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March 14, 2006 – **VIA ELECTRONIC MAIL**

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 050119-TP  
Joint 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,  
("Joint Petitioner") objecting to and requesting suspension of Proposed Transit Traffic  
Service Tariff filed by BellSouth Telecommunications, Inc.

Docket No. 050125-TP  
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

Dear Ms. Bayo:

Enclosed is Verizon Access Transmission Services' Petition to Intervene for filing in the above-referenced matters. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

s/ Leigh A. Hyer

Leigh A. Hyer

LAH:tas  
Enclosures

**CERTIFICATE OF SERVICE**

I hereby certify that copies of Verizon Access Transmission Services' Petition to Intervene in Docket Nos. 050119-TP and 050125-TP-TP were sent via U.S. mail on March 14, 2006 to the parties on the attached list.

s/ Leigh A. Hyer

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Petition of TDS Telecom d/b/a ) Docket No. 050119-TP  
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 Petitioner") objecting to )  
and requesting suspension of Proposed )  
Transit Traffic Service Tariff filed by )  
BellSouth Telecommunications, Inc. )  
)  
In re: Petition and complaint for suspension ) Docket No. 050125-TP  
and cancellation of Transit Traffic )  
Service Tariff No. FL2004-284 filed by )  
BellSouth Telecommunications, Inc., ) Filed: March 14, 2006  
by AT&T Communications of the )  
Southern States, LLC. )  
\_\_\_\_\_ )

**PETITION TO INTERVENE**

Under Commission Rule 25-22.039, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services ("Verizon Access") asks the Commission to allow Verizon Access to intervene in this proceeding. Verizon Access is a telecommunications company as that term is defined in Section 364.02 of the Florida Statutes, and Verizon Access is a competitive local exchange carrier (CLEC). As such, its regulated intrastate operations are subject to the jurisdiction of this Commission.

Communications in regard to this proceeding should be directed to:

Leigh A. Hyer  
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P. O. Box 110, FLTC0717  
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Telephone No. (813) 483-1256

Verizon Access is entitled to intervene in this proceeding because its interests as a local exchange telecommunications company will be substantially and directly affected by the decision here. In the prehearing statements, various parties took the position that the Florida PSC can establish, through arbitrated Section 252 interconnection agreements, the terms and conditions that govern the relationship between an originating and terminating carrier where BellSouth is providing transit service and where the originating carrier is not interconnected with the terminating carrier. While true in some circumstances, these pronouncements are overly broad, since the Section 252 process does not apply to all carrier-to-carrier relationships.

The relationship between two CLECs – where one CLEC is terminating the calls originated by another CLEC – is not subject to the same set of rules as the interconnection relationship between an incumbent local exchange carrier (“ILEC”) and a CMRS provider. In a CLEC-to-CLEC situation, the terminating CLEC may rely on a state tariff to govern the billing for non-access calls generated by the originating CLEC in the absence of an agreement to the contrary between the two carriers. This is because the Section 252 process does not apply to CLEC-to-CLEC agreements. The language of Section 252 refers only to agreements that are “negotiate[d]” by an “incumbent local exchange carrier” or are the product of an arbitration involving an “incumbent local exchange carrier.” There is no requirement in the statute that a CLEC must negotiate and/or arbitrate an interconnection agreement with another CLEC. Likewise, there is no law establishing a process for arbitration and/or state Commission intervention if a CLEC fails to reach an agreement through negotiations with another CLEC. Accordingly, even though the FCC prohibits reliance on a tariff and instead

requires that a Section 252 agreement be in place between an ILEC and a CMRS provider to govern compensation obligations for the termination of non-access traffic, the law clearly allows a CLEC to impose state-tariffed terms and conditions on another CLEC for the termination of non-access traffic.

Respectfully submitted on March 14, 2006.

By:           /s Leigh A. Hyer            
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