

ORIGINAL

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Sent: Thursday, May 04, 2006 11:30 AM
To: Filings@psc.state.fl.us
Cc: Vicki Gordon Kaufman; bill.atkinson@sprint.com; Larry Harris; Samantha Cibula; JOHN_butler@fpl.com; Wade_Litchfield@fpl.com; fself@lawfla.com
Subject: E-filing - Docket No. 060355-EI
Attachments: Petition to Intervene FINAL 05.04.06.pdf

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Docket Nos. and titles: Petition of Florida Power and Light Company for Emergency Rule or, Alternatively, Declaratory Statement Prohibiting Wireless Attachments in Electric Supply Space
 Docket No. 060355-EI

Filed on behalf of: Sprint Spectrum Limited Partnership d/b/a Sprint PCS and Nextel South Corporation ("Sprint Nextel")

Number of pages: 4

Document attached: Petition to Intervene

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DOCUMENT NUMBER-DATE

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5/4/2006

FDSC-COMMISSION OF ERM

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of Florida Power and Light Company)
For Emergency Rule or, Alternatively,) Docket No. 060355-EI
Declaratory Statement Prohibiting Wireless)
Attachments in Electric Supply Space) Filed: May 4, 2006

SPRINT NEXTEL'S PETITION TO INTERVENE

Pursuant to Rules 25-22.039 and 28-106.205, Florida Administrative Code, Sprint Spectrum Limited Partnership, d/b/a Sprint PCS, and Nextel South Corporation (collectively, "Sprint Nextel"), through its undersigned counsel, files its Petition to Intervene in this proceeding. In support of its Petition, Sprint Nextel respectfully states as follows:

1. The affected agency is the Florida Public Service Commission, 2450 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. The name and address of the Petitioner is as follows:

Sprint Nextel
2001 Edmund Halley Drive
Reston, VA 20191

3. Copies of all pleadings, notices and orders in this docket should be provided to the following:

Vicki Gordon Kaufman
Moyle, Flanigan, Katz,
Raymond, White & Krasker, P. A.
The Perkins House
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-and-

DOCUMENT NUMBER-DATE
03974 MAY-4 8
FPSC-COMMISSION CLERK

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4. Sprint Spectrum Limited Partnership and Nextel South Corporation are licensed by the Federal Communications Commission to provide Commercial Mobile Radio Service (“CMRS”) services in Florida.

5. In this docket, the Commission will consider Florida Power and Light Company’s (“FPL”) Petition requesting the Commission to issue an Emergency Rule prohibiting the placement of wireless telecommunications devices and equipment in the electric supply space of distribution poles pending the outcome of the Commission’s rulemaking proceedings on this topic. In the alternative, FPL requests in its Petition that the Commission issue a declaratory statement prohibiting T-Mobile South LLC (“T-Mobile”) from attaching wireless telecommunications devices at the top of FPL’s electric poles until the Commission finishes its currently pending review of pole strengthening standards.

6. Sprint Nextel’s substantial interests will be affected in this docket because the Commission’s consideration of the issuance of a broad Emergency Rule, such as requested by FPL, would impact Sprint Nextel, as well as many, if not all, wireless carriers operating in Florida.

7. No other party can adequately represent Sprint Nextel’s substantial interests in this proceeding.

8. A disputed issue that is a mixed issue of fact and law is: whether sufficient “engineering and safety concerns” as referenced in FPL’s Petition exist to

warrant the Commission's issuance of a broad Emergency Rule prohibiting all wireless attachments at the top of distribution poles. Disputed issues of law include, but are not limited to, whether the Commission's issuance of a broad Emergency Rule prohibiting all wireless attachments from the tops of distribution poles would comport with relevant federal law. Sprint Nextel anticipates that additional disputed issues of material fact and issues of law will be identified during the course of this proceeding and Sprint Nextel reserves the right to raise such issues.

WHEREFORE, Sprint Nextel respectfully requests that the Commission enter an Order allowing it to intervene as a full party of record in this docket.

s/ Vicki Gordon Kaufman
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Attorneys for Sprint Nextel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition to Intervene has been furnished by electronic and U.S. mail this 4th day of May 2006 to:

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s/ Vicki Gordon Kaufman
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