

ORIGINAL



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June 4, 2002

Ms. Blanca S Bayó, Director
Division of the Commission Clerk
And Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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COMMISSION
CLERK

Re: Docket No 020415-TL Sprint's Petition to Intervene and Motion to Dismiss and Opposition to Petition for Declaratory Statement With Exhibits

Dear Ms. Bayó

Enclosed for filing is the original and fifteen (15) copies of Sprint's:

- 1 Petition to Intervene 05857-02
- 2 Motion to Dismiss and Opposition to Petition for Declaratory Statement With Exhibits 05858-02

Copies of this have been served pursuant to the attached Certificate of Service.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to this writer.

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Thank you for your assistance in this matter.

Sincerely,

Susan S Masterton
Susan S Masterton
Sak

Enclosure

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Michael
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**CERTIFICATE OF SERVICE
DOCKET NO. 020415-TL**

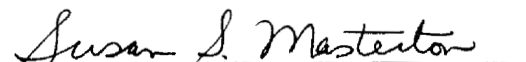
I HEREBY CERTIFY that a true and correct copy of the foregoing was served by hand delivery* or U.S. Mail this 4th day of June, 2002 to the following:

Kenneth A. Hoffman, Esq.
Rutledge, Ecenia, Purnell & Hoffman
215 South Monroe Street
Suite 420
Tallahassee, Florida 32302

BellSouth Telecommunications, Inc.
James Meza/Nancy White/R. D. Lackey
c/o Ms. Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

Ms. Martha Brown, Esq.*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Michael Barrett
Division of Competitive Markets & Enforcement
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



Susan S. Masterton *sak*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Declaratory Statement before) Docket No. 020415-TL
The Florida Public Service Commission)
By BellSouth Telecommunications, Inc.)
Regarding Sprint PCS' Service Request.) Filed: June 4, 2002
_____)

PETITION TO INTERVENE

Pursuant to Commission Rule 25-22.039, Sprint Corporation, on behalf of its wireless division, Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint") respectfully requests the Commission to allow Sprint to intervene in this proceeding. In support thereof Sprint states as follows:

1. Petitioners' name and address are:

Sprint Spectrum, L.P. d/b/a Sprint PCS
6200 Sprint Parkway
Overland Park, KS 66251

2. Sprint is a CMRS provider authorized by the Federal Communications Commission to provide wireless service in Florida and to enter into interconnection agreements for the exchange of traffic with incumbent local exchange companies pursuant to the federal Telecommunications Act of 1996 (the Act).
3. The instant proceeding involves a petition for a declaratory statement by BellSouth Telecommunications, Inc. (BellSouth) to determine its obligations to load an NXX code assigned to Sprint PCS and whether the loading of such code is a violation of BellSouth's tariffs. In accordance with FCC and NANP guidelines, Sprint PCS has

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selected a rating point for the NXX in the Northeast Telephone's Macclenny exchange and a routing point at BellSouth's tandem in the Jacksonville exchange.

4. Any determination in this matter by the Commission will affect the substantial interests of Sprint. Sprint's substantial interests are affected because BellSouth is asking the Commission to make a decision that involves the arrangements by which Sprint must interconnect with BellSouth and third party carriers. Also, BellSouth is asking the Commission to make a decision that involves Sprint's ability to efficiently configure its network and provide cost-effective wireless services to its customers in Florida. The manner in which the decision BellSouth is asking the Commission to make affects Sprint's substantial interests is more fully set forth in Sprint's Motion to Dismiss and Objection to Petition for Declaratory Statement, filed separately with the Commission on this same date.

5. Intervention in declaratory proceedings is permissible and is contemplated by the provisions of s. 120.565, Florida Statutes, setting forth the requirements for a request for a declaratory statement under the Florida Administrative Procedures Act. See, *Chiles v. Department of State*, 711 So.2d 151 (Fla. 1st DCA 1998) in which the Court recognized that "any substantially affected party can intervene in a declaratory statement proceeding before the agency." *Id.* at 153-154. The Court's opinion recognizing the right to intervene in declaratory statement proceedings was cited favorably by the Florida Supreme Court in *Florida Department of Business and Professional Regulation v. Investment Corp. of Palm Beach*, 747 So. 2d 374 (Fla.

1999). In addition, this Commission has recognized a substantially affected party's right to intervene in declaratory statement proceedings. See, e.g., *In re: Request by St. Johns County, Florida for a declaratory statement concerning a special service availability contract with United Water Florida, Inc.*, Docket No. 010704-SU, Order No. PSC-01-1531-PCO-SU; *In re: Petition for IMC-Agrico Company for a declaratory statement confirming non-jurisdictional nature of planned self-generation*, Docket No. 971313-EU, Order No. PSC-98-0074-FOF-TP.

6. No other party will adequately represent Sprint's rights and interests in this matter. To the contrary, BellSouth's interests in this matter are adverse to Sprint's interests.

7. All notices, pleadings, orders and documents in this proceeding should be provided to:

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AND

Monica M. Barone
Sprint
6391 Sprint Parkway
Mail Stop: KSOPHT0101-Z2060
Overland Park, KS 66251
913-315-9134 (phone)
913-315-0785 (fax)

Wherefore, Sprint respectfully requests that the Commission grant this Petition and allow Sprint to become a full party of record in this docket.

Respectfully submitted this 4th day of June 2002.

Monica M Barone
Monica M. Barone *sak*
6391 Sprint Parkway
Mailstop KSOPHT0101-Z2060
Overland Park, KS 66251
913-315-9134 (phone)
913-315-0785 (fax)

AND

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