



Florida Cable Telecommunications Association

Steve Wilkerson, President

April 12, 1996

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VIA HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Docket No. 960100-TP

Dear Ms. Bayo:

Enclosed for filing in the above-captioned docket are an original and fifteen (15) copies of Florida Cable Telecommunications Association, Inc.'s Petition for Leave to Intervene. Copies have been served on the parties of record pursuant to the attached certificate of service.

Please acknowledge receipt and filing of the above by date stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in processing this filing.

Yours very truly,

Laura L. Wilson
Vice President, Regulatory Affairs &
Regulatory Counsel

Enclosures

cc: All Parties of Record
Mr. Steven E. Wilkerson

DOCUMENT NUMBER - DATE
04224 APR 12 1996
FPSC-RECORDS/REPORTING

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In re: Generic Investigation into) Docket No. 960100-TP
Permanent Number Portability)
_____) Filed: April 12, 1996

PETITION FOR LEAVE TO INTERVENE

The Florida Cable Telecommunications Association, Inc., ("FCTA") by and through undersigned counsel and pursuant to Rule 25-22.039, Florida Administrative Code, submits the following Petition for Leave to Intervene as a full party to the above-captioned proceeding. In support thereof, FCTA states:

1. The FCTA is a trade association representing the cable telecommunications industry in Florida. The FCTA's business address is 310 North Monroe Street, Tallahassee, FL 32301.

2. The name of the person authorized to receive notices, pleadings and other communications in this docket is:

Laura L. Wilson, Esquire
Vice President, Regulatory Affairs &
Regulatory Counsel
310 North Monroe Street
Tallahassee, FL 32301
(904) 681-1990

3. The Commission initiated this docket on January 29, 1996 to develop and implement a permanent number portability solution. Through the workshops, the Commission expressed its intention to expand the number portability standards group originally established in Docket No. 950737-TP to include other interested persons that did not participate in that docket. FCTA was granted intervenor status in Docket No. 950737-TP and has participated on the standards group since its start.

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4. The interests of FCTA and its members are vitally and substantially affected by the outcome of this proceeding. The membership of the FCTA includes cable telecommunications companies such as Time Warner Cable, Time Warner Communications, Continental Cable, Cox Cable, Comcast Cablevision, Tele-Communications, Inc. (TCI), Adelphia Cable and Jones Intercable. FCTA's members are well positioned and desirous to be facilities-based LEC competitors. Cable systems in Florida pass over 95% of homes with coaxial cable having capacity to carry up to 900 times as much information as the LECs' twisted pair. The cable industry's high capacity systems will ultimately deliver virtually every type of communications conceivable, offering facilities-based consumer choices for voice services, including local exchange services. To this end, FCTA members also have certificated ALEC business interests in Florida.¹

5. One of the goals of the FCTA is the establishment of fair terms of competition. That is why FCTA supported the passage of the revised Chapter 364, Florida Statutes (1995). Section 364.16(4), Florida Statutes, requires LECs and ALECs to provide permanent number portability pursuant to terms established by the Commission (if negotiations are unsuccessful). Number portability is an essential element of local exchange competition as recognized by Order No. PSC-95-1604-FOF-TP, issued December 28, 1995 in Docket No. 950737-TP. Section 364.16(4) mandates that consumers be permitted to keep their phone numbers when changing providers.

¹ALECs owned by or affiliated with FCTA members include: Time Warner AxS of Florida, L.P., Digital Media Partners, Hyperion Telecommunications of Florida, Inc., Teleport Communications Group, Jones Lightwave of Tampa, Inc., Continental Florida Telecommunications, Inc., and AlterNet Data Communications Partnership. Additional LEC certificates are pending.

6. The terms of number portability adopted by the Commission must not present barriers to entry. The solution must be economically and technically feasible or else ALECs will not be able to deploy it in the start-up phase of business. Terms that ALECs are financially or technically unable to comply with will prohibit ALECs from meeting their statutory obligations. Moreover, the ability of ALECs to secure number portability from LECs on favorable and reliable terms is critical. Inflated LEC charges will drive-up the costs of business to the detriment of new entrants who must compete in a flat-rate environment. Adoption of a solution that has technical flaws will create ALEC customer dissatisfaction in an environment where brand loyalty and customer inertia already pose substantial barriers to entry. Unfavorable or discriminatory terms of number portability will create barriers to the development of local competition. This is contrary to the legislative intent of Section 364.01, Florida Statutes, for the Commission to exercise its exclusive jurisdiction to promote telecommunications competition.

7. FCTA and its members are also LEC customers for telecommunications services. The costs of any number portability solution will ultimately fall upon telecommunications customers. An inefficient or overly costly permanent number portability will result in increased costs to be borne by all customers. It will further delay the development of consumer choice by diverting resources away from the deployment of ALEC infrastructure.

8. Finally, FCTA sought and was granted intervenor status in the interim number portability docket. FCTA has participated on the standards group which the Commission now seeks to broaden to include additional interests. At minimum, the original parties to Docket No. 950737-TP, such as FCTA, and the original standards group should be permitted to continue to participate in the development of a permanent solution. FCTA's participation

consolidates the participation of the many companies it represents to efficiently present the cable industry's positions.

WHEREFORE, for the foregoing reasons, FCTA requests the Commission grant its Petition for Intervention and afford FCTA status as a party of record in this proceeding.

Respectfully submitted this 12th day of April, 1996.



Laura L. Wilson, Esquire
Florida Cable Telecommunications Association, Inc.
310 North Monroe Street
Tallahassee, FL 32301
(904) 681-1990

CERTIFICATE OF SERVICE
DOCKET NO. 960100-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition to Intervene has been furnished by hand delivery (*) and/or U.S. Mail on this 12th day of April, 1996 to the following parties of record:

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By: _____

Samuel Wilson