

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

GTE FLORIDA, INCORPORATED, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 FLORIDA PUBLIC SERVICE )  
 COMMISSION, )  
 )  
 Respondent. )

Case No. 99-5368RP

980253-TX

BELLSOUTH TELECOMMUNICATIONS, )  
 INC., )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 FLORIDA PUBLIC SERVICE )  
 COMMISSION, )  
 )  
 Respondent. )

Case No. 99-5369RP

ORDER DENYING RECONSIDERATION AND  
AMENDED PETITION TO INTERVENE

This cause came on for consideration upon Time Warner's Motion for Reconsideration, Motion for Leave to File Amended Petition, and Amended Petition to Intervene.

1. On January 27, 2000, Time Warner filed a Petition to Intervene.

2. Within the time allotted by Rule 28-106.204, Florida Administrative Code, GTE filed an "Answer," opposing the Petition to Intervene and BellSouth filed a "Response," opposing the Petition to Intervene. The Commission filed nothing; therefore, it may be assumed that the Commission did not oppose the Petition to Intervene.

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC   1
- VAW \_\_\_\_\_
- OTH \_\_\_\_\_

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3. The Petition to Intervene was denied by an Order entered February 18, 2000, reciting the pleading history. Since no reason was specified, it may be inferred that the Petition to Intervene was denied for the reasons raised by the opposing parties.

4. Since the February 18, 2000, Order did not specify dismissal with prejudice, it was clearly entered without prejudice. Within 10 days of that Order, Time Warner had filed a Motion for Reconsideration, a Motion for Leave to File an Amended Petition to Intervene and an Amended Petition to Intervene. On March 8, 2000, an Order was entered to the effect that both motions and the Amended Petition to Intervene would be considered and providing time for filing any responses in opposition.

5. GTE timely filed a response in opposition to the Motion for Leave to File an Amended Petition to Intervene. BellSouth and GTE have each timely filed responses in opposition to the Motion to Reconsider and to the Amended Petition to Intervene. Once again, the Commission has filed no response of any kind.

6. Time Warner's Motion for Reconsideration essentially asserts a right to reply to the pleadings in opposition to the original Petition to Intervene while simultaneously conceding that there is no such procedure established by statute or rule. The Motion for Reconsideration is denied.

7. Time Warner simultaneously filed its Motion for Leave to File Amended Petition and an Amended Petition. The March 8, 2000, Order specified that the Amended Petition for Leave to Intervene would be considered as would any timely responses in

opposition thereto. Accordingly, the Motion for Leave to File Amended Petition to Intervene is moot.

8. The Amended Petition to Intervene and the responses in opposition have been considered, and Time Warner's Amended Petition to Intervene is denied.

DONE AND ORDERED this 21st day of March, 2000, in Tallahassee, Leon County, Florida.



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