

Matilda Sanders

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Sent: Tuesday, June 26, 2007 2:50 PM
To: Filings@psc.state.fl.us
Cc: Susan Masterton
Subject: Docket 070297-070301
Attachments: 070297-070301 Petition to Intervene Ann Cole(2).doc

Filed on Behalf of: Susan S. Masterton

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Docket No. 070297, 070298, 070299, 070300, and 070301-TP

Title of filing: Embarq's Petition to Intervene

Filed on behalf of: Susan Masterton

No of pages: 6 pages

Description: Embarq's Petition to Intervene

<<070297-070301 Petition to Intervene Ann Cole(2).doc>>

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EMBARQ

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1313 Blair Stone Rd.
Tallahassee, FL 32301
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June 26, 2007

Ann Cole
Office of Commission Clerk
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

Re: Docket No. 070297, 070298, 070299, 070300 and 070301-EI; Embarq Florida, Inc.'s
Petition to Intervene

Dear Ms. Cole:

Enclosed for filing on behalf of Embarq Florida Inc. is Embarq's Petition to Intervene.

Copies are being served on the parties in this docket pursuant to the attached certificate of
service.

If you have any questions regarding this electronic filing, please do not hesitate to call me
at 850/599-1560.

Sincerely,

s/ Susan S. Masterton
Susan S. Masterton

Enclosure

Susan S. Masterton
COUNSEL
LAW AND EXTERNAL AFFAIRS REGULATORY
Voice: (850) 599-1560
Fax: (850) 878-0777

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 26th day of June, 2007, to the following:

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s/ Susan S. Masterton
Susan S. Masterton

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, Florida Administrative Code, submitted by Tampa Electric Company.	Docket No. 070297-EI
Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, Florida Administrative Code, submitted by Progress Energy Florida, Inc.	Docket No. 070298-EI
Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, Florida Administrative Code, submitted by Gulf Power Company.	Docket No. 070299-EI
Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, Florida Administrative Code, submitted by Florida Public Utilities Company.	Docket No. 070300-EI
Review of 2007 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, Florida Administrative Code, submitted by Florida Power & Light Company.	Docket No. 070301-EI Filed: June 26, 2007

PETITION TO INTERVENE OF EMBARQ FLORIDA, INC.

Embarq Florida, Inc. (Embarq) in accordance with Rule 28-106.205 and Rule 25-22.039, Florida Administrative Code, by and through its undersigned counsel, hereby petitions the Commission for leave to intervene in the above-styled dockets relating to the electric utility storm hardening plans filed or to be filed with the Florida Public Service Commission for approval under Rule 25-6.0342, F.A.C. In support of this Petition Embarq states as follows:

DOCUMENT NUMBER-DATE

05086 JUN 26 05

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1. Embarq is a local exchange telecommunications company certificated by the Commission under chapter 364, Florida Statutes.
2. The name and address of petitioner are as follows:

Embarq Florida, Inc.
555 Lake Border Drive
Apopka, Florida
3. All pleadings, orders and correspondence should be directed to Petitioner's representative as follows:

Susan S. Masterton
Counsel for Embarq
1313 Blair Stone Road
Tallahassee, FL 32301
(850) 599-1560 (Voice)
(850) 878-0777 (Fax)
susan.masterton@embarq.com
4. The agency affected by this Petition to Intervene is:

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
5. In these dockets the Commission will decide whether to approve the storm hardening plans of the captioned electric utilities filed in accordance with the provisions of Rule 25-6.0342, F.A.C. At its June 19, 2007 Agenda Conference, the Commission decided to set these dockets for workshops and formal hearings to consider issues related to each utilities storm hardening plans. While the dockets have not been consolidated, it appears that the Commission intends to consider these dockets together for the purposes of these proceedings.
6. Embarq has entered into joint use/pole attachment agreements with all of the captioned electric utilities. As an attacher to the electric utilities' poles, the

implementation of the electric utilities' storm hardening plans will impact Embarq both financially and operationally. The rule under which the plans have been developed and filed recognizes the potential for such effects on attachers to the electric companies' poles. (Rule 25-6.0342(4)(e), (5) and (6), F.A.C.)

7. Because Embarq' interest will be substantially affected by the implementation of the storm hardening plans under consideration in these dockets, Embarq has standing to intervene.
8. Issues of material fact in dispute in this proceeding include, but are not necessarily limited to, whether or not the plans, including the attachment standards and procedures, meet the criteria set forth in Rule 25-6.0342, F.A.C., specifically whether the plans describe the proposed storm hardening measures in sufficient detail and whether the planned measures are prudent, practical and cost-effective as required by the Rule.
9. The ultimate facts entitling Embarq to relief are that the plans submitted by the electric utilities provide insufficient detail for Embarq to determine with specificity the financial and operational impacts on Embarq as required by Rule 25-6.0342(4)(e) and (6). Based on the information that has been provided by the electric utilities at this time, Embarq anticipates a significant financial impact that will likely outweigh any benefit to Embarq, as discussed more fully in the Preliminary Comments filed by Embarq on May 30, 2007.
10. Embarq is entitled to relief under Rule 25-6.0342, F.A.C., specifically subsection (7), which provides for the Commission to resolve any disputes relating to the electric company storm hardening plans, including any attachment

standards and procedures. Rule 25-6.042 was adopted by the Commission to implement section 366.04 and 366.05, Florida Statutes.

WHEREFORE, Embarq requests that the Commission grant its Petition to Intervene and grant Embarq full party status in these dockets.

Respectfully submitted this 26th day of June 2007.

s/Susan S. Masterton
SUSAN S. MASTERTON
1313 Blair Stone Road
Tallahassee, FL 32301
(850) 599-1560 (phone)
(850) 878-0777 (fax)
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COUNSEL FOR EMBARQ FLORIDA, INC.