

**Ruth Nettles**

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**From:** Cooper, Roberta G [EQ] [Roberta.G.Cooper@Embarq.com]  
**Sent:** Friday, March 21, 2008 1:35 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Susan Masterton  
**Subject:** 080089 Embarq Florida, Inc.'s Petition to Intervene  
**Attachments:** 080089 Embarq Petition to Intervene.pdf

**Filed on Behalf of:**           **Susan S. Masterton**  
                                  **Senior Counsel**  
                                  **Embarq Florida, Inc.**  
                                  **1313 Blair Stone Road**  
                                  **Tallahassee, FL 32301**  
                                  **Telephone: 850/599-1560**  
                                  **Email: susan.masterton@embarq.com**

**Docket No.**                      080089  

**Title of filing:**              Embarq Florida, Inc.'s Petition to Intervene  

**Filed on behalf of:**        **Embarq**

**No of pages:**                 5  

**Description:**                 **Petition to Intervene**  

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*updated 3/21/08 R.VN*



**EMBARQ™**

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**FILED ELECTRONICALLY**

March 21, 2008

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

RE: Docket No. 080089-TP

Dear Ms. Cole:

Enclosed please find Embarq Florida, Inc.'s Petition to Intervene 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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DOCUMENT NUMBER-DATE

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**CERTIFICATE OF SERVICE  
DOCKET NO. 080089-TP**

**I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic and U.S. Mail this 21<sup>st</sup> day of March, 2008 to the following:**

**Florida Public Service Commission**

Richard Bellak  
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**Florida Public Service Commission**

Division of Competitive Markets &  
Enforcement  
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**Intrado Communications Inc.**

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s/Susan S. Masterton  
**Susan S. Masterton**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Petition for declaratory statement regarding local exchange telecommunications network emergency 911 service, by Intrado Communications Inc.	Docket No. 080089-TP Filed: March 21, 2008
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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 Intrado's Petition and Amended Petition for a Declaratory Statement concerning emergency 911 service.<sup>1</sup> 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  
Counsel for Embarq  
1313 Blair Stone Road  
Tallahassee, FL 32301  
(850) 599-1560 (Voice)  
(850) 878-0777 (Fax)  
[susan.masterton@embarq.com](mailto:susan.masterton@embarq.com)

<sup>1</sup> Embarq has also filed on this same day its Motion to Dismiss, or in the Alternative, Deny Intrado's 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 received notice of Intrado's Petition through the notice published by the Commission in the March 7, 2008 edition of the Florida Administrative Weekly.<sup>2</sup>
6. In this docket Intrado has asked the Commission to issue a declaratory statement relating to the obligations of ILECs, Intrado and Public Service Answering Points (PSAPs) when Intrado becomes the primary E911 provider for a PSAP. (See, Intrado's Petition and Amended Petition at paragraph 11)
7. As an ILEC in Florida that provides and receives compensation for 911 services under tariffs and contracts in its service territory throughout Florida, Embarq is directly and substantially affected by the Commission's consideration of and ruling on Intrado's Petition and Amended Petition.
8. Issues of material fact in dispute in this proceeding include, but are not necessarily limited to:

Whether Embarq may provide services to Intrado or the PSAP when Intrado is the primary E911 provider to the PSAP

Whether Embarq is entitled to compensation for any E911 services Embarq may provide to Intrado or a PSAP when Intrado is the primary E911 provider to the PSAP

Whether the manner in which Embarq may charge Intrado or a PSAP for the E911 services its provides is anticompetitive

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<sup>2</sup> Intrado filed its original petition on February 8, 2008 and a Motion to Accept and an Amended Petition on March 14, 2008. Embarq is unclear whether an additional notice in the Florida Administrative Weekly will be issued or is required, although the amended filing should restart the 90-day clock for the Commission's ruling. In any event, through this Petition Embarq is requesting intervention in this docket to participate in the Commission's consideration of both or either of the petitions.

9. The ultimate facts entitling Embarq to relief are that any charges Embarq imposes on competitive primary 911 providers, such as Intrado, or PSAPs are in accordance with the governing laws and Embarq's lawful tariffs.
10. The statutes, laws and rules entitling Embarq to relief are sections 364.01, 364.04, 364.051, 364.08, 364.09 and 364.10, section 120.565, F.S., and related administrative rules, sections 120.569 and 120.57, F.S., and related administrative rules, and Embarq's Florida General Exchange Tariffs filed in accordance with applicable laws and rules.
11. The relief Embarq requests is for the Commission to dismiss or deny Intrado's Petition and Amended Petition, as more fully set forth in Embarq's Motion to Dismiss or, in the Alternative, Deny Intrado's Petition and Amended 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 21<sup>st</sup> day of March 2008.

s/Susan S. Masterton  
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Tallahassee, FL 32301  
(850) 599-1560 (phone)  
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COUNSEL FOR EMBARQ FLORIDA, INC.