



ORIGINAL

Florida Cable Telecommunications Association

Steve Wilkerson, President

VIA HAND DELIVERY

September 6, 2001

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

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COMMISSION
CLERK

RE: Docket No. 010949-EI

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of the Petition of Florida Cable Telecommunications Association for Leave to Intervene.

Copies of the Petition to Intervene have been served on the parties of record. 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 processing this filing. Please contact me with any questions.

Sincerely,

Michael A. Gross
Vice President, Regulatory Affairs &
Regulatory Counsel

- APP _____
- CAF _____
- CMP _____
- COM _____ Enclosure
- CTR _____
- ECR _____ cc: All Parties of Record
- LEG
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Request for Retail Base Rate)
Increase by Gulf Power Company)
_____)**

Docket No. 010949-EI

Filed: September 6, 2001

**PETITION OF FLORIDA CABLE TELECOMMUNICATIONS
ASSOCIATION FOR LEAVE TO INTERVENE**

Pursuant to Rule 25-22.039, Florida Administrative Code, the Florida Cable Telecommunications Association, Inc. ("FCTA"), hereby petitions for leave to intervene in this docket, and states:

1. The FCTA is a non-profit trade association representing the cable telecommunications industry in Florida, including cable companies providing cable services in the State of Florida, as well as certificated alternative local exchange carriers ("ALECs") providing local exchange telecommunications service in Florida ("FCTA Members"). The FCTA's business address is 246 E. 6th Avenue, Tallahassee, FL 32303.
2. The name and address of the person authorized to receive all notices, pleadings and other communications in this docket is:

Michael A. Gross
Vice President, Regulatory Affairs and Regulatory Counsel
Florida Cable Telecommunications Association
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303
Tel: 850/681-1990
Fax: 850/681-9676
E-mail: mgross@fcta.com

3. Gulf Power Company (Gulf Power) served a letter dated July 6, 2001, upon the Honorable E. Leon Jacobs, Chairman, Florida Public Service Commission, indicating its intent to file

a petition for a retail base rate increase. Based on the aforementioned notice of intent, a Request to Establish Docket was filed on July 9, 2001. Gulf Power is an electric utility providing various forms of electric services to customers in the State of Florida.

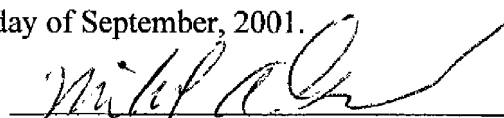
4. FCTA Members are power users and retail customers of Gulf Power, and therefore, the FCTA's substantial interests will be affected by any change in Gulf Power retail rates.
5. In addition, FCTA Members have attached their facilities to utility poles owned and controlled by Gulf Power in the State of Florida for at least the past two decades. FCTA Members are dependent on Gulf Power utility poles, and Gulf Power is obligated by federal law to continue fulfilling its ongoing contractual responsibilities and allow access for attachment of their communications lines on just and reasonable rates, terms, and conditions. However, FCTA Members have recently experienced difficulties in securing reasonable terms and conditions of access to Gulf Power's poles. As a result, the FCTA and FCTA Members attaching to Gulf Power poles are presently involved in litigation with Gulf Power at the Federal Communications Commission and in the United States Court of Appeals for the Eleventh Circuit. This litigation addresses rental rates paid by cable operators for access to Gulf Power's distribution pole network.
6. In its July 6th letter, Gulf Power alleges that from 1990 through mid-2003, numerous factors will have increased its cost of providing electric service. Among those factors, Gulf Power notes the costs incurred in establishing new distribution lines and maintaining its infrastructure. Such factors implicate the network of distribution poles that are essential for cable operators' pole attachments.
7. Gulf Power's electricity rate case necessarily will involve a review of issues and accounts

relevant to FCTA Members' pole attachment access rights pursuant to the Federal Telecommunications Act of 1996. Therefore, FCTA Members seek to participate in this proceeding to protect their interests relating to pole rents and access.

8. Accordingly, FCTA Members' substantial interests will be affected by the outcome of this proceeding, both with respect to their interests relating to pole rents and access, as well as their interests as power users and retail customers of Gulf Power.
9. The rights and interests of FCTA's Members cannot be adequately represented by any other party in this docket. The FCTA's participation in this docket will not unduly delay or prejudice the rights of other parties.
10. The FCTA's intervention will advance judicial efficiency by consolidating the participation of the multiple FCTA Members attached to Gulf Power's poles.
11. The FCTA reserves the right to participate with full party status on matters affecting FCTA Members, including, but not limited to, pole attachment costs and accounts and cross-subsidization. However, subject to its reservation, the FCTA does not currently intend to file testimony or offer other evidence. The FCTA reserves its rights to provide a prehearing statement and posthearing statement and brief concerning this matter.

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

Respectfully submitted this 6 day of September, 2001.



Michael A. Gross
Vice President, Regulatory Affairs
and Regulatory Counsel
Florida Cable Telecommunications Association
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Tallahassee, FL 32303
Tel: 850/681-1990
Fax: 850/681-9676

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition of Florida Cable Telecommunications Association for Leave to Intervene in Docket 010949-EI has been served upon the following parties by U.S. Mail this 6 day of September, 2001:

Douglas A. Shropshire, Lt. Col. USAFR
AFCESA/Utility Litigation Team
Douglas Shropshire/Al Erickson
6608 War Admiral Trail
Tallahassee, FL 32309

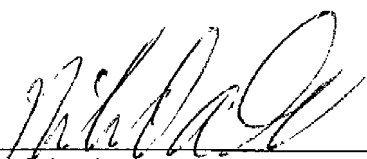
Major Al Erickson, USAF
AFCESA/Utility Litigation Team
139 Barnes Drive
Tyndall AFB FL 32403

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Tampa, FL 33601-3350

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Tallahassee, FL 32301

Office of Public Counsel
Charles Beck/Jack Shreve/Rob Vandiver
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780



Michael A. Gross