

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Procedures for Data-Gathering)
for Legislative Reports)
_____)

DOCKET NO. 980647-IL
FILED: June 16, 1998

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JOINDER OF SUGARMILL WOODS CIVIC ASSOCIATION, INC.,
MARCO ISLAND TAXPAYERS ASSOCIATION, AND RAINBOW
SPRINGS HOMEOWNERS ASSOCIATION, INC. IN PETITION OF
ROBERT A. BUTTERWORTH, ATTORNEY GENERAL, FOR INITIATION
OF FORMAL PROCEEDINGS PURSUANT TO SECTION 120.57,
FLORIDA STATUTES, TO MAKE FINDINGS NECESSARY TO ASSURE
A RATE STRUCTURE FOR BASIC AND NONBASIC
TELECOMMUNICATIONS SERVICE WHICH IS FAIR, JUST
AND EQUITABLE TO THE CONSUMERS OF THIS
STATE, CONSISTENT WITH THE GOALS OF UNIVERSAL
SERVICE AND PETITION TO INTERVENE

The Sugarmill Woods Civic Association, Inc., the Marco Island Taxpayers Association,
and the Rainbow Springs Homeowners Association, Inc. (the "Associations"), through their
undersigned attorney, join Attorney General Robert A. Butterworth in his petition, dated May 18,
1998, seeking this Commission's initiation of formal proceedings pursuant to Section 120.57,
Florida Statutes, in connection with the requirements of HB 4785 and seek intervention as parties

ACK _____ in the above styled docket. In support thereof, the Associations state:

AFA _____
APP _____ 1. The Sugarmill Woods Civic Association, Inc. is an association of individuals and

CAF _____
CMU Summit businesses residing in the Sugarmill Woods community, which is located in Citrus County,

CTR _____ Florida. Most, if not all, of the members of the Sugarmill Woods Civic Association, Inc. take

EAG _____
LEG _____ basic local telephone and long distance or toll telephone service from telecommunications

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OPC _____

RCH _____

SEC 1

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Procedures for Data-Gathering)
for Legislative Reports)
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DOCKET NO. 980647-TL
FILED: June 16, 1998

JOINDER OF SUGARMILL WOODS CIVIC ASSOCIATION, INC.,
MARCO ISLAND TAXPAYERS ASSOCIATION, AND RAINBOW
SPRINGS HOMEOWNERS ASSOCIATION, INC. IN PETITION OF
ROBERT A. BUTTERWORTH, ATTORNEY GENERAL, FOR INITIATION
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SERVICE AND PETITION TO INTERVENE

The Sugarmill Woods Civic Association, Inc., the Marco Island Taxpayers Association, and the Rainbow Springs Homeowners Association, Inc. (the "Associations"), through their undersigned attorney, join Attorney General Robert A. Butterworth in his petition, dated May 18, 1998, seeking this Commission's initiation of formal proceedings pursuant to Section 120.57, Florida Statutes, in connection with the requirements of HB 4785 and seek intervention as parties in the above styled docket. In support thereof, the Associations state:

1. The Sugarmill Woods Civic Association, Inc. is an association of individuals and businesses residing in the Sugarmill Woods community, which is located in Citrus County, Florida. Most, if not all, of the members of the Sugarmill Woods Civic Association, Inc. take basic local telephone and long distance or toll telephone service from telecommunications

companies offering services in their geographic area. The contact for the Sugarmill Woods Civic Association, Inc. is:

Jerome B. Kiley, President
Sugarmill Woods Civic Association, Inc.
91 Cypress Boulevard, West
Homosassa, Florida 34446

2. The Marco Island Taxpayers Association, is an association of individuals and businesses residing on Marco Island, which is located in Collier County, Florida. Most, if not all, of the members of the Marco Island Taxpayers Association take basic local telephone and long distance or toll telephone service from telecommunications companies offering services in their geographic area. The contact for the Marco Island Taxpayers Association, is:

Fay Biles, Ph. D., President
Marco Island Taxpayers Association
Post Office Box 1263
Marco Island, Florida 34146

3. The Rainbow Springs Homeowners Association, Inc. is an association of homeowners residing in the Rainbow Springs community, which is located in Marion County, Florida. Most, if not all, of the members of the Rainbow Springs Homeowners Association, Inc. take basic local telephone and long distance or toll telephone service from telecommunications companies offering services in their geographic area. The contact for the Rainbow Springs Homeowners Association, Inc. is:

Thomas G. Donovan, President
19333 S.W. 91st Loop
Dunnellon, Florida 34432

4. The public legislative history of HB 4785 makes clear that the legislation was initiated and championed by a coalition of telecommunications companies and others including local exchange telecommunications companies, interexchange telecommunications companies, providing primarily toll, or long-distance telecommunications services, and the cable television industry, among other concerns. This coalition's initial goal was to "buy the benefits of competition" by enticing new entrants to the local exchange market through the scheme of doubling residential basic service rates over the course of several years. The consumer political outrage that followed the proposed doubling of basic local service rates necessarily resulted in more modest goals being adopted by the industry coalition. While one could quibble about the desired or suggested outcome the legislature is seeking from the Commission's "study" or analysis of this issue, it should be reasonably clear, from the fact that the "Legislature has determined that charges for intrastate switched access and other services may be set above costs and may be providing an implicit subsidy of residential basic local telecommunications service rates in this state", that the Commission is being invited, if not directed, to find that the cost of local residential telephone service exceeds the rates currently being charged. Implicit in such a finding, if it is reached, is a conclusion that the local residential basic service rates shall have to be increased.

5. The Commission's determinations regarding the "cost" of providing basic local residential service, especially in the face of the Legislature's stated determination that such service is likely being subsidized by intrastate access fees and other services that are being charged at rates in excess of their cost, are highly likely to result in residential basic local telecommunications service rates being increased to members of the Associations and all

residential telecommunications customers in Florida. Consequently, the Associations and their members who are residential telecommunications customers are "persons whose substantial interests are being determined in the proceeding" and who are, thus, entitled to status as parties interveners in the instant docket as a matter of right.

6. The Associations will not repeat all the allegations of the Attorney General's May 18, 1998 Petition, but will note their agreement with the Attorney General that the issues under consideration are so economically significant to such a large proportion of the citizens of this State that the Associations and their members are clearly entitled to all the substantive and procedural due process protections provided by Section 120.57(1), Florida Statutes (the Administrative Procedure Act), which protections citizens now think are fundamental and unquestioned when having one's interests determined by an arm of government. The importance of attaining these protections for consumers is more obviously essential where the issues under consideration are exceedingly complex and the positions of the parties historically highly disputed.

WHEREFORE, the Sugarmill Woods Civic Association, Inc., the Marco Island Taxpayers Association, and the Rainbow Springs Homeowners Association, Inc. join Robert A. Butterworth, Attorney General in his request that the Commission (1) initiate a formal proceeding under Section 120.57(1), Florida Statutes, to implement the study and reports required by HB 4785 and (2) make appropriate findings necessary to assure a rate structure for basic and nonbasic service which is fair, just and equitable to the consumers of this State, and request that they be granted status as parties to the instant proceeding.

Respectfully submitted,



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Attorney for the named Associations

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by U.S. Mail, postage prepaid, and facsimile or electronic mail to the following parties on this ^{16th} ~~15th~~ day of June, 1998:

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