

ORIGINAL

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From: Martha Johnson [marthaj@fcta.com]
 Sent: Friday, January 13, 2006 4:29 PM
 To: Filings@psc.state.fl.us
 Cc: Felicia Banks
 Subject: Docket No. 050119 and 050125
 Attachments: 050119 - FCTA - Pet to Intervene.wpd

In Re: Docket No. 050119 - Petition of TDS Telecom d/b/a TDS Telecom/Quincy Telephone; ALLTEL Florida, Inc.; Northeast Florida Telephone Company d/b/a NEFCOM; GTC, Inc. d/b/a GT Com; Smart City Telecommunications, LLC d/b/a Smart City Telecom; ITS Telecommunications Systems, Inc.; and Frontier Communications of the South, LLC; concerning BellSouth Telecommunications, Inc.'s Transit Service Tariff, and

Docket No. 050125 - Petition and Complaint for suspension and cancellation of Transit Traffic Service Tariff No. FL2004-284 filed by BellSouth Telecommunications, Inc., by AT&T Communications of the Southern States, LLC.

Attached please find the Petition of the Florida Cable Telecommunications Association for Leave to Intervene to be filed in the above referenced docket. This filing has a total of 8 pages.

Thank you,

Martha Johnson
 Regulatory Assistant
 Florida Cable Telecommunications Association
 246 E. 6th Avenue
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 850/681-1990
 850/681-9676 (fax)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Joint Petition by TDS Telecom
d/b/a TDS Telecom/Quincy Telephone;
ALLTEL Florida, Inc.; Northeast
Florida Telephone Company d/b/a
NEFCOM; GTC, Inc. d/b/a GT Com;
Smart City Telecommunications,
LLC d/b/a Smart City Telecom; ITS
Telecommunications Systems, Inc.;**
and Frontier Communications of the
South, LLC ["Joint Petitioners"] objecting
to and requesting suspension and
cancellation of proposed transit traffic
service tariff filed by BellSouth
Telecommunications, Inc.

Docket No. 050119-TP

**In re: Petition and Complaint for
suspension and cancellation of
Transit Traffic Service Tariff No.
FL2004-284 filed by BellSouth
Telecommunications, Inc., by AT&T
Communications of the Southern
States, LLC**

Docket No. 050125-TP

Filed: January 13, 2006

**PETITION OF THE FLORIDA CABLE TELECOMMUNICATIONS
ASSOCIATION FOR LEAVE TO INTERVENE**

Pursuant to Rule 25-22.039, Florida Administrative Code, the Florida
Cable Telecommunications Association, Inc. (FCTA), hereby petitions for
leave to intervene in this docket, and states:

1. The FCTA is a non-profit trade association representing the cable
telecommunications industry in Florida, cable companies providing cable
services and information services in the State of Florida, as well as
certificated competitive local exchange carriers (CLECs) providing voice

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FPSC-COMMISSION CLERK

communications services in Florida (FCTA Members). The FCTA's business address is 246 E. 6th Avenue, Tallahassee, FL 32303.

2. The name and address of the person authorized to receive all notices, pleadings and other communications in this docket is:

Michael A. Gross
Vice President, Regulatory Affairs and Regulatory Counsel
Florida Cable Telecommunications Association
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3. Pursuant to Rule 25-22.039, Florida Administrative Code, the FCTA has a substantial interest in this proceeding in that its substantial interests are subject to determination or will be affected through this proceeding.
4. In this docket, the Commission is being asked to rule on proposals to change the manner in which obligations are established in transiting arrangements and/or the manner in which transit traffic is routed. The consolidated petitions ask for suspension or cancellation of a transit tariff filed by BellSouth for carriers who do not have transit terms, conditions, and rates in their interconnection agreements (ICAs) with BellSouth. It is the FCTA's position that no changes are necessary to the current transit structure, and the tariff should be

suspended or cancelled. Further, it is the FCTA's position that transit service is an interconnection service pursuant to section 251/252, and that LECs, including BellSouth, are required to provide transit service at TELRIC-based rates that are just, reasonable, and nondiscriminatory.

5. Disputed issues of material fact include, but are not limited to, whether the Commission should approve, modify or deny the BellSouth tariff; what compensation, if any, is appropriate under the tariff, and if the tariff is approved, to whom should the tariff apply.
6. Ultimate facts include, but are not limited to the following:
 - (a) Should the Commission cancel or suspend the tariff.
 - (b) Should BellSouth continue to provide transiting as it has traditionally provided it through section 251/252 ICAs at TELRIC-based rates, and/or rates that are just, reasonable, nondiscriminatory, and based on a cost study and/or supporting documentation.
 - (c) If the Commission believes that a transit tariff is appropriate for carriers who do not have transit terms, conditions, and rates in their ICAs with BellSouth, whether the Commission should require specific language making clear that the tariff does not impact existing ICAs that address transiting, and should not be used as a benchmark for future ICA negotiations or renegotiations.
 - (d) Should the Commission include language deeming transit service

to be an interconnection service pursuant to section 251/252 which BellSouth is obligated to provide at TELRIC-based rates that are just, unreasonable, nondiscriminatory, and based on a cost study and/or supporting documentation.

- (e) If the Commission approves any BellSouth transit tariff, should the Commission delete the provision in the tariff that imposes specific requirements on relationships between originating and terminating carriers.
7. The imposition of any or all of the requirements, terms or conditions contained in the BellSouth tariff, will inflict immediate and/or imminent injury in fact on the FCTA's Members.
 8. The FCTA's substantial injury is of a type or nature which this proceeding is designed to protect.
 9. A substantial number of the FCTA's Members are substantially affected by the BellSouth tariff.
 10. The subject matter of the proposed actions is within the FCTA's general scope of interest and activity, and the relief requested by the FCTA, i.e., an Order cancelling or suspending BellSouth's transit tariff, and requiring that BellSouth continue to provide transiting as it has traditionally provided it through section 251/252 ICAs at TELRIC-based rates, and/or rates that are just, reasonable, and nondiscriminatory, and based on a cost study and/or supporting documentation. If the Commission believes that BellSouth's transit tariff is appropriate for

carriers who did not have transit terms, conditions, and rates in their ICAs with BellSouth, it should rectify the numerous problems in BellSouth's tariffs, including those set forth above.

11. The rights and interests of FCTA's Members cannot be adequately represented by any other party in this docket. The FCTA's participation in this docket will not unduly delay or prejudice the rights of other parties.

12. The FCTA's intervention will advance judicial efficiency by consolidating the participation of the multiple FCTA Members.

13. The FCTA reserves the right to participate with full party status on matters

affecting FCTA Members and intends to file rebuttal testimony in this docket in a timely fashion on or before January 30, 2006.

WHEREFORE, for the foregoing reasons, the FCTA requests that the Commission grant its Petition for Intervention, and afford the FCTA full party status in this proceeding that allows the FCTA to submit filings in this docket, including testimony, a prehearing statement, a posthearing statement and/or brief, motions, legal memoranda, and other papers and documents to be considered in the Commission's deliberation on the Petitions filed in this docket.

Respectfully submitted this 13th day of January, 2006.

s/Michael A. Gross

Michael A. Gross

Vice President, Regulatory Affairs
& Regulatory Counsel
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition of Florida Cable Telecommunications Association for Leave to Intervene in Docket 050119 and 050125-TP has been served upon the following parties electronically and by U.S. Mail this 13th day of January 2006.

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s/Michael A. Gross

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