

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application to Provide
Interexchange Telecommunications
Service by KTNT Communications,
Inc., d/b/a I Don't Care and d/b/a
It Doesn't Matter.

Docket 970109-TI

**PETITION OF ROBERT A. BUTTERWORTH, ATTORNEY
GENERAL, STATE OF FLORIDA, TO INTERVENE**

Robert A. Butterworth, Attorney General, State of Florida (Attorney General), pursuant to Rule 25-22.039, Florida Administrative Code, petitions the Florida Public Service Commission (Commission) to enter an order granting leave to the Attorney General to intervene in this Docket and states:

1. The Attorney General, pursuant to Art. IV, Section 4, Fla. Const., is the chief legal officer of the State with his principal place of business and mailing address at:

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2. On September 9, 1997, the Florida Public Service Commission issued Order No. PSC-

97-1060-FOF-TL. This proposed agency action granted KTNT an unqualified certificate to operate in the state of Florida.

3. On September 15, 1997, the Office of Public Counsel (Public Counsel) filed a petition for a Section 120.57(1), Florida Statutes, hearing and protest of the Commission's proposed

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agency action. This protest listed six specific issues, including whether it is in the public interest to allow KTNT to obtain a certificate to operate in Florida, and whether KTNT's business plan is anti-competitive and includes the use of deceptive and unfair trade practices.

4. The Attorney General brings this Petition in his *parens patriae* capacity as guardian of the health, welfare, and safety of the citizens of the State of Florida.

5. The Attorney General has broad statutory authority to prosecute and appear in suits in which the State is a party or is otherwise interested. Section 16.01(4),(5), and (6), Florida Statutes. One of the matters in which the State has an interest is upholding the intent and public purpose of legislative enactments.

6. Where the public interest is involved, the Attorney General may not only initiate litigation, but also intervene in pending litigation. State ex rel. Shevin v. Yarbrough, 257 So.2d 891, 894 (Fla. 1972). The Attorney General is granted wide discretion in determining what particular matters involve the public interest. State ex rel. Shevin v. Exxon Corp., 526 F. 2d 266, 268-69 (5th Cir. 1976). Accordingly, his conclusion that a particular matter involves the public interest is presumed to be correct. Yarbrough, at 895.

7. The enforcement of the statutes and policies at issue in this proceeding clearly involve matters of public interest.

8. There are numerous disputed issues of material fact raised by Public Counsel in this Docket, including whether it is in the public interest to allow KTNT to obtain a certificate to operate in Florida, and whether KTNT's business plan is anti-competitive and includes the use of deceptive and unfair trade practices. KTNT has stated that its management wishes to use fictitious names such as "I don't know" and "I don't care" which are inherently deceptive.

KTNT's intent to use such names exhibits an unequivocal intent to obtain customers through deception. The use of such names will adversely affect fair competition, and will harm other telecommunications companies by diverting business away from them through a subterfuge. Consumers will be harmed by denial of their freedom of choice.

9. The Attorney General is entitled to relief under Chapter 364, Florida Statutes, in addition to the constitutional provisions, statutes, rules, and judicial precedent cited above. Chapter 364 encourages freedom of choice among customers and requires that all providers of telecommunications services are treated fairly by preventing anti-competitive behavior.

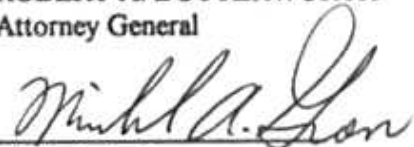
10. The Commission is the state agency charged with the responsibility under Chapter 364, Florida Statutes, to protect freedom of choice among consumers and ensure fair competition among providers.

WHEREFORE, the Attorney General respectfully requests that the Commission enter an order granting the Attorney General leave to intervene in this Docket.

DATED this 4th day of November, 1997.

Respectfully submitted,

ROBERT A. BUTTERWORTH
Attorney General




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CERTIFICATE OF SERVICE
DOCKET NO. 970109-TI

I CERTIFY that a copy hereof has been furnished by mail to the following persons on this

4th day of November, 1997.



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