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Florida Cable Telecommunications Association

RECORDS AND REPORTING

Steve Wilkerson, President

**VIA HAND DELIVERY**

ORIGINAL

July 6, 1998

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

RE: Docket No. 980696-TP

Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of FCTA'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 of filing of the above by stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in process this filing. Please contact me with any questions.

ACK \_\_\_\_\_  
AFA \_\_\_\_\_ Yours very truly,

APP \_\_\_\_\_  
CAF \_\_\_\_\_ *Laura L. Gallagher*

CMU \_\_\_\_\_  
CTR \_\_\_\_\_ Laura L. Gallagher  
Vice President, Regulatory Affairs &  
Regulatory Counsel

EAG \_\_\_\_\_  
LEG \_\_\_\_\_ LLG/mj

LIN \_\_\_\_\_ Enclosure

OFC \_\_\_\_\_  
RCH \_\_\_\_\_ cc: All Parties of Record  
Steven E. Wilkerson  
REC \_\_\_\_\_ William Cox (via facsimile)

NAS \_\_\_\_\_  
OTH *Quito Brad*

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*[Signature]*  
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a permanent universal service mechanism upon the effective date of which any interim recovery mechanism for universal service objectives or carrier-of-last-resort obligations imposed on alternative local exchange telecommunications companies shall terminate.

- (b) To assist the Legislature in establishing a permanent universal service mechanism, the commission ... shall determine and report ... the total forward-looking cost ... of providing basic local telecommunications service....

This proceeding is clearly designed to assist the legislature when it considers, at a future date, whether to establish an intrastate universal service fund. The proxy cost model adopted and determinations made by the Commission in this proceeding provide the basis upon which any intrastate universal service fund would be established and constitute the first step toward a calculation of the size of any such fund. It is also clear that all telecommunications companies would be required to contribute to any such fund pursuant to section 364.025(2), Florida Statutes.

4. The Commission's decisions in this docket directly and materially affect FCTA since a substantial number of the members own or have affiliates who are the certificated telecommunications companies named above. The adoption of a cost proxy model overstating the incumbent LECs' costs unnecessarily inflates the size of any intrastate fund. Fledgling telecommunications companies' costs are needlessly and unfairly increased to the detriment of emerging competition. This is contrary to the goal of sections 364.01(3) and (4), Florida Statutes, to promote telecommunications competition and prevent unnecessary barriers to competition. Because the intent, as stated in section 364.025(2), is that all telecommunications companies would contribute to an inflated intrastate fund, all telecommunications companies have a similar interest at stake in this proceeding. As the representative of the interests of its members' certificated telecommunications companies, granting FCTA intervention is appropriate.

5. The FCTA has actively sought to promote telecommunications competition as a party of record in PSC proceedings for many years. For example, FCTA was granted intervention in the following dockets with issues similar to this one: Docket No. 910757-TP, In Re: Investigation into the Regulatory Safeguards Required to Prevent Cross-Subsidization by Telephone Companies, 91 FPSC 7:467; Docket No. 950696-TP, Determination of Funding for Universal Service and Carrier of Last Resort Responsibilities, 95 FPSC 7:342; see also, Docket No. 950737-TP, Investigation Into Temporary Local Telephone Number Portability Solution to Implement Competition in Local Exchange Telephone Markets, 95 FPSC 7:318; and Docket No. 960100-TP, In Re: Generic Investigation Into Permanent Number Portability, 96 FPSC 4:433. FCTA's intervention is appropriate in this proceeding, as well.

6. Granting FCTA's petition will advance judicial efficiency by consolidating the participation of the multiple certificated telecommunications companies it represents. The individual participation of FCTA's members is not required as the issues in this proceeding relate to the incumbent LECs' costs and cost proxy model issues that have been successfully addressed by cable association participation on the state and federal level. The Commission is dealing with an abbreviated hearing schedule. FCTA's participation will promote efficiency; therefore, intervention should be granted.

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

Respectfully submitted this 6<sup>th</sup> day of July, 1998.

  
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