

# ABEL | BAND®

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# ORIGINAL

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Please refer to our file number: 5702-66

February 25, 2005

**VIA FEDERAL EXPRESS**

Ms. Blanca Bayo, Director  
The Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

RECEIVED-FPSC  
05 FEB 28 AM 10:09  
COMMISSION  
CLERK

Re: ***Docket No. 041170-TP***

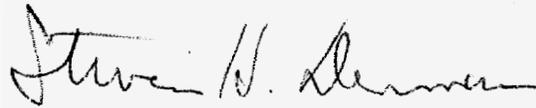
Dear Ms. Bayo:

Enclosed please the original and sixteen copies of Petition to Intervene in the above-referenced docket. Please conform one copy of the enclosed document and return to the undersigned using the enclosed self-addressed, stamped envelope.

Thank you for your assistance in this regard.

Very truly yours,

ABEL, BAND, RUSSELL, COLLIER,  
PITCHFORD & GORDON, CHARTERED



Steven H. Denman

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
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SHD:slm

Enclosure

cc: Certificate of Service

SARASOTA, FLORIDA

VENICE, FLORIDA

DENVER, COLORADO

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Complaint against Verizon Florida, Inc.	)	
and request for declaratory ruling by	)	Docket No. 041170-TP
Bright House Networks Information	)	
Services, LLC (Florida)	)	Filed: February 28, 2005

**PETITION TO INTERVENE**

The Ultimate Connection, Inc., doing business as DayStar Communications (hereinafter "DayStar"), pursuant to Rule 25-22.039, Florida Administrative Code, by and through its undersigned counsel, herewith files this Petition to Intervene with the Florida Public Service Commission (hereinafter the "Commission") in the above-referenced docket. DayStar respectfully requests that the Commission grant this petition, designating DayStar as a party of record and affording it all applicable rights under Florida law and the rules and regulations of this Commission. **In support thereof,** DayStar respectfully shows as follows:

1. Petitioner's principal place of business is:

DayStar Communications  
18215 Paulson Drive  
Port Charlotte, FL 33954

2. All pleadings, orders, notices and other correspondence with respect to this docket should be addressed to:

Steven H. Denman  
William P. Cox  
Abel, Band, Russell, Collier, Pitchford & Gordon, Chartered  
P.O. Box 49948  
Sarasota, Florida 34230-6948  
Phone: (941) 366-6660  
Fax: 941) 366-3999  
Email: [sdenman@abelband.com](mailto:sdenman@abelband.com)  
[wcox@abelband.com](mailto:wcox@abelband.com)

Dennis Osborn  
Director of Administrative Services  
DayStar Communications  
18215 Paulson Drive  
Port Charlotte, FL 33954  
Phone: (941) 206-7816  
Fax: (941) 629-4452  
Email: [d.osborn@daystar.net](mailto:d.osborn@daystar.net)

3. DayStar is a telecommunications company that has been duly certificated by the Commission as a competitive local exchange telecommunications company ("CLEC") and an interexchange company ("IXC") in Florida. As such, DayStar is subject to the rules, regulations and orders of the Commission, and such rules, regulations and orders impact DayStar's ability to provide local exchange telecommunications service and intrastate interexchange telecommunications service.

4. DayStar provides local telephone service in Florida through various means, including through the offering of local voice service over Asynchronous Transfer Mode ("ATM"), which is delivered to end-use customers using digital subscriber lines ("DSL"). In the near future, DayStar plans to offer local service also utilizing voice-over-internet-protocol ("VOIP"). DayStar's local telephone service product, like the local service provided by Bright House Networks Information Services, LLC, ("Bright House") described in its Complaint and Petition for Declaratory Ruling, requires the use of local telephone numbers. When a voice customer chooses DayStar's local telephone service, that customer may wish to retain his current telephone number. Any delay or failure in the porting of local telephone numbers for customers subscribing to DayStar's local service will adversely affect DayStar's ability to offer its local telephone service. Accordingly, DayStar's substantial interests will be affected by any action that the

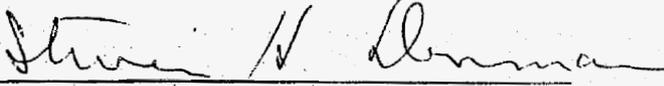
Commission takes in this docket to address the issues raised by Bright House its Complaint and Petition for Declaratory Ruling.

