



OFFICE OF THE ATTORNEY GENERAL

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

Reply to:
Office of the Attorney General
Office of the Assistant Deputy
(850) 414-3300 ext. 4818; SunCom 994-3300
FAX (850) 488-6589 or 414-9650
michael\_gross@oag.state.fl.us

July 8, 1998

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

ORIGINAL
RECEIVED-FPSC
99-7-8 PM 3:18
RECORDS AND REPORTING

Re: Docket No. 980696-TP

Dear Ms. Bayo:

Enclosed for filing are the original and 15 copies of the Attorney General's Petition to Intervene in this docket.

Thank you for your assistance in this regard.

Sincerely,

[Handwritten signature of Michael A. Gross]
Michael A. Gross

Encl.

- ACK
AFA 3
APP
CAF
CMU [Handwritten initials]
CTR
EAG
LEG 4
LIN 6
QPC
RCH
SEC 1
WAS
OTH

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER DATE
07180 JUL -8 8

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Determination of the Cost of  
Local Telecommunications Service,  
pursuant to Section 364.025, Florida  
Statutes.

Docket No 980696-TP

**PETITION OF ROBERT A. BUTTERWORTH,  
ATTORNEY GENERAL, TO INTERVENE**

Robert A. Butterworth, Attorney General (Attorney General), State of Florida, pursuant to Section 364.01, Florida Statutes, and Rule 25-22.039, Florida Administrative Code, petitions to intervene and states:

1. The Attorney General, pursuant to Art. IV, Section 4, Fla. Const., is the chief legal officer of the State with his principal place of business and mailing address at:

Michael A. Gross  
Fla. Bar No. 0199461  
Assistant Attorney General  
Office of the Attorney General  
PL-01 The Capitol  
Tallahassee, Florida 32399-1050  
(850) 414-3300  
FAX (850) 488-6589

2. This docket has been opened to determine and report to the Legislature the cost of basic local telecommunications service appropriate to a permanent universal service mechanism.

3. The Attorney General brings this Petition, inter alia, in his parens patriae capacity as guardian of the health, welfare, and safety of the citizens of the State of Florida. The Attorney General seeks relief from the Commission as the state agency charged with the responsibility under Chapter 350, Florida Statutes, and Chapter 364, Florida Statutes, to protect the public health, safety, and welfare by ensuring that the rate structure for intrastate telephone service in this State is founded upon sound factual conclusions in the furtherance of the public interest.

4. The Attorney General has broad statutory authority to prosecute and appear in suits in which the State is a party or is otherwise interested. Section 16.01(4),(5), and (6), Florida Statutes. One of the matters in which the State has an interest is upholding the intent and public purpose of legislative enactments.

5. Where the public interest is involved, the Attorney General may not only initiate litigation, but also intervene in pending litigation. State ex rel. Shevin v. Yarbrough, 257 So 2d 891, 894 (Fla. 1972). The Attorney General is granted wide discretion in determining what particular matters involve the public interest. State ex rel. Shevin v. Exxon Corp., 526 F. 2d 266, 268-69 (5th Cir. 1976). Accordingly, his conclusion that a particular matter involves the public interest is presumed to be correct. State ex rel. Shevin v. Yarbrough, at 895, see also Lawyer v. Department of Justice, 65 U.S.L.W. 4629, 4632 n 4 (U.S. June 25, 1997) (No. 95-2024) (citing State ex rel. Shevin v. Yarbrough, at 894-96 and Ervin v. Collins, 85 So. 2d 852, 854 (Fla. 1956) (en banc).

6. The enforcement and implementation of the statutes and policies at issue in this proceeding clearly involve matters of public interest, particularly in implementing the goal of providing affordable basic local telecommunications service to all residents in the State of Florida, including those in rural, economically disadvantaged, and high-cost areas.

7. Further, the substantial interests of the Attorney General as the guardian of the health, safety, and welfare of the citizens of the state and in upholding the intent and public purpose of legislative enactments, will or potentially will be affected by the actions of the Commission in implementing the directives of the Legislature.

WHEREFORE, the Attorney General respectfully requests that the Commission enter an

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail this 8th day of July, 1998, to the following:

William P. Cox  
Division of Legal Services  
Florida Public Service Comm.  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Edward Paschall  
AARP  
1923 Atapha Nene  
Tallahassee, FL 32301

Tracy Hatch  
AT&T  
101 N. Monroe St. Suite 700  
Tallahassee, FL 32301

Robert Beatty/Nancy White  
c/o Nancy H. Sims  
BellSouth Telecommunications  
150 S. Monroe St. Suite 400  
Tallahassee, FL 32301

