

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement that NPCR, Inc. d/b/a Nextel Partners, commercial mobile radio service provider in Florida, is not subject to jurisdiction of Florida Public Service Commission for purposes of designation as "eligible telecommunications carrier."

DOCKET NO. 030346-TP
ORDER NO. PSC-03-0713-PCO-TP
ISSUED: June 16, 2003

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

On May 22, 2003, Northeast Florida Telephone Company ("Northeast Florida") and GTC, Inc. d/b/a GT COM ("GT Com"), jointly filed a Petition for Leave to Intervene in this docket. Northeast Florida and GT Com are small local exchange companies providing basic local telecommunications service and nonbasic service. Northeast Florida provides service in Baker County, Florida. GT Com provides service throughout Calhoun, Franklin, Gulf, Liberty and Taylor Counties and portions of Bay, Gadsden, Jackson, Madison, Okaloosa and Walton Counties, Florida. Northeast Florida and GT Com have a universal service obligation to provide basic local telecommunications service throughout their service territories. As incumbent local exchange companies ("ILECs"), both companies were designated by the Commission as Eligible Telecommunications Carriers ("ETCs") and were ordered to continue to serve as the carrier of last resort in their current certificated service areas. In re: Establishment of eligible telecommunications carrier, Order No. PSC-97-1262-FOF-TP, issued October 14, 1997, in Docket No. 970644-TP.

On May 27, 2003, TDS TELECOM/Quincy Telephone ("Quincy") also filed a petition to intervene in this docket. Quincy is the existing ETC in its service area. It asserts that it therefore has a substantial interest in this proceeding and that it is entitled

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to intervene based upon the same rationale and justification set forth by Northeast Florida and GT Com.

Northeast Florida and GT Com state that they have a substantial interest in the outcome of this proceeding because they are the existing ETCs in their respective service areas. Carriers designated as ETCs are eligible to receive federal universal service funding. If the Commission issues a declaratory statement in this proceeding that it has the authority to designate a commercial mobile radio service provider such as Nextel as an ETC, and Nextel asks to be designated as an ETC in the service area of a rural ILEC such as Northeast Florida, GT Com, or Quincy, it will be necessary to determine if such designation is in the public interest and to determine the ETC's service area. Northeast Florida and GT Com assert that their substantial interests will be affected by the public interest determination.

Having reviewed the petitions, it appears that the substantial interests of Northeast Florida, GT Com, and Quincy may be affected by this proceeding. There have been no responses filed in opposition to the requests. Therefore, the petitions shall be granted to the extent they request intervention. Pursuant to Rule 25-22.039, Florida Administrative Code, the intervenors take the case as they find it.

Therefore, it is

ORDERED by the Florida Public Service Commission that Northeast Florida Telephone Company, GTC, Inc. d/b/a GT COM, and TDS TELECOM/Quincy Telephone are hereby granted leave to intervene in this proceeding. It is further

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By ORDER of the Florida Public Service Commission, this 16th
Day of June, 2003.

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)

CTM

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.

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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.