

**MCWHIRTER REEVES**  
ATTORNEYS AT LAW

TAMPA OFFICE:  
400 NORTH TAMPA STREET, SUITE 2450  
TAMPA, FLORIDA 33602  
P. O. BOX 3350 TAMPA, FL 33601-3350  
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:  
  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 FAX

February 22, 2001

**VIA HAND DELIVERY**

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

RECEIVED-FPSC  
01 FEB 22 PM 1:38  
RECORDS AND REPORTING  
ORIGINAL

Re: Docket No.: 000121-TP

Dear Ms. Bayo:

On behalf of MPower Communications Corp. (MPower), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Request for Representation by a Qualified Representation.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*

Vicki Gordon Kaufman

APP  
CAF  
CMP  
COM  
COR  
EOR  
LFB  
LFC  
LTC  
LTI  
RGO  
SEC  
SER  
OTH  
VGK/bae  
Enclosure  
Done 2/23/01

RECEIVED & FILED  
*mar*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02495 FEB 22 01

FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re:

Investigation into the Establishment of  
Operations Support Systems Permanent  
Performance Measures for Incumbent Local  
Exchange Telecommunications Companies

---

Docket No. 000121-TP

Filed: February 22, 2001

**REQUEST FOR REPRESENTATION BY A QUALIFIED REPRESENTATIVE**

MPower Communications Corp. (MPower), through its undersigned counsel, submits its Request for Representation by a Qualified Representative pursuant to Rule 28-106.106, Florida Administrative Code, in the above-referenced proceeding, and states as follows:

1. MPower is a certified alternative local exchange carrier and provides service in the state of Florida. MPower is located at 5607 Glenridge Drive, Suite 300, Atlanta, Georgia 30342.

2. Any pleading, motion, notice, order or other document required to be served upon the petitioner or filed by any party relative to this Request for Representation should be served upon the following individuals:

Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
117 South Gadsden  
Tallahassee, Florida 32301  
(850)222-2525 (telephone)  
(850)222-5606 (fax)

3. This petition is filed pursuant to Rule 28-106.106, Florida Administrative Code. Rule 28-106.106(2)(a) requires that MPower submit a written request to the presiding officer in the event that MPower elects to be represented before the Commission by a qualified representative. MPower hereby submits such a request.

4. MPower seeks leave of the presiding officer for the individual identified below to appear as a qualified representative on behalf of MPower for any purpose and in all matters or proceedings conducted before the Commission in connection with Docket No. 000121-TP.

John Kerkorian  
MPower Communications Corp.  
5607 Glenridge Drive, Suite 300  
Atlanta, Georgia 30342

5. Consistent with Rule 25-106.106(2)(b), MPower hereby affirms that it is aware of the services Mr.Kerkorian can provide and, further, that MPower can elect to be represented solely by "counsel," as that term is defined by Rule 28-106.106(1).

6. MPower submits that Mr. Kerkoian possesses the necessary qualifications to responsibly represent MPower's interests in this matter. In this regard, Mr. Kerkorian's qualifications are set forth in the attached affidavit.

7. As reflected in Mr.Kerkorian's affidavit, he: (i) is an attorney admitted to practice in California and Arizona; (ii) has reviewed those portions of the Florida Statutes relative to the Commission's jurisdiction, (iii) has reviewed the Florida Rules of Civil Procedure relating to discovery in an administrative proceeding; and (iv) has reviewed those portions of the Florida Administrative Code and Florida Statutes related to the rules of evidence, including the concept of hearsay in an administrative proceeding.

8. Consistent with the standard set forth in Rule 28-106.107, Mr. Kerkorian has acquired or will acquire actual knowledge of the factual and legal issues involved insofar as his representation of MPower is concerned in the above-referenced proceeding.

**WHEREFORE**, for the above and foregoing reasons, MPower. requests that Mr. Kerkorian be permitted to appear as a qualified representative on behalf of MPower.

*Vicki Gordon Kaufman*

---

Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Decker, Kaufman,  
Arnold & Steen, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-2525  
Telecopy: (850) 222-5606

Attorneys for MPower Communications Corp.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re:

Investigation into the Establishment of  
Operations Support Systems Permanent  
Performance Measures for Incumbent Local  
Exchange Telecommunications Companies

Docket No. 000121-TP

Filed: February 20, 2001

---

**AFFIDAVIT OF JOHN KERKORIAN**

STATE OF GEORGIA                    )  
COUNTY OF    FULTON                )

I, John Kerkorian, being first duly sworn, do hereby depose and state as follows:

