

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for emergency rule or, alternatively, for declaratory statement prohibiting wireless attachments in electric supply space, by Florida Power & Light Company.

DOCKET NO. 060355-EI
ORDER NO. PSC-06-0523-PCO-EI
ISSUED: June 20, 2006

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed on May 3, 2006, T-Mobile South LLC (T-Mobile) has requested to intervene in this proceeding. In support of its Petition, T-Mobile states that it is a wireless voice and data service provider in the State of Florida. It further states that, while it is not subject to the Commission's jurisdiction, it has specifically been named in Florida Power & Light Company's (FPL) Petition for Emergency Rule, or Alternatively, Petition for Declaratory Statement. It asserts that the "ultimate resolution of the emergency rule and the declaratory statement requested by FPL will have a direct impact on the ability of T-Mobile to provide wireless voice and data services in Florida."

Having reviewed the Petition, it appears that T-Mobile's substantial interests may be affected by this proceeding. Moreover, there has been no response filed in opposition to T-Mobile's request. Therefore, the Petition is granted. Pursuant to Rule 25-22.039, Florida Administrative Code, T-Mobile takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by T-Mobile South LLC is granted. It is further


ORDERED that all parties to this proceeding shall furnish copies of all pleadings, notices, and other papers filed or served in this matter to:

Michele K. Thomas, Esq.
Sr. Corporate Counsel
T-Mobile
4 Sylvan Way
Parsippany, NJ 07054

DOCUMENT NUMBER-DATE
05322 JUN 20 08
FPSC-COMMISSION CI FILE

Floyd Self, Esq.
Messer, Caparello & Self
Hand: 215 S. Monroe Street, Suite 701
Tallahassee, FL 32301
Mail: P.O. Box 1876
Tallahassee, FL 32302-1876

By ORDER of the Florida Public Service Commission this 20th day of June, 2006.



BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

SMC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.