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January 10, 2002

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

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02 JAN 10 PM 4:53
COMMISSION
CLERK

Re: Docket No. 011615-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of KMC Telecom III, Inc. ("KMC") are the following documents:

1. Original and fifteen copies of KMC's Request for Oral Argument; **00390-02**
2. Original and fifteen copies of KMC's Response in Opposition to Sprint's Motion to Dismiss KMC's Complaint; and **00391-02**
3. A disk in Word Perfect 6.0 containing a copy of the document.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

Martin P. McDonnell

MPM/rl

Enclosures

cc: All Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of KMC Telecom III, Inc.,)
for Enforcement of Interconnection Agree-)
ment with Sprint-Florida, Inc..)
_____)

Docket No.: 011615-TP

Filed: January 10, 2002

KMC'S REQUEST FOR ORAL ARGUMENT

Complainant, KMC Telecom III, Inc. ("KMC"), by its undersigned counsel, and pursuant to Rule 25-22.058, Florida Administrative Code, respectfully moves the Commission to allow oral argument regarding Sprint's Motion to Dismiss KMC's Complaint and KMC's Response in Opposition thereto. KMC asserts that oral argument would aid the Commission in comprehending and evaluating the issues before it for the following reasons:

1. Sprint's Motion to Dismiss KMC's Complaint raises issues regarding:
 - (a) the legal rights and obligations of an ALEC that opts-in to an existing interconnection agreement under 47 U.S.C. §252(i);
 - (b) the relevance and legal effect of the Commission's arbitration Order interpreting then-existing federal law; and
 - (c) the interpretation of a "change in law" provision of the adopted interconnection agreement.
2. KMC's Response in Opposition to Sprint's Motion to Dismiss KMC's Complaint raises issues regarding:
 - (a) the primacy of federal law in Commission arbitrations relating to interconnection;
 - (b) the effect of the Commission's interpretation of federal law in an arbitration relating to an interconnection agreement and the rights of parties who opt-in to that agreement; and

DOCUMENT NUMBER-DATE

00390 JAN 10 02

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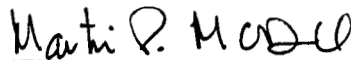
(c) whether clarification by the FCC of an existing FCC Rule triggers the obligations of the parties to an interconnection agreement to effectuate a “change in law” provision of the agreement.

3. The foregoing interrelated issues are complex and some may present issues of first impression for the Commission.

4. As a result of the complexity of the issues presented, KMC respectfully asserts that oral argument would aid the Commission in comprehending and evaluating the issues raised in the foregoing pleadings.

WHEREFORE, KMC respectfully requests that the Commission grant oral argument regarding Sprint’s Motion to Dismiss and KMC’s Response in Opposition thereto.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Complaint was furnished by U.S. Mail to the following this 10th day of January, 2002:

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