

**Matilda Sanders**

**ORIGINAL**

**From:** Janelle N. Braun [janelle@Penningtonlawfirm.com]  
**Sent:** Wednesday, October 11, 2006 1:52 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** James.meza@bellsouth.com; Manuel.gurdian@bellsouth.com; Nancy Sims; Patrick Wiggins; Kip.edenfield@bellsouth.com; Carolyn Marek; Gene Adams  
**Subject:** Docket No. 060663-TP - Time Warner Telecom's Petition to Intervene as Formal Party  
**Attachments:** Petition to Intervene as Formal Party (TWT).pdf

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October 11, 2006

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

RE: Florida Public Service Commission Docket No. 060663-TP

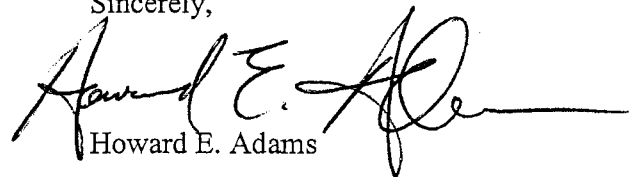
Dear Ms. Bayo:

Enclosed for filing in the above docket is the original and fifteen copies of Time Warner Telecom's Petition to Intervene as Formal Party.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in this matter.

Sincerely,

  
Howard E. Adams

HEA/jnb

Enclosures, as stated.

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Implementation of 811 NXX code as)  
National abbreviated dialing code to be used )  
By state One Call notification systems for )  
Providing advance notice of excavation )  
Activities to underground facility operators )  
In compliance with Pipeline Safety )  
Improvement Act of 2002 )  
\_\_\_\_\_ )

DOCKET NO. 060663-TP  
FILED: October 11, 2006

**PETITION TO INTERVENE AS FORMAL PARTY**

COMES NOW Time Warner Telecom of Florida, L.P., pursuant to rule 25-22.039, Fla. Administrative Code, and moves that it be allowed to intervene in this document as an affected party and would show the Commission the following:

1. The Petitioner's name, address and telephone number are as follows:

Time Warner Telecom of Florida, L.P.  
c/o Carolyn Marek  
Vice President of Regulatory Affairs  
233 Bramerton Court  
Franklin, Tennessee 37069  
email: Carolyn.Marek@twtelecom.com  
phone: (615) 376-6404  
fax: (615) 376-6405

2. The agency affected by this petition is the Florida Public Service Commission whose agency file and identification number appear above in the style and docket number of this case.

3. Time Warner Telecom, as Petitioner, has a substantial interest in this proceeding and will be affected by the Agency's determination in this proceeding. Time Warner Telecom is a certificated competitive local exchange company (CLEC) and is also a certificated inter-exchange telecommunications company pursuant to Florida Statutes and Commission Rule. Time Warner Telecom operates as a competitive telecommunications company in the State of

Florida and currently pays to Sunshine State One-Call of Florida Inc., fees for compliance with Florida Statutes governing notification of placement of underground utilities and notification to consumers, construction companies and others of the location of telecommunications facilities.

4. The implementation of the 811 system as provided by the Pipeline Safety Improvement Act of 2002 will substantially affect Time Warner Telecom as the fees charged for this location service as well as the provision of marking of these underground utilities within the 24 hours required by the statute and by the Pipeline Safety Improvement Act will have a financial effect and will affect the maintenance and operations of Time Warner Telecom's facilities within the State of Florida. Time Warner Telecom will also experience implementation costs which will impact the interests of Time Warner Telecom.

5. Any determination in this docket regarding costs or other determinations which could affect manpower use or the operations of Time Warner Telecom's telecommunications business within the State of Florida could financially affect the substantial interests of Time Warner Telecom as a telephone company subject to PSC jurisdiction for these purposes. Any impact of implementation costs or additional fees will substantially affect Time Warner's financial interests.

6. The Petitioner received notice of the Public Service Commission's decision to open a docket by email from staff members of the Public Service Commission. Time Warner Telecom of Florida, L.P. has also been an interested party in informal workshops and staff meetings regarding implementation of the 811 system and was directly notified by staff.

7. Time Warner Telecom is currently unaware of any disputed issues of material fact. Time Warner Telecom however is aware that there may be disputes regarding

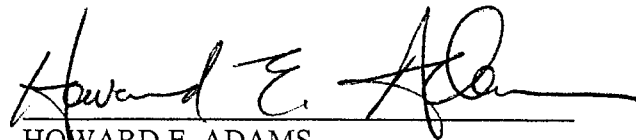
implementation costs and the allocation of the costs of the 811 system and as such is concerned regarding any allocation of costs to competitive carriers.

8. The implementation of the 811 system is governed by Florida Statutes, Chapter 556 and by the Pipeline Safety Act.

9. Petitioner, Time Warner Telecom of Florida, L.P. requests that the Florida Public Service Commission grant this Petition for Intervention and allow Time Warner Telecom of Florida, L.P. to fully participate in this proceeding as a formal party to participate in discovery, participate in any hearings in this matter, to call witnesses as necessary and to fully participate in any decision-making agenda conference, arbitration or other proceedings as may be appropriate and required by the Commission.

WHEREFORE, Time Warner Telecom asks that the Commission grant this Petition to Intervene in this proceeding as a formal party and that this Commission grant such other and further relief as it shall deem just and proper.

Respectfully submitted this 11<sup>th</sup> day of October, 2006.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by  
U.S. Mail this 11<sup>th</sup> day of October 2006 to the following:

  
HOWARD E. ADAMS

**Time Warner Telecom, L.P.**  
c/o Ms. Carolyn Marek  
Vice President for Governmental Affairs  
233 Bramerton Court  
Franklin, Tennessee 37069-4002  
[Carolyn.Marek@twtelecom.com](mailto:Carolyn.Marek@twtelecom.com)

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