Everett Boyd  
Ervin Law Firm  
P.O. Drawer 1170  
Tallahassee, FL 32302

David B. Erwin  
127 Riversink Road  
Crawfordville, FL 32327

Laura Gallagher  
FCTA  
310 N. Monroe St.  
Tallahassee, FL 32301

Benjamin Ochshorn  
Florida Legal Services, Inc.  
2121 Delta Blvd.  
Tallahassee, FL 32303

Angela Green  
FPTA  
125 S. Gadsden, Suite 200  
Tallahassee, FL 32301

Susan Langston  
FTIA  
P.O.Box 1776  
Tallahassee, FL 32302

Kelly Goodnight  
Frontier Communication  
180 S. Clinton Ave.  
Rochester, NY 14646

GTC, Inc.  
C/o St. Joe Communications  
P. O. Box 220  
Port St. Joe, FL 32456

Kimberly Caswell  
GTE Florida  
P. O. Box 100 FLTC0007  
Tampa, FL 33601

Patricia Greene  
Holland Law Firm  
315 S. Calhoun St. Suite 600  
Tallahassee, FL 32301

Richard Melson  
Hopping Law Firm  
P. O. Box 6526  
Tallahassee, FL 32314

Charlie Murphy/Booter Imhof  
House Committee on Utilities  
and Communications  
428 House Office Building  
Tallahassee, FL 32399-1300

David Daniel  
House Democratic Office  
316, The Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

Steven Brown  
Intermedia Communications  
3625 Queen Palm Drive  
Tampa, FL 33619

Jim McGinn  
ITS Telecommunications  
P. O. Box 277  
Indiantown, FL 34956

Thomas K. Bond  
MCI Telecommunications Corp.  
780 Johnson Ferry Road  
Suite 700  
Atlanta, GA 30342

Joseph McGlothlin  
McWhirter Law Firm  
117 S. Gadsden Street  
Tallahassee, FL 32301

Floyd Self  
Messer Law Firm  
P. O. Box 1876  
Tallahassee, FL 32302

Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison St. Suite 812  
Tallahassee, FL 32399-1400

Peter Dunbar  
Barbara D. Auger  
Pennington Law Firm  
P. O. Box 10095  
Tallahassee, FL 32301

Carolyn Marek  
Time Warner Communications  
P. O. Box 210706  
Nashville, TN 37221

John Guthrie/Susan Masterton  
Senate Committee on Reg. Ind.  
418 Senate Office Building  
Tallahassee, FL 32399

Julie S. Myers  
Smith, Bryan & Meyers  
311 E. Park Ave.  
Tallahassee, FL 32301

Richard L. Spears  
Community Assoc. Institution  
9132 Ridge Pine Trail  
Orlando, FL 32819

Jennifer Uhal  
1911 N. Ft. Meyer Dr., Suite 702  
Arlington, VA 22209

Thomas M. McCabe  
TDS Telecom/Quincy Telephone  
P. O. Box 189  
Quincy, FL 32353

Michael Twomey  
8903 Crawfordville Road  
Tallahassee, FL 32310

Patrick Wiggins/Donna Canzano  
Wiggins Law Firm  
P. O. Drawer 1657  
Tallahassee, FL 32302

Brian Sulmonetti  
WorldCom Technologies  
1515 S. Federal Hwy., Suite 400  
Boca Raton, FL 33432

Lynne G. Brewer  
Northeast Florida Telephone  
P. O. Box 485  
Macclenny, FL 32063

Bill Huttenhower  
Vista-United Telecommunications  
P. O. Box 10180  
Lake Buena Vista, FL 32830

Monica Barone  
Sprint  
3100 Cumberland Circle  
Atlanta, GA 30339

Charles Rehwinkel  
Sprint-Florida, Inc.  
1313 Blair Stone Road  
Tallahassee, FL 32301

Norman H. Horton Jr.  
Messer, Caparello & Self  
215 S. Monroe, Suite 701  
Tallahassee, FL 32301-1876

James C. Flavey, Esq.  
e.spire Communications  
133 National Business Parkway, Suite 200  
Annapolis Junction, MD 20701

Lynn B. Hall  
Vista-United Telecommunications  
P. O. Box 10180  
Lake Buena Vista, FL 32830

J. Jeffery Wahlen  
Ausley & McMullen  
P. O. Box 391  
Tallahassee, FL 32302

Frankie Callen  
Vice President of Governmental Affairs  
The Greater Orlando Assoc. Of REALTORS  
P. O. Box 587  
Orlando, FL 32802-0587

Debra K. Mink  
Mink & Mink, Inc.  
Sunnyvale Building  
3081 East Commercial Blvd.  
Ft. Lauderdale, FL 33308

Ken Hoffman  
P. O. Box 551  
Tallahassee, FL 32302-0551

Harriet Eudy  
ALLTEL  
206 White Ave.  
Live Oak, FL 32060

  
ATTORNEY