

AUSLEY & McMULLEN

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March 27, 2009

VIA HAND DELIVERY

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

RECEIVED-FPSC
09 MAR 27 AM 10:11
COMMISSION
CLERK

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

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Windstream Florida Inc's Petition for Leave to Intervene.

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

Thank you for your assistance in this matter.

Sincerely,


J. Jeffrey Wahlen

COM _____
ECR _____
GCL 2 _____
OPC _____
RCP _____
SEC _____
SGA _____
ADM _____
CLK _____

JJW/jh

cc: Parties of Record

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Public Counsel and)
Attorney General for Declaratory Statement)
And for Order Limiting Third Party Billing)
by Florida Telecommunications Companies)
Verizon, Embarq, AT&T, et al.)
_____)

Docket No. 090084-TP
Filed: March 27, 2009

**WINDSTREAM FLORIDA, INC.'S
PETITION FOR LEAVE TO INTERVENE**

Windstream Florida, Inc. ("Windstream"), pursuant to Rules 25-22.039 and 28-106.205, Florida Administrative Code, hereby requests leave to intervene in this proceeding and as grounds therefor states:

1. Windstream 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 Windstream and its principal place of business is 206 White Avenue S.E., Live Oak, FL 32060-0343.

3. All pleadings, notices and other documents filed in this proceeding should be directed to Windstream's representatives as follows:

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Phone: 501.748.5692
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Email: bettye.j.willis@windstream.com

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.

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5. Windstream was provided notice of the Joint Petition of Public Counsel and Attorney General (“Joint Petition”) via U.S. Mail on or about 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 Windstream, 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 Windstream and its business operations in the state of Florida, in that Windstream 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 Windstream, whether the Commission has jurisdiction to restrict Windstream from providing

certain third party services and whether Windstream is restricted to providing third party billing services only for “telecommunications services” and “information services.”

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

10. The statutes, laws and rules entitling Windstream to relief are Sections 364.601, 364.602, 364.603, 364.604, Section 120,565, Florida Statutes, and related administrative rules, and Sections 120.569 and 120.57, Florida Statutes, and related administrative rules.

11. The relief Windstream requests is for the Commission to dismiss or deny Public Counsel and Attorney General’s Joint Petition, as more fully set forth in the motions to dismiss filed in this docket by AT&T Florida, Verizon and Embarq.

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, Windstream respectfully requests that the Commission grant Windstream leave to intervene for all legal purposes in this docket.

Respectfully submitted this 27th day of March, 2009.



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ATTORNEYS FOR
WINDSTREAM FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S.

Mail (or Hand Delivery*) this 27th day of March, 2009 to the following:

Kevin Bloom/Laura King*
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Bill McCollum/Keith P Vanden Dooren
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The Capitol - PL01
Tallahassee, FL 32399-1050

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