

Dorothy Menasco

From: Cooper, Roberta G[EQ] [Roberta.G.Cooper@Embarq.com]
Sent: Monday, March 16, 2009 4:04 PM
To: Filings@psc.state.fl.us
Cc: Susan Masterton
Subject: 090084-TP-Petition to Intervene of Embarq Florida, Inc
Attachments: 090084 Petition to Intervene filed 3-16-09.pdf

Filed on Behalf of: **Susan S. Masterton**
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Docket No. 090084-TP

Title of filing: Petition to Intervene of Embarq Florida, Inc

Filed on behalf of: **Embarq**

No of pages: 5

Description: Petition to Intervene of Embarq Florida, Inc

*Done
3/16/09
tam*



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3/16/2009

DOCUMENT NUMBER-DATE

02264 MAR 16 8

FPSC-COMMISSION CLERK

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Embarq
Mailstop: FTLH00102
1313 Blair Stone Rd
Tallahassee, FL 32301
embarq.com

March 16, 2009

FILED ELECTRONICALLY

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 090084-TP

Dear Ms. Cole:

Enclosed please find the Petition to Intervene of Embarq Florida, Inc. in the above referenced docket matter.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at (850) 599-1560.

Sincerely,

/s/ Susan S. Masterton
Susan S. Masterton

Enclosure

Susan S. Masterton
SENIOR COUNSEL
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susan.masterton@embarq.com

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**CERTIFICATE OF SERVICE
DOCKET NO. 090084-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic and U.S. Mail on this 16th day of March, 2009 to the following:

Florida Public Service Commission

Kevin Bloom/Laura King
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
kbloom@psc.state.fl.us
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Office of Attorney General

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Florida Public Service Commission

Kathryn Cowdery
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Enhanced Services Billing, Inc.

Andrea Kruchinski
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San Antonio, Texas 78229
Andrea.Kruchinski@bsgclearing.com

/s/ Susan S. Masterton
Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for declaratory statement regarding limitations on third party billing imposed by the Telecommunications Consumer Protection Act and for order prohibiting telecommunications companies from billing for services other than those authorized within the Act, by Attorney General and Office of Public Counsel.	Docket No. 090084-TP Filed: March 16, 2009
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PETITION TO INTERVENE OF EMBARQ FLORIDA, INC.

Embarq Florida, Inc. ("Embarq") in accordance with Rule 28-105.0027, Florida Administrative Code, by and through its undersigned counsel, hereby petitions the Commission for leave to intervene in the above-styled docket relating to the Joint Petition of the Attorney General and Office of Public Counsel regarding third-party billing practices.¹ In support of this Petition Embarq states as follows:

1. Embarq is a local exchange telecommunications company certificated by the Commission under chapter 364, Florida Statutes.

2. The name and address of petitioner are as follows:

Embarq Florida, Inc.
555 Lake Border Drive
Apopka, Florida

3. All pleadings, orders and correspondence should be directed to Petitioner's representative as follows:

Susan S. Masterton, Esq.
1313 Blair Stone Road
Tallahassee, FL 32301
(850) 599-1560 (Voice)
(850) 878-0777 (Fax)
susan.masterton@embarq.com

¹ Embarq has also filed on this same day its Motion to Dismiss, or in the Alternative Deny, the Joint Petition.

DOCUMENT NUMBER-DATE

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4. The agency affected by this Petition to Intervene is:

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
5. Embarq was served with a copy of the Joint Petition by U.S. Mail.
6. In this docket the Joint Petitioners have asked the Commission to issue a declaratory statement relating to the third-party billing practices of telecommunications companies, including Embarq.
7. As an ILEC in Florida that provides billing and collection services for third parties, in accordance with the statutes and the Commission's rules, Embarq is directly and substantially affected by the Commission's consideration of and ruling on the Joint Petition.
8. Issues in dispute in this proceeding include, but are not necessarily limited to:

Whether the relief requested by the Joint Petitioners is appropriate for a declaratory statement proceeding

Whether the law restricts the third-party services for which Embarq may bill

Whether Embarq's third-party billing services provide benefits to Florida consumers

Whether Embarq's third-party billing practices protect consumers from improper charges
9. The ultimate facts entitling Embarq to relief are that Embarq's third-party billing practices are conducted in accordance with the governing laws and Commission rules.
10. The statutes, laws and rules entitling Embarq to relief are sections 364.601-364.604, Florida Statutes, and Rule 25-4.110, Florida Administrative Code.

11. The relief Embarq requests is for the Commission to dismiss or deny the Joint Petition, as more fully set forth in Embarq's Motion to Dismiss, or in the Alternative Deny, the Joint Petition, filed separately on this same day.

WHEREFORE, Embarq requests that the Commission grant its Petition to Intervene and grant Embarq full party status in this docket.

Respectfully submitted this 16th day of March 2009.

/s/ Susan S. Masterton
SUSAN S. MASTERTON
1313 Blair Stone Road
Tallahassee, FL 32301
(850) 599-1560 (phone)
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susan.masterton@embarq.com

COUNSEL FOR EMBARQ FLORIDA, INC.