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**ORIGINAL**

November 1, 2002

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**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 ALLTEL Florida Inc.'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*  
J. Jeffrey Wahlen

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

Enclosures

cc: All Parties of Record

*Hand*  
*Done 11/06/02*

RECEIVED & FILED

*Richard*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12011 NOV-18

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

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DOCKET NO. 021061-TP  
FILED: 11/01/02

**MOTION TO INTERVENE**

ALLTEL Florida, Inc. ("ALLTEL" 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. ALLTEL 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. ALLTEL's principal place of business in Florida is Live Oak, Florida. Pleadings, orders, notices and other papers filed or served in this matter should be served upon:

Steve Rowell  
ALLTEL Corporate Services, Inc  
One Allied Drive  
Little Rock, AR 72203-2177

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

Bettye Willis  
ALLTEL Corporate Services, Inc.  
One Allied Drive  
Little Rock, AR 72203-2177

3. ALLTEL 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. §153(37).

DOCUMENT NUMBER DATE

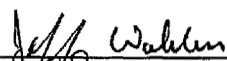
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FPSC-COMMISSION CLERK

4. ALLTEL is subject to interconnection with, may receive traffic from and is due compensation from carriers that may now or in the future use internet protocol ("IP") for phone to phone calls. These carriers may use the type of calling arrangement described in paragraph 8 of CNM Network, Inc.'s ("CNM") Petition for Declaratory Statement ("Petition"). Whether or not phone to phone IP and/or 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 ALLTEL's substantial interests. Accordingly, ALLTEL should be allowed to intervene in this proceeding. See Chiles v. Department of State, 711 So. 2d 151, 155 (Fla. 1<sup>st</sup> DCA 1998) (any substantially affected party can intervene in a declaratory statement proceeding).

WHEREFORE, ALLTEL 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 ALLTEL and other substantially affected parties to submit motions and legal memoranda to be considered in Commission's deliberation on the Petition.

Respectfully submitted this 1st day of November, 2002.

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

ATTORNEYS FOR ALLTEL Florida, Inc.

**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 1st day of November, 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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Tallahassee, FL 32301-1556

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