

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 021061-TP
DATE FILED: 12/11/02

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PETITION TO INTERVENE

Southeastern Services, Inc. ("SSI or the "Company"), pursuant to Rule 28-106.205, Florida Administrative Code, hereby petitions for leave to intervene in this proceeding, and as grounds therefor states:

- 1. SSI is a telecommunications company lawfully doing business in the State of Florida and certificated by the Florida Public Service Commission ("the Commission") to provide alternative local telecommunications services and long distance telecommunications services. SSI's regulated operations are subject to the jurisdiction of the Commission pursuant to Chapter 364, Florida Statutes.
2. SSI'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:

Mark Woods, Sr., President
Southeastern Services, Inc.
Post Office Box 365
Macclenny, Florida 32063-0365

Suzanne Fannon Summerlin
Suzanne Fannon Summerlin, P.A.
2536 Capital Medical Boulevard
Tallahassee, Florida 32309

- 3. SSI provides phone to phone voice over internet protocol ("VOIP" or "IP telephony") services by way of the public internet. SSI's VOIP services consist of ISP-bound traffic over which the Commission has no jurisdiction. Recently, in spite of the fact that it has

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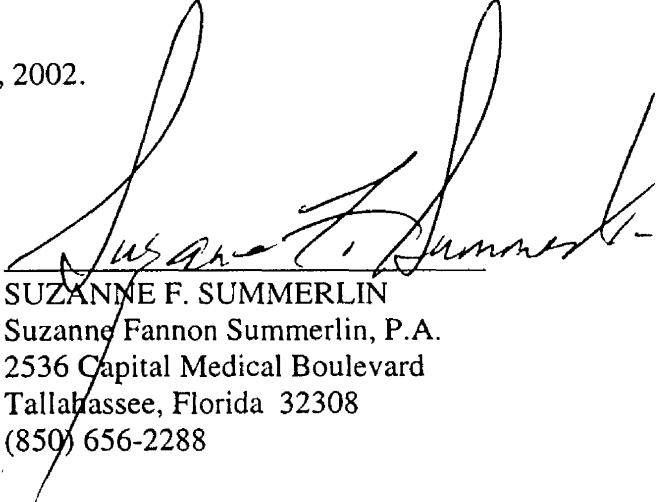
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no legal authority to do so, Northeast Florida Telephone Company (“NEFCOM”) has attempted to impose access charges on SSI’s ISP-bound traffic.

4. A decision by the Florida Public Service Commission in this docket regarding whether CNM Network, Inc.’s provision of phone to phone voice over internet protocol (“VOIP” or “IP telephony”) services falls within its jurisdiction will significantly affect SSI’s substantial interests. The Commission’s determination of the issues presented by CNM Network, Inc., including whether the Commission has jurisdiction over CNM Network, Inc.’s provision of phone to phone VOIP services or IP telephony, may result in SSI’s provision of phone to phone VOIP services or IP telephony also being considered subject to the Commission’s jurisdiction. Such a decision will have important consequences for SSI because, as mentioned above, SSI is currently involved in a billing dispute with NEFCOM as a result of NEFCOM’s attempt to impose access charges on SSI’s phone to phone VOIP traffic.
5. SSI supports CNM Network, Inc.’s position that the Commission has no jurisdiction over phone to phone voice over internet protocol (VOIP or IP telephony) services. SSI also supports CNM Network, Inc.’s request, in its Motion to Dismiss filed November 19, 2002, for alternative relief in the form of the Commission’s establishment of a rulemaking or a generic proceeding to consider these issues or for the Commission to stay ruling on these issues until the FCC completes its consideration of AT&T’s Petition for Declaratory Ruling regarding these same issues filed October 18, 2002.

WHEREFORE, SSI respectfully requests that the Commission grant the Company leave to intervene for all legal purposes in this docket. In addition, the Company requests that the Commission establish a procedural schedule in this docket that allows SSI and other substantially-affected parties to submit motions and legal memoranda to be considered in the Commission's deliberation on CNM Network, Inc.'s Petition for Declaratory Judgment. In the alternative, SSI requests that the Commission stay these proceedings pending the FCC's disposition of AT&T's Petition for Declaratory Ruling on these same issues or establish a rulemaking or generic proceeding to address these issues.

Respectfully submitted this  day of December, 2002.



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ATTORNEY FOR
SOUTHEASTERN SERVICES, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished via U.S. Mail or hand delivery (*) this 11th day of December, 2002, to the following:

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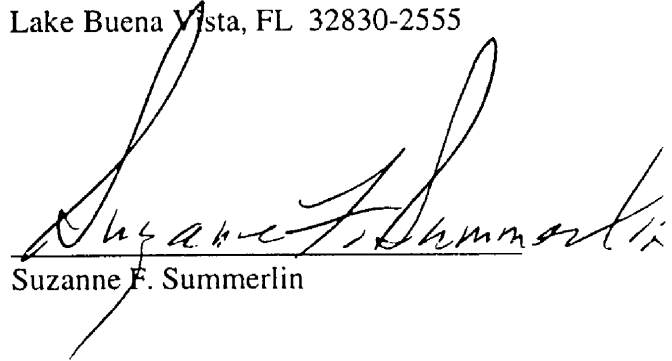
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