

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Public Telecommunications Association for Expedited Review of BellSouth Telecommunications, Inc.'s Tariffs With Respect to Rates for Payphone Line Access, Usage, and Features

DOCKET NO. 030300-TP Date: April 15, 2004

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PETITION FOR LEAVE TO INTERVENE

Davel Communications, Inc., pursuant to Rule 28-106.205, Florida Administrative Code, hereby petitions for leave to intervene in this Docket, and as grounds therefor states:

1. Davel Communications, Inc. ("Davel" or "the Company") is a pay telephone services provider lawfully doing business in the State of Florida and certificated by the Florida Public Service Commission ("the Commission") to provide pay telephone services. Davel's regulated operations are subject to the jurisdiction of the Commission pursuant to Chapter 364, Florida Statutes.

2. Davel's principal place of business in Florida is Lake City, Florida. Pleadings, orders, notices, and other papers filed or served in this matter should be served upon:

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

3. Davel provided pay telephone services in the State of Florida during the years pertinent to the issues in this Docket and, during those years, paid BellSouth Telecommunications, Inc.'s tariffed rates and charges for payphone lines.

4. In this Docket, the Florida Public Service Commission will determine if BellSouth Telecommunications, Inc. has charged pay telephone services providers excessive

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Done 04/19/04 [Signature]

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rates for payphone lines over the past several years. If the Florida Public Service Commission orders a refund of a portion of those rates collected by BellSouth Telecommunications, Inc., Davel and any other similarly situated pay telephone services provider will be legally entitled to such refund regardless of membership or non-membership in the Florida Public Telecommunications Association. Any limitation of such a refund to members of the Florida Public Telecommunications Association would constitute an unlawful, discriminatory application of BellSouth Telecommunications, Inc.'s tariff.

5. A decision by the Florida Public Service Commission in this Docket regarding whether BellSouth Telecommunications, Inc. owes pay telephone providers a refund for overcharges for payphone lines will significantly affect Davel's substantial interests.

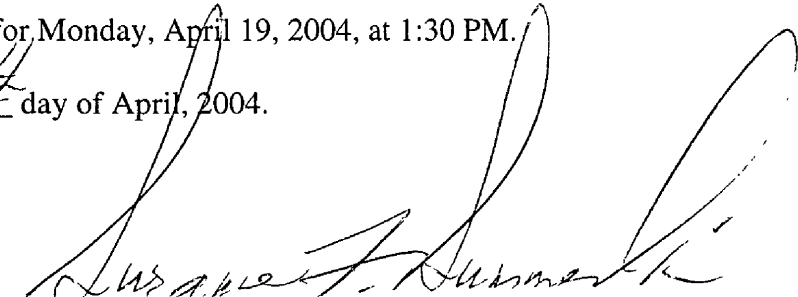
6. Davel desires to intervene in this proceeding for the limited purpose of assuring that the issues in this proceeding are framed to apply to all pay telephone services providers who may qualify for such refunds because they paid BellSouth Telecommunications, Inc.'s tariffed rates for payphone lines. In addition, Davel wishes to assure that any issues regarding prospective rate reductions should be framed to apply to all pay telephone services providers lawfully operating in the State of Florida, regardless of membership or non-membership in the Florida Public Telecommunications Association. The issues currently reflected in the Tentative Issues List attached as Appendix A to the *Order Establishing Procedure*, Order No. PSC-03-1066-PCO-TP, issued September 24, 2003, inappropriately, and likely inadvertently, reflect that refunds and rate reductions are being considered for "FPTA members."

7. In order to assure that the issues are adjusted to reflect Davel's concerns as set forth in Paragraph 7, Davel wishes to intervene in this Docket and participate in the Prehearing Conference scheduled for Monday, April 19, 2004, at 1:30 PM.

8. Undersigned counsel has contacted counsel for the Florida Public Telecommunications Association ("FPTA") and explained Davel's concerns, but FPTA's counsel could not give FPTA's position on Davel's intervention or Davel's concerns regarding clarification of the issues in this Docket until conferring with his client. Undersigned counsel has contacted counsel for BellSouth Telecommunications, Inc. and she has stated that BellSouth Telecommunications, Inc. does not object to Davel's intervention or Davel's proposed clarification of the issues in this Docket.

WHEREFORE, Davel respectfully requests that the Commission grant Davel leave to intervene in this Docket for the limited purposes set forth above and to participate in the Prehearing Conference currently scheduled for Monday, April 19, 2004, at 1:30 PM.

Respectfully submitted this 15th day of April, 2004.



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ATTORNEY FOR
DAVEL COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Petition for Leave to Intervene has been furnished via U.S. Mail and facsimile (*) or hand delivery (**) this 15th day of April, 2004, to the following:

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Adam Teitzman, Staff Counsel**
Florida Public Service Commission
Gerald L. Gunter Building, Room 370
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Tallahassee, FL 32399-0850

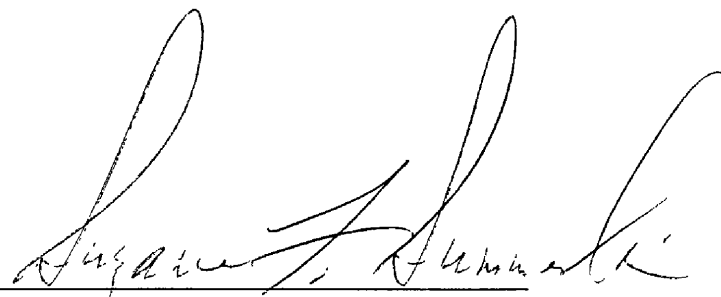
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