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RECORDS AND
REPORTING

September 12, 2000

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 981834-TP

Dear Ms. Bayo:

On behalf of Network Telephone Corporation, enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Petition to Intervene of Network Telephone Corporation

Please acknowledge receipt of the above on the extra copy of each for return of the stamped copies to me. Thank you for your assistance.

Yours truly,

Joseph A. McGlothlin

APP _____
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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, AARNDT & STEEN, P.A.

Done 9/13/00

DOCUMENT NUMBER-DATE

11385 SEP 12 8

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic Investigation
of Collocation Issues

Docket No. 981834-TP
Filed: September 12, 2000

PETITION TO INTERVENE

Network Telephone Corporation, through its undersigned counsel, hereby files its Petition to Intervene in this docket and states:

1. The address of petitioner in this proceeding is:

Network Telephone Corporation
815 South Palafox Street
Pensacola, FL 32501

2. Copies of notices, pleadings and documents in this proceeding should be provided

to:

Joseph A. McGlothlin
McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman,
Arnold & Steen, P.A.
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Brent McMahan, Vice President
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Network Telephone Corporation
815 South Palafox Street
Pensacola, FL 32501

3. In this docket the Commission has scheduled oral argument on pending motions for reconsideration of Order No. PSC-00-0941-FOF-71, which was issued on May 11, 2000. The issues under consideration include the impact, if any, of the decision of the United States Court of Appeal for the D.C. Circuit in *GTE Service Corporation v. Federal Communications Commission*, 205 F.

DOCUMENT NUMBER-DATE

11365 SEP 12 8

FPSC-RECORDS/REPORTING

3d 416 (D.C. Cir., 2000) on Order No. PSC-00-0941-FOF-TP, and the related issue of the jurisdiction of this Commission relative to collocation obligations. The argument will be conducted in the context of a decision on generic collocation issues, including the issue of the types of equipment that are subject to collocation requirements. The decision will provide a framework applicable to individual factual situations.

4. Network Telephone Corporation is authorized by the Florida Public Service Commission to provide local telecommunications services in the state of Florida.

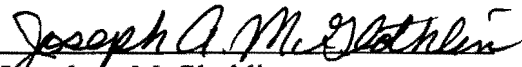
5. In May of 2000, Network Telephone submitted applications to Sprint-Florida, Inc. to collocate certain network equipment in some 12 Sprint offices. On August 2, 2000, Sprint denied all of the applications. On August 31, 2000, Network Telephone filed a complaint against Sprint.¹ In the complaint, Network Telephone alleges (1) the equipment identified in the complaint is necessary for access to UNEs within the meaning and intent of the 1996 Telecommunications Act; (2) Sprint's denial of Network Telephone's applications constitutes a violation of its objections under the 1996 Act; (3) Sprint's denial of Network Telephone's applications constitutes anticompetitive behavior; and (4) This Commission has authority under the 1996 Act and Chapter 364, Florida Statutes to require Sprint to permit collocation of the equipment described in Network Telephone's complaint.

6. Any decision by the Commission in this docket regarding the extent of its authority to treat collocation matters, and/or the nature and extent of the ILECs' collocation obligations, will affect the Commission's consideration of the matters presented in Network Telephone's complaint docket. Accordingly, Network Telephone has a substantial interest in the outcome of the proceeding.

¹Network Telephone's complaint has been assigned Docket No. 001275-TP.

7. Sprint did not deny Network Telephone's application for collocation until early August, well after the hearing in this docket. Accordingly, this Petition to Intervene is timely. *Southern States Utilities, Inc. v. Florida Public Service Commission*, 704 So. 2d 555, 559 (Fla. 1st DCA 1997).

WHEREFORE, Network Telephone Corporation respectfully requests that the Commission grant its Petition to Intervene and permit it to participate as a party in the remaining aspects of this proceeding.


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Attorneys for Network
Telephone Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition to Intervene has been furnished by (*)hand-delivery or by U.S. mail this 12th day of September, 2000 to the following parties:

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