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ORIGINAL

October 30, 2002

OCT 30 AM 10:26
COMMISSION CLERK

VIA HAND DELIVERY

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

Re: Docket No. 021061-TP

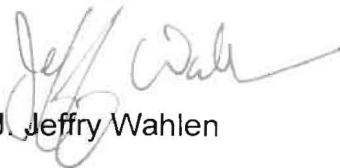
Dear Ms. Bayo:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Northeast Florida Telephone Company's Motion to Intervene.

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

Thank you for your assistance in this matter.

Sincerely,


J. Jeffrey Wahlen

Enclosures

cc: All Parties of Record

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
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MMS _____
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OTH _____

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: In Re Petition of CNM Network, Inc.
for Declaratory Statement Regarding Florida
Public Service Commission Jurisdiction

DOCKET NO. 021061-TP
FILED: 10/30/02

MOTION TO INTERVENE

Northeast Florida Telephone Company ("NEFTC" or the "Company"), pursuant to Rule 28-106.205, Florida Administrative Code, hereby requests leave to intervene in this proceeding, and as grounds therefor states:

1. NEFTC is a telecommunications company lawfully doing business in the State of Florida and whose regulated operations are subject to the jurisdiction of this Commission pursuant to Chapter 364, Florida Statutes.

2. NEFTC's principal place of business in Florida is Macclenny, Florida. Pleadings, orders, notices and other papers filed or served in this matter should be served upon:

Harriet Eudy
Northeast Florida Telephone
11791 110th Street
Live Oak, FL 21060
386.364.0700

J. Jeffry Wahlen
Ausley & McMullen
P. O. Box 391
Tallahassee, FL 32302

Benjamin H. Dickens
Blooston, Merdkofsky, Dickens,
Duffy & Prendergast
2120 L Street NW, Suite 300
Washington, D.C. 20037
202.828.5510

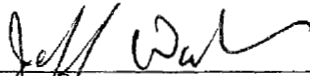
3. NEFTC is a small local exchange company within the meaning of Section 364.052(21), Florida Statutes, and is a “rural telephone company” within the meaning of 47 U.S.C. §3(47).

4. NEFTC has entered into a resale agreement with an alternative local exchange company (“ALEC”) that is providing services to end user customers using the type of calling arrangement described in paragraph 8 of CNM Network, Inc.’s (“CNM”) Petition for Declaratory Statement (“Petition”). NEFTC is currently in a dispute with that ALEC regarding whether intrastate access charges apply to some or all of the traffic being carried by the ALEC using that arrangement.

5. Therefore, whether or not the calling arrangement described in the Petition is a “telecommunications service” under Florida law and whether companies using that calling arrangement must be certificated as an ALEC or an IXC will affect NEFTC’s substantial interests. Accordingly, NEFTC should be allowed to intervene in this proceeding. See Chiles v. Department of State, 711 So. 2d 151, 155 (Fla. 1st DCA 1998) (any substantially affected party can intervene in a declaratory statement proceeding).

WHEREFORE, NEFTC respectfully requests that the Commission grant the Company leave to intervene for all legal purposes in this docket. FURTHER, the Company requests that the Commission establish a procedural schedule in this docket that allows NEFTC and other substantially affected parties to submit motions and legal memoranda to be considered in Commission’s deliberation on the Petition.

Respectfully submitted this 30th day of October, 2002.



J. JEFFREY WAHLEN
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
850/425-5471

ATTORNEYS FOR NORTHEAST FLORIDA
TELEPHONE COMPANY

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-mail transmission, U. S. Mail, or hand delivery (*) this 30th day of October, 2002, to the following:

Staff Counsel *
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

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c/o Nancy B. White and James Meza III
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

Floyd Self *
Messer, Caparello & Self, P.A.
215 South Monroe Street, Suite 701
P. O. Box 1876
Tallahassee, FL 32302

Robert S. Metzger
Joseph F. Scavetta
333 South Grand Avenue
Los Angeles, CA 90071



Attorney