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December 2, 2002

RECEIVED-FPSC
02 DEC -2 AM 8:00
COMMISSION
CLERK

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 Network, Inc., for Declaratory Statement Regarding
Florida Public Service Commission Jurisdiction

Dear Ms. Bayo:

Enclosed please find the original and 15 copies of TDS Telecom/Quincy Telephone's Response in Opposition to CNM Network, Inc.'s Motion to Dismiss the Petitions for Intervention, or, in the Alternative, to Conduct a Generic Proceeding or Rulemaking or to Stay Pending FCC Action, which we ask that you file in the captioned docket.

Copies have been served to those parties shown on the attached Certificate of Service.

Sincerely,



David B. Erwin

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

Cc: All Parties of Record
Tom McCabe

Handwritten: Hong Done 12/05/02

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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: December 2, 2002

**TDS TELECOM/QUINCY TELEPHONE'S RESPONSE
IN OPPOSITION TO CNM NETWORK, INC.'S
MOTION TO DISMISS THE PETITIONS FOR INTERVENTION, OR, IN
THE ALTERNATIVE, TO CONDUCT A GENERIC PROCEEDING
OR RULEMAKING OR TO STAY PENDING FCC ACTION**

TDS TELECOM/QUINCY TELEPHONE ("TDS" or the "Company"), pursuant to Rule 28-106.204, Florida Administrative Code, Uniform Rules of Procedure, responds in opposition to CNM Network, Inc.'s ("CNM") Motion to Dismiss the Petitions for Intervention, or, in the Alternative, to Conduct a Generic Proceeding or Rulemaking or to Stay Pending FCC Action ("Motion to Dismiss"), stating as follows:

1. On October 18, 2002, CNM filed its petition requesting that the Commission issue a declaratory statement "determining that phone-to-phone Internet protocol ("IP") telephony is not telecommunications under Florida law." CNM further seeks a declaratory statement from the Commission that "CNM is not a telecommunications company subject to the Commission's certification and tariffing requirements."

2. TDS' Petition to Intervene alleges that any decision made in the proceeding will necessarily affect the substantial interests of TDS. CNM has responded in its motion to dismiss the petition of TDS that TDS has not demonstrated how CNM's "phone-to-phone telephony" constitutes "telecommunications." TDS would remind the Commission that the core business of TDS is "phone-to-phone telephony," which is how CNM has

characterized its business activity. (Only the method of transport from phone-to-phone appears to differ between the two companies.) If the activities of CNM do turn out to be "telecommunications," then TDS stands to receive compensation. Clearly, TDS has a substantial interest in the matter to be decided by the Commission.

3. TDS adopts the response of NEFTC, filed December 2, 2002, and incorporates that response herein by reference.

WHEREFORE, having demonstrated that its "substantial interests" will be determined or affected through CNM's Petition for Declaratory Statement, CNM's Motion to Dismiss should be denied and TDS' Petition to Intervene should be granted. Further, CNM's request for alternative relief should also be denied.

DATED this 2nd day of December, 2002.

Respectfully submitted,



David B. Erwin
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ATTORNEY FOR TDS TELECOM/
QUINCY TELEPHONE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U. S. Mail, or hand delivery this 2nd day of December, 2002, to the following:

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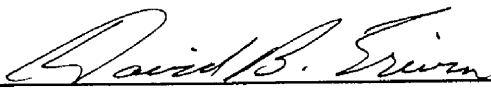
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