

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for suspension or modification of local number portability (LNP) requirement in Section 251(b)(2) of the Communications Act of 1934 as amended, by Northeast Florida Telephone Company d/b/a NEFCOM.

DOCKET NO. 040326-TL  
ORDER NO. PSC-04-1049-PCO-TL  
ISSUED: October 26, 2004

ORDER GRANTING SPRINT SPECTRUM, L.P. D/B/A SPRINT PCS'S  
PETITION TO INTERVENE

BY THE COMMISSION:

**Case Background**

On April 12, 2004, Northeast Florida Telephone Company d/b/a NEFCOM (NEFCOM), filed a petition requesting that we suspend the Federal Communications Commission's (FCC) intermodal porting requirement for a period of at least 6 months following the FCC's final disposition of issues pertaining to porting and routing.<sup>1</sup> NEFCOM claims that implementation of the provisions outlined in Section 251(f)(2) of the Telecommunications Act of 1996 (Act) would create an extreme financial hardship on their customers and would be anti-competitive in terms of wireline versus wireless services.

On July 15, 2004, this Commission issued Proposed Agency Action Order No. PSC-04-0691-PAA-TL. The Order suspended the FCC's intermodal porting requirement for NEFCOM until January 6, 2005 (six months from our July 6, 2004 vote). On August 4, 2004, NEFCOM protested that Order citing disputed issues of material fact. On August 24, 2004, Sprint Spectrum, L.P. d/b/a Sprint PCS (Sprint) filed its Petition to Intervene.

Sprint is a commercial mobile services provider under Section 332 of the Act and provides wireless services in Florida. Sprint supports its Petition to Intervene by citing to its submission of a bona fide request for local number portability to NEFCOM on May 16, 2003. Sprint argues that NEFCOM is required to comply with FCC's orders and provide intermodal local number portability to wireless carriers, and any action in this docket will directly affect Sprint's ability to do business in Florida.

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<sup>1</sup> Carriers were required to support number portability in areas outside the largest 100 MSAs within six months after receiving a request for number portability or by May 24, 2004, whichever was later. (FCC 02-215, ¶ 31)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**Ruling**

Having reviewed the Petition, it appears that Sprint's substantial interests may be affected by this proceeding. As stated above, Sprint provides wireless services in Florida and submitted a bona fide request for local number portability to NEFCOM on May 16, 2003. This Commission's action on NEFCOM's Petition will more than likely affect whether Sprint's May 16, 2003, bona fide request to NEFCOM is granted. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Sprint takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission, that Sprint Spectrum, L.P. d/b/a Sprint PCS's Petition to Intervene is granted. It is further

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:

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By ORDER of the Florida Public Service Commission this 26th day of October, 2004.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

(SEAL)

JLS

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; or (2) 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.