

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida Inc.

DOCKET NO. 040156-TP
ORDER NO. PSC-05-0336-PCO-TP
ISSUED: March 24, 2005

ORDER GRANTING INTERVENTION

On February 24, 2005, DIECA Communications Inc. d/b/a Covad Communications Company (Covad), XO Florida, Inc. and Allegiance Telecom of Florida, Inc., (XO/Allegiance), and KMC Telecom III, LLC, KMC Telecom V, Inc. and KMC Data LLC (KMC) filed their Petitions for Intervention in this Docket. The parties urge in their Petitions that whatever decisions and findings are made in this Docket will be equally applicable to them. Those findings will have a significant financial impact on those companies which have interconnection agreements with Verizon, and that includes the present petitioners. Accordingly, urge the Petitioners, their substantial interests may be affected by this proceeding.

On March 8, 2005, Verizon filed its Response to Petitions for Intervention. Verizon alleges that the CLECs petitioning for intervention misunderstand the nature and purpose of this proceeding. According to Verizon, this Docket concerns arbitration of a new amendment to implement findings in the Triennial Review Order (TRO) and Triennial Review Order on Remand (TRRO), rather than interpretation of existing interconnection agreements. Further, Verizon argues, as the sole petitioner for arbitration, it has the right to designate the parties with which it wishes to arbitrate a TRO amendment.

Verizon identified three other state commissions that have considered arguments like those the Petitioners make here, and rejected the petitions, finding that the TRO arbitrations are not the appropriate place to entertain disputes about interpretation of interconnection agreements. Additionally, Verizon notes that this Commission has a longstanding policy against granting intervention in arbitration proceedings.

Verizon acknowledges, however, that Sprint was already granted intervention in this Docket. Verizon also notes that the Petitioners indicated they may file their own arbitration petitions on the issues in this case and claim that the "interests of administrative economy" would be served by allowing their intervention. Verizon further notes that, although it opposes intervention on the basis that this TRO amendment arbitration may somehow affect Petitioners' existing contracts, it would not oppose intervention on the basis of administrative efficiency, to eliminate the need for the Commission to review numerous individual arbitration petitions as to similar interconnection agreement issues.

DOCUMENT NUMBER-DATE
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PSC-COMMISSION CLERK

Having reviewed the Petitions and Verizon's Response, in the interests of administrative efficiency and judicial economy, the Petitions shall be granted. The parties are reminded that whatever decisions and findings are made in this Docket will be equally applicable to all parties. Pursuant to Rule 25-22.039, Florida Administrative Code, Petitioners take the case as they find it.

Therefore, it is

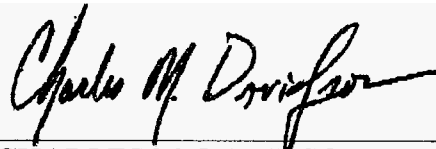
ORDERED by the Florida Public Service Commission that the Petitions for Leave to Intervene filed by DIECA Communications Inc. d/b/a Covad Communications Company, XO Florida, Inc. and Allegiance Telecom of Florida, Inc., and KMC Telecom III, LLC, KMC Telecom V, Inc. and KMC Data LLC, be and the same are hereby 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 Commissioner Charles M. Davidson, as Prehearing Officer, this 24th
day of March, 2005



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(SEAL)

LF

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.