

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for emergency rule or, alternatively, for declaratory statement prohibiting wireless attachments in electric supply space, by Florida Power & Light Company.

DOCKET NO. 060355-EI
ORDER NO. PSC-06-0524-PCO-EI
ISSUED: June 20, 2006

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed May 4, 2006, Sprint Spectrum Limited Partnership, d/b/a Sprint PCS, and Nextel South Corporation (collectively referred to as "Sprint Nextel") have requested to intervene in this proceeding. In support of the Petition, Sprint Nextel states that they are licensed by the Federal Communications Commission to provide Commercial Mobile Radio Service in Florida. They state that Florida Power & Light Company (FPL) has requested the Commission to issue an emergency rule prohibiting the placement of wireless telecommunications devices and equipment in the electric supply space of distribution poles, or in the alternative, that the Commission issue a declaratory statement prohibiting T-Mobile South LLC (T-Mobile) from attaching wireless telecommunications devices at the top of FPL's electric poles. The companies assert that their substantial interests will be affected in this proceeding because the Commission's issuance of a rule would impact Sprint Nextel, as the companies are wireless carriers.

Having reviewed the Petition, it appears that Sprint Nextel's substantial interests may be affected by this proceeding. Moreover, there has been no response filed in opposition to the request. Therefore, the Petition is granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Sprint Nextel take the case as they find it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Sprint Spectrum Limited Partnership, d/b/a Sprint PCS, and Nextel South Corporation is granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all pleadings, notices, and other papers filed or served in this matter to:

Vicki Gordon Kaufman
Moyle, Flanigan, Katz, Raymond, White & Krasker, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

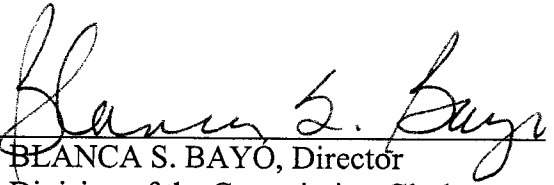
DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

William R. Atkinson
Sprint Nextel
3065 Cumberland Circle, SE
Mailstop GAATLD0602
Atlanta, Georgia 30339

By ORDER of the Florida Public Service Commission this 20th day of June, 2006.


BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

SMC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.