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RECORDS AND
REPORTING

September 25, 2000

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

Re: Docket Nos. 981834-TP and 990321-TP (Generic Collocation)

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to Network Telephone Corporation's Petition to Intervene , which we ask that you file in the above-referenced matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Michael P. Goggin
(2)

APP _____
CAF _____
CMP _____
COM 2 _____
CTR _____
ECR _____
LEG B. Keating _____
OPC _____
PAI _____
RGO _____
SEC 1 _____
SER _____
OTH _____

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 981834-TP and 990321-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U. S. Mail this 25th day of September, 2000 to the following:

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Michael P. Goggin (2)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Carriers for Commission Action)	Docket No. 981834-TP
To Support Local Competition)	
In BellSouth's Service Territory)	
In re: Petition of ACI Corp. d/b/a)	
Accelerated Connections, Inc. for)	Docket No. 990321-TP
Generic Investigation into Terms and)	
Conditions of Physical Collocation)	
_____)	Filed: September 25, 2000

**BELLSOUTH TELECOMMUNICATIONS, INC.'s
RESPONSE TO NETWORK TELEPHONE CORPORATION'S
PETITION TO INTERVENE**

BellSouth Telecommunications, Inc. ("BellSouth"), hereby responds to Network Telephone Corporation's ("NTC's") Petition to Intervene (the "Petition"). For the following reasons, NTC's Petition should be denied.

The Commission conducted extensive proceedings in these combined dockets and, after a full hearing, issued its order on May 11, 2000. See Order No. PSC-00-0941-FOF-71 (the "Order"). Motions and cross motions to reconsider the Order were subsequently filed, briefed and argued. Months later, on September 12, 2000, NTC filed its Petition to Intervene, apparently seeking to be granted time to participate in today's oral argument and any subsequent briefing of the few outstanding issues that remain from the motions for reconsideration.

NTC's Petition is procedurally improper and should be denied. The Commission's rules clearly state that petitions to intervene in a matter must be

filed “at least 5 days before the final hearing.” Rule 25-22.039, Fla. Admin. Code. NTC’s petition was filed months after the hearing.¹

NTC suggests that it should be allowed to intervene because it has filed a complaint against Sprint in connection with Sprint’s denial of a collocation request. Petition at 2. NTC contends that the Commission’s determination regarding the few remaining issues from the motions to reconsider will affect the outcome of its complaint against Sprint, and that therefore it “has a substantial interest in the outcome of the proceeding.” The Commission’s rules, however, assume that even a party with a substantial interest must request intervention at least 5 days before the hearing. NTC simply has not demonstrated any reason sufficient to justify circumventing the Commission’s rules.

Moreover, NTC would not be prejudiced in any way if its petition were denied. It will have the opportunity to present evidence on its complaint against Sprint in that docket.² As for the issues in these dockets, with the multiplicity of parties participating, including organizations such as the Florida Competitive Carriers Association and numerous ALECs, NTC’s views will be more than

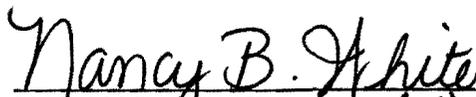
¹ NTC also failed to file a pre-hearing statement, to appear at the pre-hearing or the hearing, and to file a post-hearing statement. Accordingly, under the Order Establishing Procedure in this matter, even were it a party to this matter, NTC would have “waived all issues.” Order No. PSC-99-1991-PCO-TP (Oct. 12, 1999).

² NTC claims that it’s petition is timely because Sprint did not deny its collocation request until early August, citing *Southern States Utilities, Inc. v. Florida Public Service Commission*, 704 So. 2d 555, 559 (Fla 1st DCA 1997). That case concerned a matter in which a new issue, a potential surcharge, was inserted into the case on remand, and the would-be intervenors’ substantial interests were not represented by any other party to the proceeding, such as the Office of Public Counsel. As a result, the court suggested that the Commission reconsider its denial of the untimely petitions to intervene filed on behalf of customers that might now be subject to a surcharge. In this matter, however, NTC, whose views are more than adequately represented by other parties to this proceeding, seeks to have an untimely petition granted because of a complaint it has filed over a dispute with Sprint which arose months after the Order in this matter had been issued. The authority NTC offers no support for NTC’s untimely petition here.

adequately represented.³ There simply is no reason to lengthen the remaining proceedings in these dockets by admitting an additional party to make cumulative arguments in opposition to the Commission's procedural rules.

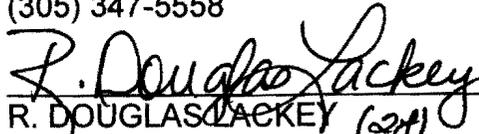
Respectfully submitted this 25th day of September, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.



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³ It should be noted that the NTC and the FCCA are represented by the same law firm.