ÓRIGINAL

MCWHIRTER REEVES

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

RECEIVED-FPSC

JUL 20 PH 4: 2

July 20, 2001

VIA HAND DELIVERY

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

Re: Docket No.: 960786-TL

Dear Ms. Bayo:

APP

CAF

CMP

CTR

LEG OPC PAI

RGO SEC SER

OTH

51

Enclosed find the original and 15 copies of the following:

Access Integrated Networks, Inc.

- Rebuttal Testimony and Exhibit of Rodney Page on Behalf of Access Integrated Networks, Inc.
- Access Integrated Networks, Inc.'s Petition to Intervene

Covad Communications Company

 Rebuttal Testimony and Exhibits of Colette Davis of Covad Communications Company

Florida Competitive Carriers Association

• Rebuttal Testimony and Exhibits of Joseph Gillan on Behalf of the Florida Competitive Carriers Association

RECEIVED & FILED FPSC-BUREAU OF RECORDS

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEEN, P.A.

FPSC-COMMISSION CLERK

Ms. Blanca S. Bayo July 20, 2001 Page 2

KMC Telecom, Inc.

- Rebuttal Testimony of Mario Espin on Behalf of KMC Telecom III, Inc.
- Rebuttal Testimony of Jim Sfakianos on Behalf of KMC Telecom, Inc.

NewSouth Communications Corp.

- Rebuttal Testimony and Exhibit of John Fury on Behalf of NewSouth Communications Corp.
- Rebuttal Testimony of Ron Beasley on Behalf of NewSouth Communications Corp.

NuVox Communications, Inc.

- Rebuttal Testimony and Exhibit of Mary H. Campbell on Behalf of NuVox Communications, Inc.
- Rebuttal Testimony of Jerry Willis on Behalf of NuVox Communications, Inc.

XO Florida, Inc.

• Rebuttal Testimony of Elina Padfield on Behalf of XO Florida, Inc.

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,

Veclii Gordon Laufman

Vicki Gordon Kaufman

VGK/bae Enclosures

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEEN, P.A.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996.

Docket No. 960786-TL

Filed: July 20, 2001

ACCESS INTEGRATED NETWORKS, INC.'S PETITION TO INTERVENE

Pursuant to Rules 25-22.039 and 28-106.205, Florida Administrative Code, ACCESS

Integrated Networks, Inc. ("ACCESS"), through its undersigned counsel, submits its Petition to

Intervene and states:

1. The name and address of the Petitioner is:

ACCESS Integrated Networks, Inc. 4885 Riverside Drive, Suite 101 Macon, Georgia 31210

2. Copies of all pleadings, notices, and orders in this Docket should be provided to:

Joseph A. McGlothlin McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A. 117 S. Gadsden Street Tallahassee, Florida 32301

Mark D. Baxter Stone & Baxter, LLP 557 Mulberry Street, Suite 1111 Macon, Georgia 31201-8256

3. Statement of Substantial Interests:

ACCESS Integrated Networks, Inc. ("ACCESS"), is an Alternative Local Exchange Company ("ALEC") that operates in the states in which BellSouth serves as the Incumbent Local

DOCUMENT NUMBER-DATE

08886 JUL205

FPSC-COMMISSION CLERK

1

Exchange Company ("ILEC"), including Florida. Pursuant to the provisions of the 1996 Telecommunications Act and the terms of its interconnection agreements with BellSouth, ACCESS purchases from BellSouth certain unbundled network elements which ACCESS uses to serve its local exchange customers. As part of its overall package of services, ACCESS also provides long distance service to its customers. In this proceeding, the Commission will consider whether to support or oppose BellSouth's application to the FCC for authority to participate in the interLATA long distance market. A decision to allow BellSouth to enter the interLATA market prior to the time it has fully opened its network to competition in the local exchange market would provide BellSouth with an unfair competitive advantage against ACCESS, thereby affecting ACCESS' substantial interests.

4. Statement of Disputed Issues of Material Fact:

ACCESS adopts the issues identified in Order No. PSC-01-1025-PCO-TL, dated April 25, 2001.

