

October 24, 1996

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

RE: Docket No. 960603-TC
Request for waiver of rules and policies which prohibit provisions
of 0+ local and 0+ intral.ATA calls from store-and-forward pay telephones
located in confinement facilities by ATN, Inc.

Dear Ms. Bayo:

Enclosed please find the original and fifteen (15) copies of ATN, Inc.'s Motion in Opposition to
Petition for Leave to Intervene in the above noted docket. Parties of record as indicated on the
certificate of service have been served.

Respectfully,



Robert E. Spangler
President, ATN, Inc.

Enclosures

ACK _____

AFA _____

APP _____

CAF _____

CTR _____

EW _____

INT _____

REP _____

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for waiver of rules and policies which prohibit provisions of 0+ local and 0+ intral.ATA calls from store-and-forward pay telephones located in confinement facilities by ATN, Inc.

Docket No. 960603-TC

Filed: October 24, 1996

MOTION IN OPPOSITION TO PETITION FOR LEAVE TO INTERVENE

ATN, Inc., ("ATN"), pursuant to Commission Rule 25-22.037(2), Florida Administrative Code, hereby requests the Commission to deny Indiantown Telephone System, Inc.'s petition requesting the Commission grant it leave to intervene in these proceedings. In support of its Motion, ATN states:

1. ATN Inc., is a Georgia corporation, duly authorized to do business in the state of Florida under the name AmTel Network, Inc., pursuant to authority granted by this Commission.

2. ATN's principle office is located at:
919 Dilworth Street
St. Marys, Georgia 31558

3. On May 13, 1996, ATN filed a Petition for Waiver of Rule 25-24.515(7), Florida Administrative Code (F.A.C.), and Rule 25-24.620(2) (c) and (d), F.A.C. By Order No. PSC -96-1062-FOF-TC issued August 20, 1996, the Commission granted ATN's petition. The order made provision for any person whose substantial interests are affected by the proposed action to file for a formal proceeding as provided by Rule 25-22.029(4) F.A.C., and in the form provided by Rule 25-22.036(7) (a) and (f), F.A.C. The order clearly stated that any such protest was to be received by the Director, Division of Records and Reporting, by the close of business on September 10, 1996.

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4. Additionally, the above noted Commission Order, states at page 4, "that a protest filed by a local exchange company shall only be applicable to that local exchange company's territory and shall not prevent ATN, Inc. from handling this traffic in the territory of a local exchange company that does not protest this Order."

5. ALLTEL Florida, Inc., was the only local exchange company to file a timely petition in response to the Commission's Order within the specified protest period.

6. The petitioner, Indiantown Telephone System, Inc., failed to file a timely petition for a formal proceeding, as provided by Rule 25-22.029(4) F.A.C. and now requests the Commission grant it relief by allowing it to intervene in these proceedings. The relief sought by the Quincy Telephone Company would reward Indiantown Telephone System, Inc. for failure to file its protest in a timely manner as provided by the rules, and effectively negate the provision of the order allowing ATN, Inc., to handle traffic in the territory of a local exchange company that did not timely protest the Order.

7. Further, granting the Indiantown Telephone System, Inc.'s petition to intervene would send the message that any local exchange company, failing to file within the specified protest period and thereby having abandoned its claims, was now free to intervene and re-establish interest in the proceeding based solely on the protest properly filed by ALLTEL of Florida, Inc. Such action would substantially harm ATN, Inc. in the lawful conduct of business in the territories of non-protesting local exchange companies and would be contrary to the Commission's rules and established procedures.

WHEREFORE, ATN respectfully requests that the petition for leave to intervene by the Indiantown Telephone System, Inc. be denied.

Respectfully submitted, this 24th day of October 1996.

ATN, Inc.

BY:



Robert Spangler, President
919 Dilworth Street
St. Marys, Georgia 31558
(912) 673-6000

CERTIFICATE OF SERVICE
DOCKET NO. 960603-TC

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand delivery this 24th day of October, 1996, to the following:

Martha Brown
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

David B. Erwin
Young, van Assenderp & Varnadoe, P.A.
225 S. Adams, Suite 200
Tallahassee, FL 32302-1833

Lee L. Willis
J. Jeffrey Wahlen
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Harriet Eudy
ALLTEL Florida, Inc.
P.O. Box 550
Live Oak, FL 32060



Robert Spangler, President
ATN, Inc.