



OFFICE OF THE ATTORNEY GENERAL ORIGINAL

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

SERVICE COMMISSION

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MAIL ROOM

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

January 23, 1998

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

In re: Docket No. ~~98-182-11~~

Dear Mr. Bayo:

Please find enclosed for filing an original and fifteen copies of "Petition of Robert A. Butterworth, Attorney General, State of Florida, to Intervene".

We are enclosing an extra copy of Petition. Please acknowledge receipt thereon and return to the undersigned in the provided enclosed, stamped and self-addressed envelope.

Thank your for your assistance.

Sincerely,

Michael A. Gross

- ACK _____
- AFA _____
- APP _____
- CAF 1
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- OPC _____
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- SEC 1
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- OTH ML ✓

cc: Parties of Record

DOCUMENT NUMBER-DATE

~~98-182-11~~ JAN 26 98

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause
proceeding against Minimum Rate
Pricing, Inc. for violation of Rule
25-4.118 F.A.C., Interexchange
Carrier Selection

Docket No. 971482-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:

Michael A. Gross
Fla. Bar No. 0199461
Assistant Attorney General
Office of the Attorney General
PL-01 The Capitol
Tallahassee, Florida 32399-1050
(850) 414-3300, Ext. 4818
FAX (904) 488-6589

2. 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.

3. 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

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FPSC-RECORDS/REPORTING

purpose of legislative enactments.

4. 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.

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

6. 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.

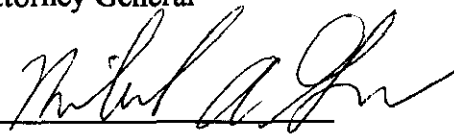
7. The Commission is the state agency charged with the responsibility under Chapter 364, Florida Statutes, to protect freedom of choice among consumers and ensure fair competition among providers.

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

DATED this 23rd day of January, 1998.

Respectfully submitted,

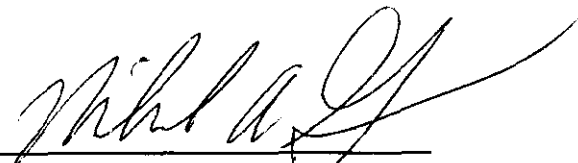
ROBERT A. BUTTERWORTH
Attorney General



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CERTIFICATE OF SERVICE
DOCKET NO. 971489-TI

I CERTIFY that a copy hereof has been furnished by facsimile and mail to the following persons on this 23rd day of January, 1998.


Michael A. Gross

Charles J. Beck
Deputy Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

John Bowman
Division of Legal Services
Fla. Public Service Commission
2540 Shumard Oak Blvd.
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