

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of BellSouth Telecommunications, Inc. for declaratory statement concerning whether requested provision of telecommunications service to Sprint PCS in Macclenny, Florida, which is not in BellSouth's exchange service, violates BellSouth's General Subscriber Service Tariff for the state of Florida.

DOCKET NO. 020415-TL  
ORDER NO. PSC-02-1009-PCO-TL  
ISSUED: July 25, 2002

ORDER GRANTING INTERVENTION

On July 3, 2002, Nextel Communications, Inc. (Nextel) filed a petition to intervene in this proceeding. BellSouth Telecommunications, Inc. (BellSouth) has not filed a response in opposition to Nextel's petition to intervene.

Nextel states that it is a CMRS (Commercial Mobile Radio Service) provider authorized by the Federal Communications Commission (FCC) to provide wireless service nationwide, including in Florida. Nextel enters into interconnection agreements for the exchange of traffic with incumbent local exchange companies pursuant to the federal Telecommunications Act of 1996. Nextel asserts that it has a substantial interest in this proceeding, because BellSouth is asking the Commission to make a decision that will affect Nextel's ability to provide service to its subscribers. Nextel asks the Commission to grant it intervention so that it may move to dismiss the proceeding. Nextel asserts that the Commission lacks jurisdiction in the case.

Nextel has demonstrated that its substantial interests will be affected in this proceeding. It is therefore,

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Nextel, is granted. It is further

DOCUMENT NUMBER-DATE

07797 JUL 25 02

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-1009-PCO-TL  
DOCKET NO. 020415-TL  
PAGE 2

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding to:

Joel Margois  
Nextel Communications, Inc.  
2001 Edmund Halley Drive  
Room #A 4017B  
Reston, VA 20191

Vicki G. Kaufman  
McWhirter Reeves McGlothlin Decker  
Kaufman Arnold & Steen, PA  
117 South Gadsden Street  
Tallahassee, FL 32301

By ORDER of the Florida Public Service Commission this 25th  
day of July, 2002.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

MCB

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 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.