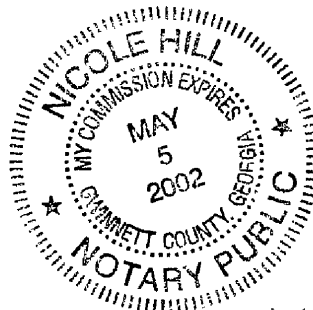
1. I am Regional Vice President, Legal and Regulatory Affairs, with Mpower Communications Corp., 5607 Glenridge Drive, Suite 300, Atlanta, Georgia 30342.
2. I am a member in good standing of the Arizona and California Bars and am seeking to be designated as a qualified representative in the above-captioned docket pursuant to Rule 28-106.106, Florida Administrative Code.
3. I have served as counsel to MPower Communications Corp. in proceedings before state commissions. Moreover, I have assisted other attorneys in proceedings before other state commissions that have involved the examination and resolution of factual and legal issues similar to those under consideration in the above-captioned docket.
4. I am familiar with the relevant portions of the Florida Statutes, the Florida Rules of Civil Procedure, the Florida Administrative Code, and the Florida Rules of Evidence.

I declare that the foregoing is true and correct based on my knowledge, information, and belief.

  
\_\_\_\_\_  
JOHN KERKORIAN

SWORN TO AND SUBSCRIBED before me this 19<sup>th</sup> day of February, 2001 by John Kerkorian who () is personally known to me; or () who has presented \_\_\_\_\_ as identification.

Nicole Hill  
\_\_\_\_\_  
Notary Public, State of GA, County of Gwinnett  
Commission Number:  
My Commission expires: May 5, 2002



Nicole Hill

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of MPower's Request for Representation by a Qualified Representative has been furnished by (\*) hand delivery or U. S. Mail this 22<sup>nd</sup> day of February 2001 to the following:

(\*)Tim Vaccaro  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Marsha Rule  
AT&T  
101 North Monroe Street, Suite 700  
Tallahassee, Florida 32301-1549

Nancy B. White  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301-1556

Nanette Edwards  
ITC Deltacom  
4092 South Memorial Parkway  
Huntsville, AL 35802

Patrick Wiggins/Charles J. Pellegrini  
Katz, Kutter, Haigler, Alderman,  
Bryant & Yon, P.A.  
Post Office Box 1877  
Tallahassee, Florida 32302

Catherine Boone  
Covad Communications Company  
Ten Glenlake Parkway  
Suite 650  
Atlanta, Georgia 30328

Floyd Self  
Messer, Caparello & Self, P.A.  
215 South Monroe Street, Suite 701  
Tallahassee, Florida 32302-1876

Rodney L. Joyce  
Shook, Hardy & Bacon, LLP  
600 14th Street, N.W.  
Suite 800  
Washington, D.C. 20005-2005

Michael A. Gross  
Vice President, Regulatory Affairs  
& Regulatory Counsel  
Florida Cable  
Telecommunications Assoc.  
246 E. 6th Avenue  
Tallahassee, FL 32303

Kimberly Caswell  
GTE Florida Incorporated  
Post Office Box 110, FLTC0007  
Tampa, Florida 33601-0110

Scott A. Sapperstein  
One Intermedia Way  
MC FLT-HQ3  
Tampa, Florida 33647-1752

Jeffrey Wahlen  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, Florida 32301

Donna Canzano McNulty  
MCI WorldCom, Inc.  
325 John Knox Road  
The Atrium Building, Suite 105  
Tallahassee, Florida 32303

Kenneth Hoffman/John Ellis  
Rutledge Law Firm  
Post Office Box 551  
Tallahassee, Florida 32302

Andrew Isar  
Telecommunications Resellers Assoc.  
4312 92nd Avenue, N.W.  
Gig Harbor, WA 98335

Charles J. Rehwinkel/Susan Masterton  
Sprint-Florida, Incorporated  
P.O. Box 2214  
Tallahassee, FL 32316-2214

Bruce May  
Holland Law Firm  
Post Office Drawer 810  
Tallahassee, Florida 32302

Mark E. Buechele  
Koger Center  
Ellis Building  
Suite 200  
1311 Executive Center Drive  
Tallahassee, Florida 32301-5027

Lisa Harvey  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gunter Building, Room 235-D  
Tallahassee, Florida 32399-0850

Glenn Harris  
North Point Communications, Inc.  
222 Sutter Street, 7th Floor  
San Francisco, CA 94108

Peter Dunbar/Karen Camechis  
Pennington, Moore, Wilkinson, Bell &  
Dunbar, P.A.  
Post Office Box 10095  
Tallahassee, Florida 32302

Laura L. Gallagher  
Laura L. Gallagher, P.A.  
101 East College Avenue, Suite 302  
Tallahassee, Florida 32301

Angela Green, General Counsel  
Florida Public Telecommunications Assoc.  
125 S. Gadsden Street, Suite 200  
Tallahassee, Florida 32301-1525

Stephen P. Bowen  
Blumfield & Cohen  
4 Embarcadero Center, Suite 1170  
San Francisco, CA 94111

Jonathan E. Canis  
Michael B. Hazzard  
Kelly Drye & Warren, LLP  
1200 19th Street, NW, Fifth Floor  
Washington, D.C. 20036

  
Vicki Gordon Kaufman