUMENT NUMBER-DATE

02208 MAR 14 8

FPSC-COMMISSION CLERK

Verizon Access is entitled to intervene in this proceeding because its interests as a local exchange telecommunications company will be substantially and directly affected by the decision here. In the prehearing statements, various parties took the position that the Florida PSC can establish, through arbitrated Section 252 interconnection agreements, the terms and conditions that govern the relationship between an originating and terminating carrier where BellSouth is providing transit service and where the originating carrier is not interconnected with the terminating carrier. While true in some circumstances, these pronouncements are overly broad, since the Section 252 process does not apply to all carrier-to-carrier relationships.

The relationship between two CLECs – where one CLEC is terminating the calls originated by another CLEC – is not subject to the same set of rules as the interconnection relationship between an incumbent local exchange carrier (“ILEC”) and a CMRS provider. In a CLEC-to-CLEC situation, the terminating CLEC may rely on a state tariff to govern the billing for non-access calls generated by the originating CLEC in the absence of an agreement to the contrary between the two carriers. This is because the Section 252 process does not apply to CLEC-to-CLEC agreements. The language of Section 252 refers only to agreements that are “negotiate[d]” by an “incumbent local exchange carrier” or are the product of an arbitration involving an “incumbent local exchange carrier.” There is no requirement in the statute that a CLEC must negotiate and/or arbitrate an interconnection agreement with another CLEC. Likewise, there is no law establishing a process for arbitration and/or state Commission intervention if a CLEC fails to reach an agreement through negotiations with another CLEC. Accordingly, even though the FCC prohibits reliance on a tariff and instead

requires that a Section 252 agreement be in place between an ILEC and a CMRS provider to govern compensation obligations for the termination of non-access traffic, the law clearly allows a CLEC to impose state-tariffed terms and conditions on another CLEC for the termination of non-access traffic.

Respectfully submitted on March 14, 2006.

By:           /s Leigh A. Hyer            
Leigh A. Hyer  
Post Office Box 110, FLTC0717  
Tampa, Florida 33601-0110  
Telephone: 813-483-1256

Attorney for Verizon Access Transmission Services