

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

August 22, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

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COMMISSION
CLERK

Re: Docket No.: 020868-TL

Dear Ms. Bayo:

On behalf of Nextel Communications, Inc. (Nextel), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Nextel Communications, Inc.'s Petition to Intervene; 08919-02
- ▶ Nextel Communications, Inc.'s Request for Oral Argument; 08920-02
- ▶ Nextel Communications, Inc.'s Motion to Dismiss, or in the Alternative, 08921-0; Hold in Abeyance.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

AUS _____
CAF _____
CMP _____
COM _____
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OPC - Intervene
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Investigation of Wireless Carriers'
Request for BellSouth Telecommunications, Inc.
To Provide Telecommunications Service
Outside BellSouth's Exchange

Docket No. 020868-TL

Filed: August 22, 2002

NEXTEL COMMUNICATIONS, INC.'S PETITION TO INTERVENE

Nextel Communications, Inc. (Nextel), pursuant to rules 28-106.204, 28-106.205, Florida Administrative Code, files this Petition to Intervene. Nextel requests that the Commission: 1. grant its Petition to Intervene, and 2. grant its Motion to Dismiss, or in the Alternative, to Hold in Abeyance filed simultaneously with this Petition. As grounds therefore, Nextel states:

Introduction

1. The name and address of the affected agency is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

2. The name and address of Petitioner is:

Nextel Communications, Inc.
2001 Edmund Halley Drive, Room # A 4017B
Reston, Virginia 20191

3. The name and mailing address of persons authorized to receive notices

and communications with respect to this petition are:

Joel Margolis
Nextel Communications, Inc.
2001 Edmund Halley Drive, Room # A 4017B
Reston, Virginia 20191
703-433-4223 (telephone)
703-433-4035 (fax)
joel.margolis@nextel.com

DOCUMENT NUMBER DATE

08919 AUG 22 02

FPSC-COMMISSION CLERK

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Decker Kaufman & Arnold , PA
117 South Gadsden Street
Tallahassee, Florida 32301
850-222-2525 (telephone)
850-222-5606 (fax)
vkaufman@mac-law.com

4. Nextel files this Petition to Intervene for the purpose of protecting its rights, preventing any precipitous action, and filing a motion to dismiss. As is explained in Nextel's Motion to Dismiss, the Commission has no jurisdiction over this matter and thus should not convene the generic investigation BellSouth requests.

Substantial Interests

5. On August 6, 2002, BellSouth Telecommunications, Inc. (BellSouth) filed a Petition for Investigation and Establishment of Generic Proceeding (Petition). BellSouth asks this Commission to convene a generic investigation into the provision of service to wireless carriers.

6. Nextel is a Commercial Mobile Radio Service (CMRS) provider authorized by the Federal Communications Commission (FCC) to provide wireless service nationwide, including in Florida. Nextel enters into interconnection agreements for the exchange of traffic with incumbent local exchange companies pursuant to the federal Communications Act of 1934, as amended.

7. The action BellSouth has requested that the Commission take would involve BellSouth and all CMRS carriers, including Nextel. Thus, Nextel's substantial interests will be affected by any action that the Commission takes in this docket.

8. Nextel's substantial interests will be affected because the Commission's decision may affect the ability of Nextel to provide service to its subscribers. In

particular, BellSouth's novel interconnection proposal would violate Nextel's interconnection rights and its related numbering rights under sections 251 and 252 of the Communications Act of 1934, as amended.

Disputed Issues of Material Fact

9. Nextel does not believe that there are any material issues of fact; rather, this is purely a legal issue related to the Commission's lack of jurisdiction to undertake the action BellSouth requests.

Ultimate Facts Alleged

10. Nextel does not believe that there are any germane ultimate issues of fact; rather, the Commission's jurisdiction or lack thereof to rule upon BellSouth's petition is a legal issue.

WHEREFORE, Nextel requests that the Commission take the following action in this case:

1. Grant Nextel's Petition to Intervene in this docket;
2. Grant Nextel's Motion to Dismiss as the Commission is without jurisdiction to decide the matters raised in the Petition ;
3. Grant such other relief as the Commission deems appropriate.

Joel Margolis

Joel Margolis
Nextel Communications, Inc.
2001 Edmund Halley Drive, Room # A
4017B
Reston, Virginia 20191
703-433-4223 (telephone)
703-433-4035 (fax)
joel.margolis@nextel.com

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Decker
Kaufman & Arnold, PA
117 South Gadsden Street
Tallahassee, Florida 32301
850-222-2525 (telephone)
850-222-5606 (fax)
vkaufman@mac-law.com

Attorneys for Nextel Communications, Inc.

CERTIFICATE OF SERVICE

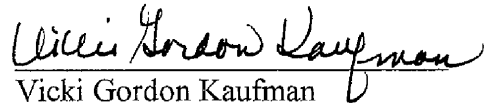
I **HEREBY CERTIFY** that a true and exact copy of the foregoing Nextel Communications, Inc.'s Petition to Intervene has been furnished by (*) Hand Delivery or U. S. Mail this 22nd day of August, 2002 to the following:

(*) Beth Keating
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) Nancy White
James Meza
c/o Nancy Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556

Susan Masterton
Post Office Box 2214
Mail Stop: FLTLHO0107
Tallahassee, Florida 32316-2214

Monica Barone
Legal and Regulatory Affairs
Sprint PCS
6391 Sprint Parkway
Mail Stop: KSOPHT0101-Z2060
Overland Park, KS 66251


Vicki Gordon Kaufman