5. Ultimate Facts Alleged:

Because BellSouth engages in anti-competitive activities designed to undermine the development of competition in the local exchange market, it has failed to provide nondiscriminatory interconnection and access of a quality equal to that which BellSouth provides to itself in violation of the 1996 Act; for the same reason, BellSouth has failed to provide access to network elements on terms that are just reasonable, and non-discriminatory, as required by the 1996 Act.

WHEREFORE, ACCESS Integrated Networks, Inc. requests the Commission to enter an order authorizing it to intervene in this docket as a full party.

2

Me Stothlen boonh (11

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

Mark D. Baxter Stone & Baxter, LLP 577 Mulberry Street, Suite 1111 Macon, Georgia 31201-8256 (478) 750-9898 Telephone (478) 750-9899 Telefax

Attorneys for Access Integrated Networks, Inc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing ACCESS Integrated Networks, Inc.'s Petition to Intervene has been furnished by (*) hand delivery or by U. S. Mail on this 20th day of July, 2001, to the following:

(*) Beth Keating Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399

Jeremy Marcus Blumenfeld & Cohen 1625 Massachusetts Avenue, NW Suite 300 Washington DC 20036

Nancy B. White c/o Nancy Sims BellSouth Telecommunications, inc. 150 South Monroe Street, Suite 400 Miami Florida 32301

James Falvey e.spire Communications 131 National Business Parkway, Suite 100 Annapolis Junction, MD 20701

Michael Gross Florida Cable Telecommunications Assoc. 246 E. 6th Avenue Tallahassee, Florida 32303

Kim Caswell GTE Post Office Box 110 FLTC0007 Tampa, Florida 33601

Richard Melson Post Office Box 6526 Tallahassee, Florida 32314 Scott Sapperstein Intermedia One Intermedia Way MC FLT-HQ3 Tampa, Florida 33619-1309

Donna McNulty 325 John Knox Road, Suite 105 Tallahassee, Florida 32303

Floyd Self/Norman Horton Messer Law Firm Post Office Box 1876 Tallahassee, Florida 32302

Pete Dunbar/Karen Camechis Pennington Law Firm Post Office Box10095 Tallahassee, Florida 32301

Susan S. Masterton Sprint Post Office Box 2214 MC: FLTLH00107 Tallahassee, Florida 32316-2214

Ken Hoffman Rutledge Law Firm Post Office Box 551 Tallahassee, Florida 32302-0551

Andrew Isar Ascent 3220 Uddenberg Lane, Suite 4 Gig Harbor, WA 98335 Matthew Feil Florida Digital Network, Inc. 390 North Orange Avenue, Suite 2000 Orlando, Florida 32801

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

Patrick Wiggins Katz, Kutter Law Firm, 12th Floor 106 East College Avenue Tallahassee, Florida 32301

John Marks, III Knowles Law Firm 215 S. Monroe Street, Suite 130 Tallahassee, Florida 32301

Scheffel Wright Landers Law Firm Post Office Box 271 Tallahassee, Florida 32302

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

Rodney L. Joyce 600 14th Street, N.W., Suite 800 Washington DC 20005-2004

Catherine F. Boone Covad Communications Company 10 Glenlake Parkway, Suite 650 Atlanta, GA 30328-3495

John Kerkorian MPower 5607 Glenridge Drive, Suite 300 Atlanta, GA 30342 CWA (Orl) Kenneth Ruth 2180 West State Road 434 Longwood, FL 32779

ITC[^] DeltaCom Nanette S. Edwards 4092 South Memorial Parkway Huntsville, AL 35802-4343

Network Access Solutions Corporation 100 Carpenter Drive, Suite 206 Sterling, VA 20164

Swidler & Berlin Richard Rindler/Michael Sloan 3000 K. St. NW #300 Washington, DC 20007-5116

Suzanne F. Summerline IDS Telcom L.L.C. 1311-B Paul Russell Road, Suite 201 Tallahassee, Florida 32301

Jim Lamoureux AT&T Communications, Inc. 1200 Peachtree Street, NE, Room 8068 Atlanta, GA 30309

eph A. McGlothlin