

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth)
Telecommunications, Inc., Regarding)
The Operation of a Telecommunications)
Company by Miami-Dade County in)
Violation of Florida Statutes and)
Commission Rules)

Docket No. 050257

**GREATER ORLANDO AIRPORT AUTHORITY'S PETITION
TO PARTICIPATE AS A PARTY**

The Greater Orlando Aviation Authority ("GOAA"), pursuant to Rules 28-106.201 and 28-106.205, Florida Administrative Code, hereby petitions to participate as a party in the above-captioned proceeding. In support of the request, GOAA states as follows:

1. The name, address, and telephone number of the Petitioner is:

Greater Orlando Aviation Authority
1 Airport Blvd
Orlando, FL 32812
Tel: (407) 825-3500

2. All pleadings, orders and correspondence should be directed to Petitioner's

representatives at:

Jean L. Kiddoo
Danielle C. Burt
Swidler Berlin, LLP
3000 K Street, N.W. Suite 300
Washington, D.C. 20007
Tel: (202) 424-7500
Fax: (202) 424-7647
Email: jlkiddoo@swidlaw.com
dcburt@swidlaw.com

M. Stephen Turner, P.A.
David K. Miller P.A.
Broad and Cassel
215 South Monroe Street Ste. 400
Tallahassee FL 32302
Tel: (850) 681-6810
Fax: (850) 521-1448
Email: sturner@broadandcassel.com
dmiller@broadandcassel.com

3. The agency affected by this Petition is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

DOCUMENT NUMBER: 050257

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4. GOAA is an agency of the City of Orlando, originally created by Chapter 57-1658, Laws of Florida, and re-established pursuant to Chapter 98-492, Laws of Florida, to govern the Orlando International Airport (“OIA”). The majority of GOAA’s governing board (five members) are appointed by the Governor, and the remaining two members are the Mayor of the City of Orlando and the Mayor of Orange County.

5. GOAA provides shared tenant services (“STS”) at OIA that are exempt from certification requirements, pursuant to Rule 25-24.580, Florida Administrative Code (the “Airport Exemption”), and *In re: Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service*, Docket No. 860455-TL, Order No. 17111 (Jan. 15, 1987) (the “STS Order”), *recon. denied and clarified*, Order No. 17369 (Apr. 6, 1987).

6. The instant proceeding involves the application and interpretation of the Airport Exemption and STS Order. Petitioner BellSouth Telecommunications, Inc. (“BellSouth”), is the local exchange company that provides service to the territory surrounding the Miami International Airport (MIA), and alleges an economic interest as a competitor or potential competitor of Miami-Dade County for this service. BellSouth has specifically asked the Commission to find that Miami-Dade County’s provision of STS is subject to the regulations listed in Rule 25-24.585, Florida Administrative Code, and requires a certificate of public convenience and necessity. On the other hand, Miami-Dade County asserts that it is providing STS in accordance with the Airport Exemption in Rule 25-24.580, Florida Administrative Code.

7. GOAA, like Miami-Dade County, is an STS provider in accordance with the Airport Exemption. GOAA is directly affected and has a substantial interest in how the Airport Exemption and the STS Order are applied. GOAA actively participated in the proceedings to formulate the STS Order, and the record of that Order discusses the operations at MIA and OIA

as similarly situated for purposes of the deregulation. In addition, Petitioner BellSouth is the local exchange company that serves the territory surrounding OIA, so BellSouth would have a similar interest in the service at OIA.

8. GOAA received formal notification of a point of entry to this proceeding from the Public Service Commission by the Memorandum dated August 18, 2005, which expressly invites “all interested persons” to participate in a meeting to identify issues.

9. GOAA’s participation will allow an interested and substantially affected local government agency to be fairly heard in a regulatory policy decision-making proceeding that is likely to affect its interests. Based upon informal discussions during a conference call on August 11, 2005, counsel for GOAA understand that neither BellSouth nor Miami-Dade County objects to GOAA’s full participation in this proceeding, and that the Public Service Commission staff likewise has no objection. The Commission’s Memorandum dated August 18, 2005, inviting “all interested persons” to participate and identify issues, confirms this understanding. Accordingly, GOAA understands that it does not need to offer factual or legal argument supporting its participation, but would request an opportunity to do so if the proposed participation is challenged.

10. GOAA’s participation will not alter the issues or delay the procedural schedule for this proceeding.

11. In compliance with the Commission’s Memorandum of August 18, 2005, GOAA will submit concurrently herewith a letter offering a preliminary list of issues, as stated below; but reserves the right to add issues or modify the listed issues at the scheduled meeting on September 9, 2005. The preliminary list of issues is as follows:

(a) The intent and scope of the Airport Exemption and the STS Order in exempting shared airport arrangements from the regulations applicable to commercial STS operators, including but not limited to the application of the Exemption and STS Order to the provision of shared airport services to concessions located in the airport terminal building, such as restaurants and retail shops.

(b) The need for continued control and operation of airport telecommunications systems by the local government authorities that are responsible for airport operation, for the security, safety and convenience of the traveling public, and for the efficient integration of such support services with other airport functions.

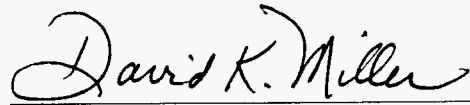
(c) The effect of changing the current practice by denying the Airport Exemption, to subject a local government's airport telecommunications systems to regulation as an STS provider.

12. The applicable statutes and rules that entitle GOAA to relief include, but are not limited to, Sections 120.569, 120.57, 364.01, and 364.339, Florida Statutes, and Rule 25-24.580 and Chapter 28-106, Florida Administrative Code.

WHEREFORE, the Greater Orlando Aviation Authority respectfully requests that the Commission allow GOAA to participate as a full party of record in this proceeding.

Respectfully submitted on August 26, 2005.

Jean L. Kiddoo, Esq.
Joshua C. Bobeck, Esq.
Danielle C. Burt, Esq.
Swidler Berlin, LLP
3000 K Street, N.W. Suite 300
Washington, D.C. 20007
Tel: (202) 424-7500
Fax: (202) 424-7647
Email: jlkiddoo@swidlaw.com
deburt@swidlaw.com



M. Stephen Turner, P.A.
David K. Miller P.A.
Broad and Cassel
215 South Monroe Street Ste. 400
Tallahassee FL 32302
Tel: (850) 681-6810
Fax: (850) 521-1448
Email: sturner@broadandcassel.com
dmiller@broadandcassel.com

Counsel for Greater Orlando Aviation
Authority

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed this 26 day of August, 2005, to:

Nancy B White, Esq.
Sharon R. Liebman, Esq.
c/o Nancy H. Sims
BellSouth Communications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida, 32301

Robert A. Ginsburg
Miami-Dade County Attorney
Miami-Dade Aviation Department
PO Box 592075 AMF
Miami, FL 33159-2075

R. Douglas Lackey, Esq.
BellSouth Telecommunications, Inc.
675 West Peachtree Street, N.E., Suite 4300
Atlanta, Georgia 30375

David Stephen Hope
Assistant County Attorney
Miami-Dade Aviation Department
PO Box 592075 AMF
Miami, FL 33159-2075



Attorney