

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of proposed updates to the Routing Data Base System (RDBS) and Business Rating Input Database System (BRIDS) affecting the Tampa telecommunications carriers.

DOCKET NO. 010102-TP  
ORDER NO. PSC-01-0554-PCO-TP  
ISSUED: March 12, 2001

ORDER DENYING INTERVENTION

By Petition, Ms. Peggy Arvanitas has requested permission to intervene in this proceeding. Ms. Arvanitas states that, as a "respondent" to the Jeopardy relief hearings in the 813 area code in 1997 and 1998, she was and is still concerned about the irregularities of GTE's interpretation of "voluntary guidelines." She condemns Verizon's expansion of rate centers while, elsewhere, rate centers are being consolidated.

Pursuant to Rule 25-22.039, Florida Administrative Code, persons seeking to become parties in a proceeding must demonstrate that they are entitled to participate as a matter of constitutional or statutory right or pursuant to Commission rule, or that their substantial interests are subject to determination or will be affected through the proceeding. Ms. Arvanitas has not alleged that she is entitled to intervene as a matter of right or pursuant to Commission rule. It is appropriate, therefore, to apply the two-pronged test for "substantial interest" set forth in Agrico Chemical Co. V Dept. Of Environmental Regulation, 406 So.2d 478, 482 (Fla. 2nd DCA 1981), rev. denied 415 So. 2nd 1359 (Fla. 1982). According to the Agrico test, a party must show (1) that he will suffer injury in fact which is of sufficient immediacy to entitle him to a Section 120.57, Florida Statutes, hearing, and (2) that his substantial injury is of a type or nature which the proceeding is designed to protect. Id. At 482.

With respect to the first prong of the test, Ms. Arvanitas alleges only that she is concerned. She has not alleged that she will suffer injury in fact which is of sufficient immediacy to entitle her to a Section 120.57, Florida Statutes, hearing. Accordingly, I find that Ms. Arvanitas has not met the first prong of the Agrico test to establish standing. It is, therefore, unnecessary to address the second prong of the Agrico test in this matter.

DOCUMENT NUMBER-DATE

03097 MAR 12 01

FPSC-RECORDS/REPORTING

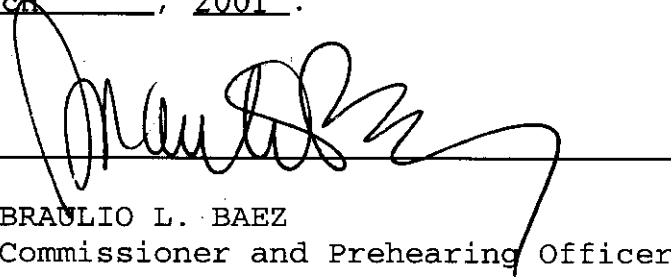
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Ms. Arvanitas' allegation is not sufficient to support standing in this docket. Based on the foregoing, Ms. Arvanitas' Petition to Intervene in these proceedings is denied.

Based on the foregoing, it is therefore

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Motion to Intervene filed by Ms. Peggy Arvanitas is hereby denied.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 12th Day of March, 2001.



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BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

CLF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.