

STATE OF TENNESSEE

Office of the Attorney General



2003 DEC 29 AM 11:12

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December 29, 2003

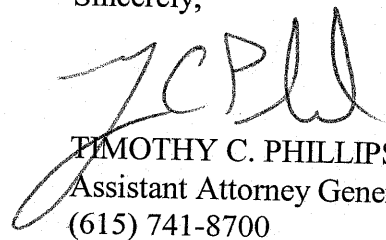
Honorable Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Workshop to Gather Information from the Telecommunications Industry Related
to Preventing Violations, Tenn. Code Ann. § 65-21-114, Docket No. 03-00502*

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's Petition to Intervene in Docket No. 03-00502. Kindly file same in this docket. Copies are being sent to all parties of record. If you have any questions, kindly contact me at (615) 741-8700. Thank you.

Sincerely,


TIMOTHY C. PHILLIPS
Assistant Attorney General
(615) 741-8700

CC: All Parties of Record

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:	)	DOCKET NO. 03-00502
	)	
WORKSHOP TO GATHER	)	
INFORMATION FROM THE	)	
TELECOMMUNICATIONS	)	
INDUSTRY RELATED TO	)	
PREVENTING VIOLATIONS TENN.	)	
CODE ANN. § 65-21-114	)	

PETITION TO INTERVENE

Comes now Paul G. Summers, the Attorney General and Reporter for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A) and Rule 1220-1-2-.08 of the Tennessee Regulatory Authority (hereinafter "TRA"), and petitions the TRA to grant the Consumer Advocate's intervention in this proceeding on behalf of consumers of the State of Tennessee and in the public interest. For cause, the Consumer Advocate would show unto the TRA as follows:

1. In order to represent the interests of Tennessee consumers, the Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118(c)(2)(A) to initiate a contested case and to intervene or participate in proceedings concerning public utility matters in accordance with the Uniform Administrative Procedures Act.

3. Under Tenn. Code Ann. §65-21-114¹, consumers of the State of Tennessee are entitled to toll-free calls for any telephone call made between two (2) points in the same county in Tennessee. These calls are not be billed to any consumer.

4. On December 5, 2003, Director Ron Jones, as Moderator, issued a Report on Workshop Meeting Held November 7, 2003 and Recommendation of Moderator which directed parties to file petitions to intervene within 14 days of the issuance of the report. In that report, it was recommended that a contested case docket should be opened in this matter to determine whether toll carriers received reasonable remuneration when terminating intracounty calls that terminate outside the originating caller's local calling area. Therefore, the Consumer Advocate requests permission to participate as an intervener in this proceeding.

5. The findings and determinations of this proceeding will affect the interests of the consumers of Tennessee. Only by intervening and participating in this proceeding can the Consumer Advocate work effectively to protect the interests of Tennessee consumers.

¹

Tenn. Code Ann. § 65-21-144 provides:

(a) Any telephone call made between two (2) points in the same county in Tennessee shall be classified as toll-free and shall not be billed to any customer.

(b) This section shall apply to all companies or entities providing telephone service in this state as public utilities, including, but not limited to, telephone companies regulated by the Tennessee regulatory authority. However, this section does not apply to any telephone company which is prohibited by federal law from providing countywide service in a particular county.

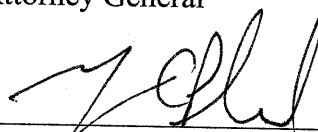
(c) Nothing in this section is intended to modify or repeal the rate-making and telephone regulatory authority of the authority or the right of telephone companies to earn a fair rate of return.

WHEREFORE, the Consumer Advocate prays that the TRA grant the Consumer Advocate's timely filed Petition to Intervene and allow the Consumer Advocate to participate as a party to this proceeding.

RESPECTFULLY SUBMITTED,



PAUL G. SUMMERS, B.P.R. 6285
Attorney General



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Office of the Attorney General
Consumer Advocate and Protection Division
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Dated: December ²⁹~~27~~, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered via facsimile and/or regular mail on December 29, 2003.

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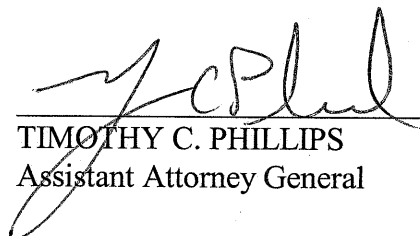
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