

Dorothy Menasco

From: Woods, Vickie [vf1979@att.com]
Sent: Monday, March 16, 2009 4:31 PM
To: Filings@psc.state.fl.us
Subject: 090084-TP AT&T Florida's Petition for Leave to Intervene
Attachments: Document.pdf

A. Vickie Woods
 Legal Secretary to E. Earl Edenfield, Jr., Tracy W. Hatch,
 and Manuel A. Gurdian,
 BellSouth Telecommunications, Inc. d/b/a AT&T Florida
 150 South Monroe Street, Rm. 400
 Tallahassee, FL 32301-1558
 (305) 347-5560
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B. Docket No. 090084-TP
 Joint Petition of Public Counsel and Attorney General for Declaratory Statement and for
 Order Limiting Third Party Billing by Florida Telecommunication Companies, Verizon,
 Embarq, AT&T, et al.

C. BellSouth Telecommunications, Inc.
 on behalf of Manuel A. Gurdian

D. 6 pages total in PDF format (includes letter, certificate, and pleading)

E. Petition for Leave to Intervene

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March 16, 2009

Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: **Docket No. 090084-TP**
**Joint Petition of Public Counsel and Attorney General for
Declaratory Statement and for Order Limiting Third Party
Billing by Florida Telecommunication Companies, Verizon,
Embarq, AT&T, et al.**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Petition for Leave to Intervene, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Manuel A. Gurdian

cc: All Parties of Record
Jerry D. Hendrix
Gregory R. Follensbee
E. Earl Edenfield, Jr.

CERTIFICATE OF SERVICE
Docket No. 090084-TP

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

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Katheryn Cowdery
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Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Public Counsel and) Docket No. 090084-TP
Attorney General for Declaratory Statement)
and for Order Limiting Third Party Billing)
by Florida Telecommunications Companies)
Verizon, Embarq, AT&T, et al.) Filed: March 16, 2009

AT&T FLORIDA'S PETITION FOR LEAVE TO INTERVENE

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida"),
pursuant to Rules 25-22.039 and 28-106.205, Florida Administrative Code, hereby
requests leave to intervene in this proceeding and as grounds therefore states:

1. AT&T Florida is an Incumbent Local Exchange Company ("ILEC")
lawfully doing business in the State of Florida whose regulated operations are subject to
the jurisdiction of this Commission pursuant to Chapter 364, Florida Statutes.
2. The name of the Petitioner is AT&T Florida and its principal place of
business is 675 W. Peachtree Street, NE, Atlanta, Georgia 30375.
3. All pleadings, notices and other documents filed in this proceeding should
be directed to AT&T Florida's representatives as follows:

E. Earl Edenfield Jr.
Tracy W. Hatch
Manuel A. Gurdian
AT&T Florida
c/o Gregory R. Follensbee
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4. The agency affected by this Petition for Leave to Intervene is the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 and the docket number for this proceeding is 090084-TP.

5. AT&T Florida was provided notice of the Joint Petition of Public Counsel and Attorney General ("Joint Petition") via U.S. Mail on February 17, 2009.

6. The Joint Petition seeks a declaration by the Commission that the Telecommunications Consumer Protection Act, Sections 364.601-364.604 ("the Act"), Florida Statutes, requires telecommunications companies in Florida, including AT&T Florida, to only provide third party billing services for "telecommunications services" and "information services" as those terms are defined by the Act and whether telecommunications companies must conform to the "full requirements" of the Act. Joint Petition at p. 9. In addition, the Joint Petition requests that the Commission enter an order "prohibiting telecommunications companies subject to its jurisdiction from charging consumer telephone bills and performing third party billing services for entities providing services other than those authorized by the Act, and subjecting any telecommunications companies that fail to conform to said order to the disciplinary actions that are appropriate under the circumstances." *Id.*

7. Any decision made by the Commission on the Joint Petition in the context of this Proceeding will necessarily affect the substantial interests of AT&T Florida and its business operations in the state of Florida, in that AT&T Florida provides and receives compensation for third party billing services under its agreements with various entities in its service territory throughout Florida.

8. The Joint Petition raises numerous disputed issues, including but not limited to, whether the Joint Petition is an appropriate mechanism to seek a declaration regarding the application of the Act, whether the Act applies to certain third party billing services provided by AT&T Florida, whether the Commission has jurisdiction to restrict AT&T Florida from providing certain third party services and whether AT&T Florida is restricted to providing third party billing services only for "telecommunications services" and "information services".

9. The ultimate facts entitling AT&T Florida to relief are that any third party charges appearing on AT&T Florida customer bills are in accordance with Florida law.

10. The statutes, laws and rules entitling AT&T Florida to relief are sections 364.601, 364.602, 364.603, 364.604, section 120.565, F.S. and related administrative rules, and sections 120.569 and 120.57, F.S. and related administrative rules.

11. The relief AT&T Florida requests is for the Commission to dismiss or deny Public Counsel and Attorney General's Joint Petition, as more fully set forth in AT&T Florida's Motion to Dismiss and Response to Public Counsel and Attorney General's Joint Petition, filed separately on this same day.

12. Public Counsel and Attorney General indicate in the Joint Petition that they "do not object to the participation of affected telecommunications companies in the proceeding".

WHEREFORE, AT&T Florida respectfully requests that the Commission grant AT&T Florida leave to intervene for all legal purposes in this docket.

Respectfully submitted this 16th day of March, 2009.

AT&T FLORIDA



E. EARL EDENFIELD JR.

TRACY W. HATCH

MANUEL A. GURDIAN

c/o Gregory R. Follensbee

150 South Monroe Street, Ste. 400

Tallahassee, FL 32301

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