

**Matilda Sanders**

**From:** Keating, Beth [beth.keating@akerman.com]  
**Sent:** Tuesday, August 28, 2007 3:04 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 070552  
**Attachments:** 20070828154610800.pdf

Enclosed for filing in the referenced Docket, please find the FCTA's Petition to Intervene. If you have any questions, please do not hesitate to contact me.

Sincerely,  
Beth Keating  
Akerman Senterfitt  
(850) 224-9634  
(850) 521-8002 (direct)  
beth.keating@akerman.com

A.  
Beth Keating  
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Tallahassee, FL 32301  
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(850) 521-8002 (direct)  
beth.keating@akerman.com

**B. Docket No. 070552 - Petition and complaint for expedited proceeding or, alternatively, petition and complaint or petition for declaratory statement, by MetroPCS Florida, LLC, requiring BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast; TDS Telecom d/b/a TDS Telecom/Quincy Telephone; Windstream 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, to submit agreements for transit services provided by AT&T Florida for approval.**

**C. On behalf of Florida Cable Telecommunications Association, Inc. (FCTA)**

**D. This document consists of 6 pages.**

**E. Florida Cable Telecommunications Association, Inc.'s Petition to Intervene**



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8/28/2007



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August 28, 2007

**VIA ELECTRONIC FILING**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32309

**Re: Docket No. 070552-TP – Petition and Complaint for expedited proceeding or, alternatively, petition and complaint or petition for declaratory statement, by MetroPCS Florida, LLC, requiring BellSouth Telecommunications, Inc. d/b/a AT&T Southeast; TDS Telecom d/b/a TDS Telcom/Quincy Telephone; Windstream 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 to submit agreements for transit services provided by AT&T Florida for approval.**

Dear Ms. Cole:

Attached for electronic filing in the above-referenced Docket, please find the Florida Cable Telecommunications Association, Inc.'s Petition to Intervene.

Your assistance in this matter is greatly appreciated. If you have any questions

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DOCUMENT NUMBER-DATE

07751 AUG 28 5

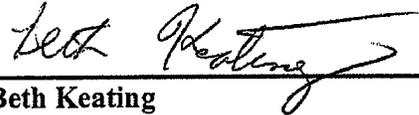
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Ms. Ann Cole  
August 28, 2007  
Page 2

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whatsoever; please do not hesitate to contact me.

Sincerely,



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**Beth Keating**  
**AKERMAN SENTERFITT**  
106 East College Avenue, Ste. 1200  
Tallahassee, FL 32301  
Phone: (850) 224.9634  
FAX: (850) 222.0103

cc: Parties of Record  
Adam Teitzman

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Petition and complaint for expedited proceeding or, alternatively, petition and complaint or petition for declaratory statement, by MetroPCS Florida, LLC, requiring BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast; TDS Telecom d/b/a TDS Telecom/Quincy Telephone; Windstream 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 to submit agreements for transit services provided by AT&T Florida for approval.

Docket No. 070552-TP

Filed: August 28, 2007

**Petition to Intervene**

Pursuant to Rule 25-22.039, Florida Administrative Code, the Florida Cable Telecommunications Association, Inc. (FCTA) respectfully asks that the Commission allow FCTA to intervene in this proceeding, and in support thereof, states as follows:

1. The FCTA is a non-profit trade association representing the cable telecommunications industry in the State of 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 communications services in the State of Florida (FCTA members). The FCTA's business address is 246 E. 6<sup>th</sup> 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:

Beth Keating, Esquire  
Akerman Senterfitt  
106 East College Ave., Suite 1200  
Tallahassee, FL 32301  
Tel. (850) 521-8002  
Fax: (850) 222-0103

E-mail: beth.keating@akerman.com

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. Furthermore, FCTA has associational standing to participate in this proceeding representing the interests of its members, a substantial number of whom would otherwise have the right to participate individually in this matter. See Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333 (1977); and Florida Home Builders Ass'n. v. Dept. of Labor, 412 So. 2d 351 (Fla. 1982).

4. In this Docket, the Commission is being asked to require that AT&T and the identified LECs file for inspection and approval all AT&T – LEC transit traffic agreements, and to assess penalties pursuant to Section 364.285, Florida Statutes. FCTA's position is that the agreements in question address an interconnection service under Sections 251 and 252 of the federal Telecommunications Act, as well as Section 364.16, Florida Statutes, and that the LECs, including AT&T, are required to provide transit service at cost-based rates that are just, reasonable and nondiscriminatory. As such, any agreements covering transit service must be filed for approval by the state commission pursuant to both federal and state law to ensure that the prices, rates, terms, and conditions contained therein are, in fact, just, reasonable, and nondiscriminatory. Further, such agreements are adoptable by requesting carriers pursuant to Section 252(i) of the Act.

5. As stated herein, FCTA members consist of cable companies providing cable services, including voice communications and information services in the State of Florida, as well as certificated competitive local exchange carriers (CLECs) providing voice communications services in the State of Florida. FCTA members have a direct and substantial interest in whether transit service is available from AT&T at cost-based rates, under terms and conditions that are just and

nondiscriminatory. As such, FCTA members will be directly and substantially affected by the Commission's decision in this proceeding.

6. The FCTA's substantial interests in this proceeding are of a type or nature which this proceeding was designed to protect.

7. A substantial number of the FCTA's members are substantially affected by AT&T's refusal to file its negotiated interconnection agreements for transit service with the Commission for review and approval.

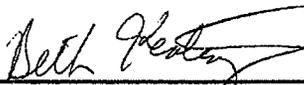
8. The subject matter of this Docket and the relief requested, i.e., an Order requiring that AT&T file its transit agreements for review and approval by the Commission, are within the FCTA's general scope of interest and activity.

9. The rights and interests of the 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.

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

WHEREFORE, the FCTA respectfully requests that the Commission grant its Petition to Intervene, and afford the FCTA full party status in this proceeding.

Respectfully submitted this 28<sup>th</sup> day of August, 2007.

By:   
Beth Keating, Esquire  
Akerman Senterfitt  
106 East College Ave., Suite 1200  
Tallahassee, FL 32301

*Attorneys for FCTA*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the FCTA's Petition to Intervene filed in this Docket on behalf of the Florida Cable Telecommunications Association, Inc., has been furnished by U.S. Mail to the following parties of record this 28th day of August, 2007.

James Meza, Esquire  
c/o Mr. Greg Follensbee  
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Tallahassee, FL 32301-1556

Frontier Communications of the South,  
LLC  
Ms. Angela McCall  
300 Bland Street  
Bluefield, WV 24701-3020

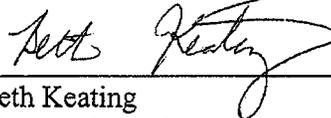
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