

Ruth Nettles

From: Ann Bassett [abassett@lawfla.com]
Sent: Friday, March 28, 2008 4:20 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 080089-TP
Attachments: 2008-03-28, 080089, Intrado's Response to Windstream Petition to Intervene and Motion for More Definite Statement.pdf

The person responsible for this electronic filing is:

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The Docket No. is 080089-TP - Petition of Intrado Communications Inc. for Declaratory Statement Regarding Local Exchange Telecommunications Network Emergency 911 Services.

This is being filed on behalf of Intrado Communications Inc.

Total Number of Pages is 5

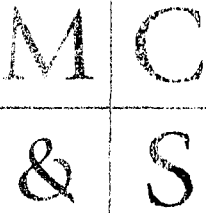
Intrado Communications Inc.'s Response to Windstream Florida, Inc.'s Petition for Leave to Intervene and Motion for More Definite Statement.

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DOCUMENT NUMBER DATE

02421 MAR 28 08

FPSC-COMMISSION CLERK



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March 28, 2008

BY ELECTRONIC FILING

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

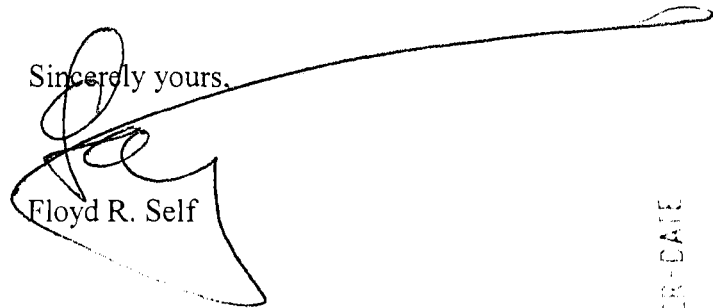
Re: Docket No. 080089-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Intrado Communications Inc. is an electronic version of Intrado Communications Inc.'s Response to Windstream Florida, Inc.'s Petition for Leave to Intervene and Motion for More Definite Statement in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,



Floyd R. Self

FRS/amb
Enclosure
cc: Rebecca Ballesteros, Esq.

DOCUMENT NUMBER-DATE
02421 MAR 28 08
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of
Intrado Communications, Inc.
for Declaratory Statement
Regarding Local Exchange
Telecommunications Network
Emergency 911 Service

Docket No. 080089-TP
Filed March 28, 2008

**RESPONSE TO WINDSTREAM FLORIDA, INC.'S PETITION FOR LEAVE TO
INTERVENE AND MOTION FOR MORE DEFINITE STATEMENT**

Intrado Communications, Inc. ("Intrado"), pursuant to Rule 28-106.205, Florida Administrative Code, hereby files this response to Windstream Florida, Inc.'s ("Windstream") Petition For Leave To Intervene and states:

1. Section 120.565, Florida Statutes, provides that "[a]ny substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances." This case involves the specific question of whether Intrado, as a competitive local exchange carrier (CLEC), or its customers are required by statute, rule or order of the Commission to pay ILEC tariff charges for local exchange telecommunications 911 services. For the reasons set forth in the Petition, Intrado has legitimate questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority, and determined a need for a declaratory statement to resolve questions or doubts as to how the statutes, rules, orders, and tariffs discussed herein may apply to Intrado's particular circumstances.

2. Rule 28-105.0027, Florida Administrative Code provides that "[t]he presiding officer shall allow for intervention of persons meeting the requirements for intervention of Rule 28-106.205, F.A.C."

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FLORIDA PUBLIC SERVICE COMMISSION

3. Rule 28-106.205, Florida Administrative Code provides that a petition to intervene “shall conform to subsection 28-106.201(2), F.A.C., and shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.”

4. Rule 28-106.201(2), Florida Administrative Code provides that:

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

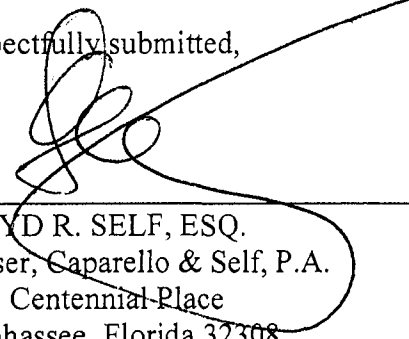
(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

5. The document filed by Windstream does not meet the requirements established by the Uniform Rules in Title 28, Florida Administrative Code.

6. For the reasons set forth herein, Intrado requests that the Commission enter an order dismissing the Windstream's Petition for Leave to Intervene with leave to amend, and requiring that any petition filed by Windstream comply with the Uniform Rules in Title 28, Florida Administrative Code.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail and U.S. Mail this 28th day of March, 2008.

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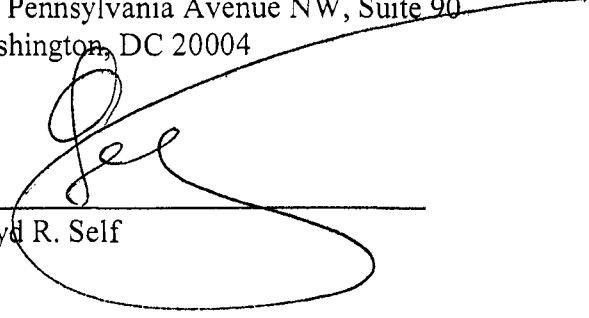
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