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June 28, 2001

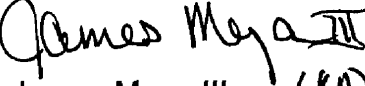
Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: **Docket No. 010782-TL**
Generic Proceeding to Establish Expedited Process for
NANPA Future Denials of Applications

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Opposition to Emanuel Arvanitas' Petition to Intervene, which we ask that you file in the captioned docket.

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,

James Meza III (JA)

Enclosures

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

DOCUMENT NUMBER-DATE
08046 JUN 28 01
FPSC-RECORDS REPORTING

CERTIFICATE OF SERVICE
Docket No. 010782-TP

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

U.S. Mail this 28th day of June, 2001 to the following:

Beth Keating
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

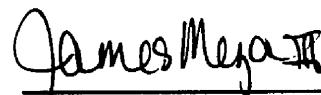
**Attempted to serve previously at this
address; Returned from Post Office
as "No such street"**
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3343 North 5th Street
Suite 911
Miami, Florida 33130

NANPA
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Emanuel Arvanitas
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James Meza III (KA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review)
Of North American Plan Administration's) Docket No. 010782-TL
(NANPA) denial of application for use of)
central office code numbering)
resources or NXX codes in Orlando)
Magnolia switch by BellSouth) Filed: June 28, 2001
Telecommunications, Inc.)

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
OPPOSITION TO EMANUEL ARVANITAS' PETITION TO INTERVENE**

BellSouth Telecommunications, Inc. ("BellSouth") submits this Opposition to Emanuel Arvanitas' Petition to Intervene. The Florida Public Service Commission ("Commission") should deny Emanuel Arvanitas' Petition.

In support of this Opposition, BellSouth states the following:

1. On May 25, 2001, BellSouth filed a Petition for Generic Proceeding to Establish Expedited Process for Reviewing NANPA's Denial of Applications for Use of Additional NXX Codes. In its Petition, BellSouth requested that, pursuant to various federal and state statutes, rules, and Commission and Federal Communication Commission ("FCC") Orders, the Commission adopt an expedited review process of NANPA's denials of future requests for additional numbering resources. Such a review process is necessary to minimize the detrimental effect that these denials have on carriers and their customers.

2. On June 22, 2001, Emmanuel Arvanitas filed a Petition to Intervene in this proceeding. BellSouth received this Petition to Intervene on June 25, 2001.

3. Mr. Arvanitas does not have standing to intervene as an individual. Under Rule 25-22.039, Florida Administrative Code, "persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding, and who desire to become parties may petition the presiding office for leave to intervene." To be granted leave, the intervenor must demonstrate that he "is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding." Rule 25-22.039, Florida Administrative Code. 7.

4. Even if this Commission were to construe the Petition to Intervene solely for Mr. Arvanitas as an individual, Mr. Arvanitas lacks standing because he cannot meet the requirements of Rule 25-22.039.

5. As stated above, there is no constitutional or statutory authority that gives Mr. Arvanitas a right to intervene as a matter of law. Moreover, his substantial interest as a citizen of the State of Florida would not be affected by this proceeding. To have substantial interest in the outcome of the proceeding, the petitioner must show: (1) that he will suffer injury in fact which is of sufficient immediacy to entitle him to a 120.57 hearing; and (2) that his substantial injury is of a type or nature which the proceeding is designed to protect. *Agrico Chem. Co. v. Dept. of Env'tl. Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981).

6. Mr. Arvanitas has not set forth any evidence to establish how an expedited review process of NANPA's future denials of a carrier's request for additional numbering resources would subject him, as an alleged citizen of

Florida, for an actual and immediate injury. In fact, BellSouth submits that the implementation of an expedited review process would not subject any person or entity in the State of Florida to actual or immediate injury because such a proceeding only applies to BellSouth, NANPA, and the customer BellSouth is trying to service. Such a process would not affect any other entity or person. Any argument to the contrary would result in remote, speculative abstract or indirect injuries, which is insufficient to establish standing. See e.g., *In re: Tampa Elec. Co.*, Docket No. 941173-EG, Order No. PSC-95-1346-S-EG, Nov. 1, 1995, 1995 WL 670147 at 2 ; *In re: Joint Petition for Determination of Need for an Electrical Power Plant in Volusia County by the Utilities Commission, City of New Smyrna Beach Florida, and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P.*, Docket No. 981042-EM, Order No. PSC-99-0535-FOF-EM, Mar. 22, 1999, 1999 WL 359728 at 22-23.

WHEREFORE, for the foregoing reasons, BellSouth respectfully requests that the Commission enter an Order dismissing Mr. Arvanitas' Petition to Intervene.

Respectfully submitted this 28th day of June, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

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