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November 5, 2002

Ms. Blanca S. Bayo
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 021061-TP
Petition of CNM Networks, Inc. for declaratory statement that CNM's phone-to-
phone Internet protocol (IP) telephony is not "telecommunications" and that
CNM is not a "telecommunications company" subject to Florida Public Service
Commission jurisdiction

Dear Ms. Bayo:

Please find enclosed for filing an original and 15 copies of Verizon Florida Inc.'s
Petition to Intervene in the above matter. Service has been made as indicated on the
Certificate of Service. If there are any questions regarding this matter, please contact
me at 813-483-2617.

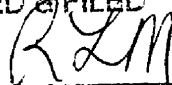
Sincerely,


Kimberly Caswell

KC:tas
Enclosures

- 4US _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

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DOCUMENT NUMBER-DATE
12114 NOV-5 02
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of CNM Networks, Inc. for)	Docket No. 021061-TP
declaratory statement that CNM's phone-to-)	Filed: November 5, 2002
phone Internet protocol (IP) telephony is not)	
"telecommunications" and that CNM is not a)	
"telecommunications company" subject to)	
Florida Public Service Commission jurisdiction)	

VERIZON FLORIDA INC.'S PETITION TO INTERVENE

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

Petitioner's name and address are:

Verizon Florida Inc.
201 N. Franklin Street, FLTC0007
Tampa, FL 33602

Verizon is certificated as a local exchange company by the Florida Public Service Commission.

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.

The Commission's determination of this matter will affect Verizon's substantial interests regarding intercarrier compensation for IP telephony services.

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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 153-1 54. 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).

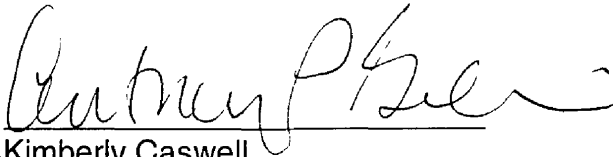
No other party will adequately represent Verizon’s rights and interests in this matter.

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

Kimberly Caswell
Verizon Florida Inc.
201 N. Franklin Street, FLTC0007
Tampa, FL 33602
Telephone: (813) 483-2617
Facsimile: (813) 204-8870
kimberly.caswell@verizon.com

For these reasons, Verizon asks the Commission to grant this Petition and allow Verizon to become a full party of record in this docket.

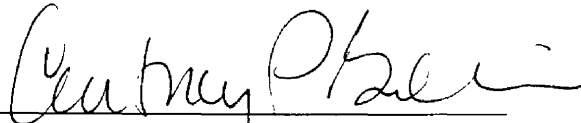
Respectfully submitted on November 5, 2002.

By: 
Kimberly Caswell
201 N. Franklin Street, FLTC0007
Tampa, Florida 33602
(813) 483-2617

Attorney for Verizon Florida Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of Verizon Florida Inc.'s Petition to Intervene in Docket No. 021061-TP were sent via U.S. mail on November 5, 2002 to the parties on the attached list.



for Kimberly Caswell

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