5. Therefore, DayStar has standing to intervene in this docket, pursuant to Rule 25-22.039, Florida Administrative Code. DayStar understands that it will take this docket as it finds it.

**WHEREFORE**, DAYSTAR requests that it be permitted to intervene in this proceeding and that it be accorded full party status.

**DATED** this 25th day of February 2005.

Respectfully submitted,

By: 

Steven H. Denman, Fla. Bar Reg. No. 0191732

William P. Cox, Fla. Bar Reg. No. 0093531

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Pitchford & Gordon, Chartered

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[wcox@abelband.com](mailto:wcox@abelband.com)

Attorneys for The Ultimate Connection, Inc., doing  
business as DayStar Communications

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of **DAYSTAR'S PETITION FOR INTERVENTION** was served by U.S. Mail, postage prepaid, this 25th day of February 2005 to the following:

Blanca S. Bayo  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. Richard A. Chapkis  
Verizon Florida Inc.  
P. O. Box 110, FLTC0007  
Tampa, FL 33601-0110

Ms. Tracy Hatch  
Mr. Brian Musselwhite  
101 North Monroe Street, Suite 700  
Tallahassee, FL 32301

Mr. David Christian  
Verizon Florida, Inc.  
106 E. College Avenue  
Tallahassee, FL 32301-7748

Bright House Networks Information  
Services, LLC  
301 East Pine Street, Suite 600  
Orlando, FL 32801

Ms. Beth Salak  
Division of Competitive Markets  
and Enforcement  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. Charles E. Watkins  
Covad Communications Company  
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Atlanta, GA 30309

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200  
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FDN Communications  
2301 Lucien Way, Suite 200  
Maitland, FL 32751

Ms. Lisa A. Sapper  
Docket Manager  
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1230 Peachtree Street, NE 4<sup>th</sup> Floor  
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Mr. Michael A. Gross  
Florida Cable Telecommunications  
Association, Inc.  
246 E. 6<sup>th</sup> Avenue, Suite 100  
Tallahassee, FL 32303

Mr. Charles E. Watkins  
Covad Communications Company  
1230 Peachtree Street, NE, Suite 900  
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Mr. Felix L. Boccucci, Jr.  
Knology of Florida, Inc.  
1241 O.G. Skinner Drive  
West Point, GA 31833

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Florida Cable Telecommunications  
Association, Inc.  
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Tallahassee, FL 32303

Mr. Felix L. Boccucci, Jr.  
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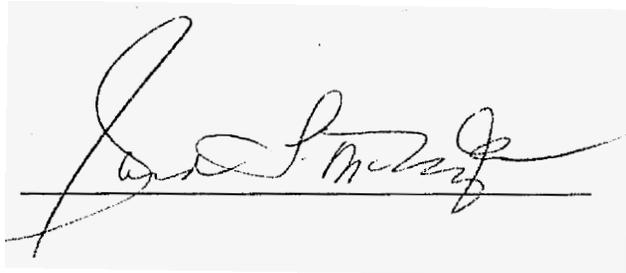
Mr. Arthur Orduna  
Bright House Networks Information  
Services, LLC  
5000 Campuswood Drive  
East Syracuse, NY 13057

George N. Meros, Jr., Esquire  
Gray Robinson Law Firm  
P. O. Box 11189  
Tallahassee, FL 32302-1189

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Tallahassee, FL 32301

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Christopher Kise  
Office of the Attorney General  
The Capitol - PL01  
Tallahassee, FL 32399-1050

Ms. Beth Keating  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

A handwritten signature in black ink, appearing to read "George N. Meros, Jr.", is written over a horizontal line. The signature is fluid and cursive.