

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DOCKET NO. 981834-TP
ORDER NO. PSC-00-1723-PCO-TP
ISSUED: September 25, 2000

ORDER DENYING, IN PART, INTERVENTION FOR PURPOSES OF ARGUMENT ON
POST HEARING MOTIONS FOR RECONSIDERATION

By Petition, Network Telephone Corporation (Network Telephone) has requested permission to intervene in this proceeding and to be permitted to participate in oral argument scheduled to be conducted on September 25, 2000, regarding Motions for Reconsideration of the Commission's post hearing decision in this case, Order No. PSC-00-0941-FOF-TP, issued May 11, 2000. Network Telephone states that it should be allowed to intervene because it has submitted applications to collocate in central offices in Florida. Network Telephone further contends that it should be allowed to participate in argument on the Motions for Reconsideration because the Commission's decision on these motions will affect not only collocation in Florida, but Network Telephone's pending dispute with Sprint-Florida, Inc.

Herein, I address the Petition to Intervene only to the extent that it seeks leave to participate in the Oral Argument scheduled regarding the Motions for Reconsideration. Intervention for purposes of the remaining phase of this proceeding will be addressed by separate order when the time for filing responses has run.

In this situation, Network Telephone seeks leave to intervene, at least in part, for purposes of participating in argument on post hearing motions regarding a proceeding in which Network Telephone did not participate. Pursuant to Rule 25-22.039, Florida Administrative Code, petitions for leave to intervene must be received at least five days prior to hearing and, if intervention is granted, an intervenor takes that case as he finds it. Network Telephone did not seek leave to intervene prior to hearing, and therefore, shall not be allowed to participate in the post hearing aspects of the current phase of this proceeding.

This decision does not preclude Network Telephone from participating in the subsequent pricing phase of this proceeding, which will be scheduled at a later date. As stated above, a decision on

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Network Telephone's Petition to Intervene, to the extent it seeks to participate in the subsequent pricing phase of this case, will be addressed when the time for filing responses has run.

Therefore, it is

ORDERED by J. Terry Deason, as Chairman and Prehearing Officer, that the Petition for Leave to Intervene filed by Network Telephone Corporation is denied, in part, to the extent that Network Telephone Corporation seeks leave to intervene for purposes of participating in the oral argument scheduled for September 25, 2000. It is further

ORDERED that Network Telephone Corporation's Petition for Leave to Intervene, to the extent it seeks leave to participate in the remaining pricing phase of this proceeding, shall be addressed when the time for filing responses to the Petition has run.

By ORDER of Chairman J. Terry Deason as Prehearing Officer, this 25th Day of September, 2000.



J. TERRY DEASON
Chairman and Prehearing Officer

(S E A L)

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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.

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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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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.