

**ORIGINAL**

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: BELLSOUTH	)	
TELECOMMUNICATIONS INC.'S	)	Docket No. 980948
PETITION FOR WAIVER OF PHYSICAL	)	
COLLOCATION REQUIREMENTS SET	)	Filed:
FORTH IN 1996 TELECOMMUNICATIONS	)	
ACT AND FCC'S FIRST REPORT AND	)	
ORDER, FOR THE MIAMI PALMETTO	)	
CENTRAL OFFICE	)	
_____	)	

**PETITION TO INTERVENE OF ACI CORP.**

**COMES NOW** ACI Corp. ("ACI"), through its undersigned counsel, and hereby files its Petition to Intervene ("Petition") and participate as a full party of record in the above-captioned docket (the "Docket"). As grounds for this Petition, ACI states as follows:

1. Petitioner's name, address and telephone number are:

ACI Corp.  
 7337 S. Revere Parkway  
 Englewood, CO 80112  
 (303) 476-4200

2. All notices, pleadings, orders, and documents in this proceeding should be provided to:

Charles A. Hudak, Esq.  
 Jeremy D. Marcus, Esq.  
 Gerry, Friend & Saprnov, LLP  
 Three Ravinia Drive, Suite 1450  
 Atlanta, GA 30346-2131  
 Tel: (770) 399-9500  
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and

DOCUMENT NUMBER-DATE  
**14527 DEC 23 88**  
 FPSC-RECORDS/REPORTING

Jeffrey Blumenfeld, Esq.  
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3. ACI is certificated by the Florida Public Service Commission (the "Commission") to provide both local exchange and long distance telecommunications services.

4. ACI intends to provide high-speed data communications, including high-speed local access, initially through the deployment of digital subscriber line ("DSL") services to business and residential consumers in the State of Florida in 1999.

5. On or about August 7, 1998, BellSouth Telecommunications, Inc. ("BellSouth") filed a Petition for Waiver of Physical Collocation Requirements Set Forth in 1996 Telecommunications Act and FCC's First Report and Order, for Miami Palmetto Central Office, (Docket No. 980948), requesting the Commission to temporarily exempt BellSouth from its obligation under Section 251(c)(6) of the Telecommunications Act of 1996 to offer physical collocation in its Miami Palmetto Central Office.

6. In order to obtain a temporary waiver of its physical collocation obligations, BellSouth is required under Section 251(c)(6) of the Telecommunications Act of 1996 "to demonstrate[] to the State commission that physical collocation is not practical for technical reasons or because of space limitations."

7. As a future provider of facilities-based, high-speed data communications services, ACI has a substantial interest in this proceeding because it intends to submit applications for physical collocation space from BellSouth in the Miami Palmetto Central Office. In order for

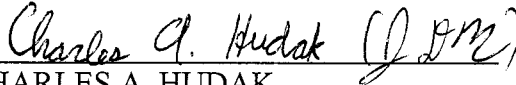
ACI, or any other carrier including BellSouth, to provide DSL services, that carrier must be able to place equipment in BellSouth central offices.

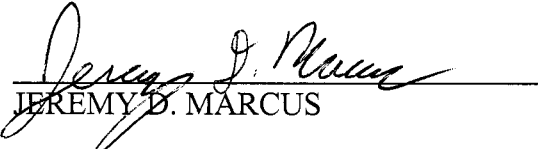
8. ACI requests intervention as a full party of record. ACI's rights and interests in this matter will not be adequately represented by any other party, and ACI's participation herein will not unduly delay this proceeding.

**WHEREFORE**, ACI respectfully requests that the Commission grant this Petition and allow ACI to become a full party of record in the Docket.

Respectfully submitted this 2<sup>nd</sup> day of December 1998.

GERRY, FRIEND & SAPRONOV, LLP

  
CHARLES A. HUDAK

  
JEREMY D. MARCUS

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COUNSEL FOR ACI CORP.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Petition to Intervene, by depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to insure delivery to the following parties:

BellSouth Telecommunications, Inc.  
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Florida Public Service Commission  
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Mary (Beth) Keating  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumark Oak Blvd.  
Tallahassee, FL 32399-0850

This the 22<sup>nd</sup> day of December, 1998.

  
\_\_\_\_\_  
JEREMY D. MARCUS

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