

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990455-TL

In re: Request for review of proposed numbering plan relief for the 561 area code.

DOCKET NO. 990456-TL

In re: Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990457-TL

In re: Request for review of proposed numbering plan relief for the 904 area code.

DOCKET NO. 990517-TL
ORDER NO. PSC-00-1821-PCO-TL
ISSUED: October 5, 2000

ORDER DENYING PETITION FOR INTERVENTION

By Petition dated September 20, 2000, Verizon Wireless (Verizon) has requested permission to intervene in this proceeding and requests that the Commission consider Verizon's positions on a limited number of issues prior to the Commission's consideration of the Staff Memorandum at the September 29, 2000 Special Agenda Conference. Verizon states that it should be allowed to intervene because it is a provider of wireless communications services and holder of NXX codes in the numbering planning areas (NPAs) at issue in this proceeding. Verizon states that its substantial interests are affected by the determinations that will be made by the Commission regarding specific number conservation measures which are proposed to be implemented throughout the NPAs at issue in this proceeding.

Verizon concedes that both Rules 25-22.039 and 28-106.205, Florida Administrative Code, require the filing of a petition for leave to intervene at least five days in the case of Rule 25-22.039, Florida Administrative Code, or at least twenty days in the case of Rule 28-106.205, Florida Administrative Code, before the

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final hearing. Nevertheless, Verizon states that Rule 28-106.205, Florida Administrative Code, provides a window for a late-filed intervention upon demonstration of "good cause."

Verizon maintains that there is good cause for the Commission to allow intervention at this stage in the proceeding. Verizon states that it was not providing wireless communication service in Florida until July 10, 2000, subsequent to the final hearing in this proceeding. Verizon also alleges that certain number conservation measures recommended by staff have taken on a generic "rulemaking" nature that was not evident from the testimony or prehearing statements and only became apparent after the issuance of the Staff Memorandum.

By Final Order No. APA-98-007, issued June 25, 1998, the State of Florida Administration Commission granted this Commission an exception from the Uniform Rules of Procedure for Rule 25-22.039, Florida Administrative Code. Accordingly, Rule 28-106.205, Florida Administrative Code, is inapplicable to Commission proceedings. Rule 25-22.039, Florida Administrative Code, does not provide a window for late filed petitions for intervention. The rule provides that 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. Verizon did not seek leave to intervene until four months after hearing, and therefore, shall not be allowed to intervene in this proceeding. Based on the foregoing, Verizon Wireless' Petition for Leave to Intervene is hereby denied.

By ORDER of Chairman J. Terry Deason as Hearing Officer, this 5th day of October, 2000.



J. TERRY DEASON
Chairman and Hearing 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.

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.