



June 27, 2005

**Via Electronic Filing**

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 041269-TP

Dear Ms. Bayo:

Pursuant to the Notice of Pending Docket, attached for filing in the above-referenced docket is the Petition to Intervene on behalf of WilTel Local Network, LLC. Pursuant to the Commission's Electronic Filing Requirements, this version of the document should be considered the official filed copy for purposes of the docket file. True and correct copies of this document will be served upon the parties of record via electronic and U.S. Mail.

Thank you for your assistance with this filing.

Respectfully,

*/s/ Adam Kupetsky*

Adam Kupetsky  
Director of Regulatory  
and Regulatory Counsel

Attachment

cc: Parties of Record

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to establish generic docket )  
to consider amendments to )  
interconnection agreements resulting ) Docket No. 041269-TP  
from changes in law, by BellSouth ) Filed: June 21, 2005  
Telecommunications, Inc. )

**PETITION TO INTERVENE**

WilTel Local Network, LLC (“WilTel”), pursuant to Rule 25-22.039, Florida Administrative Code, and in accordance with the Order Establishing Scope of Proceeding and the Notice of Pending Docket issued by the Florida Public Service Commission (hereafter the “Commission”) in the above-captioned proceeding, hereby respectfully requests that the Commission grant WilTel leave to Intervene as a party of record. In support of its Petition, WilTel shows as follows:

1. Petitioner’s complete name and principal place of business:

WilTel Local Network, LLC  
One Technology Center (TC-15)  
100 South Cincinnati  
Tulsa, Oklahoma 74103

2. All pleadings, orders, notices and other correspondence filed or served in this docket should be addressed to:

Adam Kupetsky  
Regulatory Counsel  
WilTel Communications, LLC  
One Technology Center (TC-15)  
100 South Cincinnati  
Tulsa, Oklahoma 74103  
(918) 547-2764  
(918) 547-9446 (fax)  
[adam.kupetsky@wiltel.com](mailto:adam.kupetsky@wiltel.com)

3. WilTel is a duly certified telecommunications company authorized by the Commission as a competitive local exchange telecommunications company (“CLEC”) in the state of Florida. As a CLEC, WilTel is subject to the Commission’s rules, regulations and orders, which impact WilTel’s ability to provide local exchange telecommunications service in Florida.

4. WilTel has an effective interconnection agreement with BellSouth Telecommunications, Inc. (“BellSouth”) approved by the Commission (the “Agreement”). In this docket, BellSouth proposes that the Commission consider an amendment to WilTel’s Agreement resulting from changes of law, including recent decisions from the Federal Communications Commission (“FCC”). Accordingly, WilTel has substantial interests that are subject to determination or will be affected through this proceeding.

5. WilTel is presently, and will continue, negotiating an amendment to the Agreement informally with BellSouth in an effort to reach resolution on those issues that remain in dispute between the parties. Nonetheless, the specific issues to be determined in this docket may include, without limitation, the interpretation and application of the FCC’s *Triennial Review Order*<sup>1</sup> and the FCC’s *Triennial Review Remand Order*.<sup>2</sup>

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<sup>1</sup> *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96-98, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, 18 FCC Rcd 16978, 17145, para. 278 (2003), *corrected by* Errata, 18 FCC Rcd 19020 (2003), *vacated and remanded in part, affirmed in part, United States Telecom Ass’n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) *cert. denied*, 125 S.Ct. 313, 316, 345 (2004).

<sup>2</sup> *In the Matter of Unbundled Access to Network Elements Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313, CC Docket No. 01-338, Order on Remand, FCC 04-179 (rel. Feb. 4, 2005).

WHEREFORE, WiTel requests that the Commission permit WiTel to intervene in this proceeding and that WiTel be accorded party status consistent with its rules and directing all parties to serve upon WiTel all filings made in this proceeding.

