



Susan S. Masterton
Attorney

Law/External Affairs
Post Office Box 2214
1313 Blair Stone Road
Tallahassee, FL 32316-2214
Mailstop FLTLH00107
Voice 850 599 1560
Fax 850 878 0777
susan.masterton@mail.sprint.com

October 30, 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

OCT 30 PM 4:42
COMMISSION CLERK

Re: Docket No. 021061-TP Sprint's Petition to Intervene

Dear Ms. Bayó:

Enclosed for filing is the original and fifteen (15) copies of Sprint's Petition to Intervene.

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.

Thank you for your assistance in this matter.

Sincerely,

Susan S. Masterton
Susan S. Masterton

Enclosure

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

Handy, one 11/01/02

RECEIVED & FILED
RJM
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER 021061-TP
11913 OCT 30 08
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of CNM Network)
For Declaratory Statement regarding)
Florida Public Service Commission)
Jurisdiction)
_____)

Docket No. 021061-TP
Filed: October 30, 2002

SPRINT-FLORIDA, INCORPORATED'S
PETITION TO INTERVENE

Pursuant to Commission Rule 25-22.039, F.A.C., Sprint-Florida, Incorporated ("Sprint") respectfully requests the Commission to allow Sprint to intervene in this proceeding. In support therefore, Sprint states as follows:

1. Petitioner's name and address are:

Sprint-Florida, Incorporated
555 Lake Border Drive
Apopka, FL 32703-5815

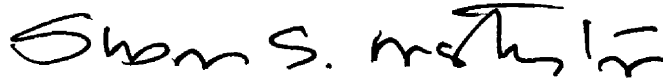
2. Sprint is certificated as a local exchange company by the Florida Public Service Commission.
3. The instant proceeding involves a request for a declaratory statement by CNM Networks, Inc. ("CNM") to determine whether CNM's provision of phone-to-phone IP telephony in Florida is a telecommunications service and whether reciprocal compensation applies to such IP telephony services.
4. Any determination of this matter by the Commission will affect Sprint's substantial interests in the regulation of and appropriate intercarrier compensation for IP telephony services.

5. Intervention in declaratory proceedings is permissible and is contemplated by the provisions of s. 120.565, Florida Statutes, which sets 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 (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., *Petition for Declaratory Statement before the Florida Public Service Commission by BellSouth Telecommunications, Inc. regarding Sprint PCS Service Request*, Docket No. 020415-TP, Order No. PSC-02-0859-PCO-TL (granting Sprint PCS intervention) and Order No. PSC-02-1009-PCO-TL (granting Nextel intervention).
6. No other party will adequately represent Sprint’s rights and interests in this matter.
7. All notices, pleadings, orders and other documents in this proceeding should be provided to:

Susan S. Masterton
Charles J. Rehwinkel
P.O. Box 2214
Tallahassee, FL 32316-2214
(850) 599-1560 (phone)
(850) 878-0777 (fax)
susan.masterton@mail.sprint.com

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 30th day of October 2002.

A handwritten signature in black ink, appearing to read "Susan S. Masterton". The signature is written in a cursive style with a horizontal line underneath it.

Susan S. Masterton
Charles J. Rehwinkel
P.O. Box 2214
Tallahassee, FL 32316-2214
(850) 599-1560 (phone)
(850) 878-0777 (fax)
susan.masterton@mail.sprint.com

ATTORNEYS FOR SPRINT

**CERTIFICATE OF SERVICE
DOCKET NO. 021061-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 30th day of October, 2002 to the following:

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

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


Robert S. Metzger
Joseph F. Scavetta
Gibson, Dun & Crutcher, LLP
333 South Grand Avenue
Los Angeles, California 90071

Jeffrey Wahlen
c/o Ausley Law Firm
P.O. Box 391
Tallahassee, Florida 32302

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

CNM Network, Inc.
Attn: Mr. Kenneth Lattin
4100 Guardian Street
Simi Valley, CA 93063

Florida Cable Telecommunications
Assoc., Inc.
Michael A. Gross
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303


Susan S. Masterton