Respectfully submitted,

WITEL LOCAL NETWORK, LLC

/s/ Adam Kupetsky  
Adam Kupetsky  
Regulatory Counsel  
WiTel Communications, LLC  
One Technology Center TC 15-H  
Tulsa, OK 74103  
(918) 547-2764

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition to Intervene was served by U.S. Mail this 27<sup>th</sup> day of June, 2005, to the following:

AT&T Communications of the Southern States, LLC Tracy Hatch, Esq. 101 North Monroe Street, Suite 700 Tallahassee, FL 32301 Email: <a href="mailto:thatch@att.com">thatch@att.com</a>	BellSouth Telecommunications, Inc. N. White/ D. Lackey/ E. Edenfield/ M. Mays c/o Ms. Nancy H. Sims 150 South Monroe Street, Suite 400 Tallahassee, FL 32301-1556 <a href="mailto:nancy.sims@bellsouth.com">nancy.sims@bellsouth.com</a> <a href="mailto:nancy.white@bellsouth.com">nancy.white@bellsouth.com</a>
FDN Communications Matthew Feil, Esq. 2301 Lucien Way, Suite 200 Maitland, FL 32751 Phone: (407) 835-0460 FAX: (407) 835-0309 Email: <a href="mailto:mfeil@mail.fdn.com">mfeil@mail.fdn.com</a>	ITC^DeltaCom Ms. Nanette Edwards 7037 Old Madison Pike, Suite 400 Huntsville, AL 35806 Phone: (256) 382-3856 FAX: (256) 382-3936
MCI Dulaney O'Roark III, Esq. 6 Concourse Parkway Suite 600 Atlanta, GA 30328 Phone: 770-284-5498 Email: <a href="mailto:de.oroark@mci.com">de.oroark@mci.com</a>	MCImetro Access Transmission Services LLC Ms. Donna C. McNulty 1203 Governors Square Blvd., Suite 201 Tallahassee, FL 32301-2960 Phone: (850) 219-1008 FAX: 219-1018 Email: <a href="mailto:donna.mculty@mci.com">donna.mculty@mci.com</a>
Messer Law Firm Floyd R. Self P. O. Box 1876 Tallahassee, FL 32302-1876 Phone: 850-222-0720 FAX: 224-4359 Email: <a href="mailto:fself@lawfla.com">fself@lawfla.com</a>	NuVox/NewSouth/Xspedius/KMC Telecom (Kelley) J.Heitmann/B.Mutschelknaus/S.Kassman c/o Kelley Law Firm 1200 19th St., NW, Suite 500 Washington, DC 20036 Phone: 202-877-1254 FAX: 202-955-9792 Email: <a href="mailto:JHeitman@KelleyDrye.com">JHeitman@KelleyDrye.com</a> <a href="mailto:SKassman@KelleyDrye.com">SKassman@KelleyDrye.com</a>
NuVox/NewSouth/Xspedius/KMC Telecom (Messer) Norman H. Horton, Jr. c/o Messer Law Firm P.O. Box 1876 Tallahassee, FL 32302-1876 Phone: 850-222-0720 FAX: 224-4359 Email: <a href="mailto:nhorton@lawfla.com">nhorton@lawfla.com</a>	Rutledge Law Firm Kenneth Hoffman/Martin McDonnell P.O. Box 551 Tallahassee, FL 32302 Phone: 850-681-6788 FAX: 681-6515

<p>SECCA/US LEC Corp.  Wanda Montano/Terry Romine  6801 Morrison Blvd.  Charlotte, NC 28211  Phone: 770-319-1119  FAX: 770-602-1119</p>	<p>Sprint Communications Company Limited  Partnership  Susan Masterton  P.O. Box 2214  Tallahassee, FL 32316-2214  Phone: (850) 599-1560  FAX: 878-0777  Email: <a href="mailto:susan.masterton@mail.sprint.com">susan.masterton@mail.sprint.com</a></p>
<p>Supra Telecommunications &amp; Information Systems,  Inc.(05)  Steven Chaiken/Brian Chaiken  2901 SW 149th Avenue  Suite 300  Miramar, FL 33027  Phone: 786-455-4239  FAX: 786-455-4600</p>	<p>XO Communications, Inc.  Dana Shaffer  105 Molloy Street, Suite 300  Nashville, TN 37201  Phone: 615-777-7700  FAX: 615-850-0343</p>
<p>Alan C. Gold, P.A.  Alan C. Gold/James L. Parado  Gables One Tower  1320 South Dixie Highway, Suite 870  Coral Gables, FL 33146  Phone: (305) 667-0475  FAX: (305) 663-0799  Email: <a href="mailto:agold@kcl.net">agold@kcl.net</a>  <a href="mailto:jlp@kcl.net">jlp@kcl.net</a></p>	

By:           /s/ Adam Kupetsky            
Adam Kupetsky