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July 31, 2002

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.: 020119-TL

Dear Ms. Bayo:

On behalf of Mpower Communications Corp., Inc., I am enclosing the original and 15 copies of Mpower Communications Corp.'s Petition to Intervene.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and pleading by returning the same. Thank you for your assistance in this matter.

Thank you for your assistance in this matter.

Yours truly,

Joseph A. McGlothlin

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Enclosure

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

Dave 8/02/02

000422

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Digital Network,
Inc., for Expedited Review and Cancellation
of BellSouth Telecommunication Inc.'s
Key Customer Promotional Tariffs
and for an Investigation of BellSouth
Telecommunication Inc.'s Promotional
Pricing and Marketing Practices.

Docket No. 020119-TL

Filed: July 31, 2002

MPOWER COMMUNICATIONS CORP.'S PETITION TO INTERVENE

Mpower Communications Corp. (Mpower), pursuant to rules 25-22.039 and 28-106.205, Florida Administrative Code, files this Petition to Intervene and states:

1. The affected agency is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.

2. The name and address of Petitioner is:

Mpower Communications Corp.
175 Sully's Trail, Suite 300
Pittsford, New York 14534

3. The name, address and telephone number of persons who should receive

copies of all orders, notices and correspondence in this docket are the undersigned counsel and:

Rick Heatter, Vice President
Mpower Communications Corp.
175 Sully's Trail, Suite 300
Pittsford, New York 14534
(585) 218-6556 (telephone)
(585) 2180635 (fax)

4. Mpower is a competitive provider in Florida, certificated to provide competitive local exchange service. As a Florida ALEC, Mpower is a direct competitor of BellSouth Telecommunications, Inc. ("BellSouth"). As such its substantial interests are affected by any anti-competitive conduct on the part of BellSouth.

5. Disputed issues of material fact in this proceeding include, but are not limited to:

a. Whether BellSouth is engaging in anti-competitive practices and behaviors in Florida through its promotional pricing and marketing practices contained in BellSouth's "2002 Key Customer" tariff.

b. The actions, if any, which the Commission should take to afford appropriate remedies for anti-competitive practices and behaviors committed by BellSouth.

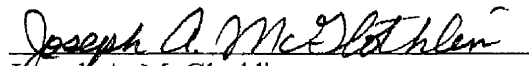
6. Subject to further development through discovery and testimony in this proceeding, Mpower adopts and incorporates by reference the ultimate facts supporting relief alleged by Florida Digital Network ("FDN") in FDN's Petition for an Investigation of BellSouth's Promotional Pricing and Marketing Practices and Cancellation of BellSouth's Key Customer Promotional Tariffs filed February 14, 2002.

7. The petitioner is entitled to relief pursuant to, but not limited to, the following statutes: Sections 364.01(a), (c) and (g); 364.051(5); 364.08; 364.09 and 364.10, Florida Statutes.

8. As a Florida ALEC, Mpower competes with BellSouth. Any determinations and actions in this docket regarding BellSouth's anti-competitive behavior and practices will affect the substantial interests of Mpower. Moreover, such interests are precisely those

which the cited statutes are designed to protect. Granting Mpower leave to intervene in this docket will provide the Commission with greater insight into the problems encountered by ALECs in the marketplace, as well as provide Mpower the opportunity to seek redress for BellSouth's anti-competitive behavior. Thus, Mpower has standing under Chapter 120, Florida Statutes and applicable rules to be granted intervention in this proceeding.

WHEREFORE, Mpower requests the Commission to grant its Petition to Intervene and accord it full party status in this matter.



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Attorneys for Mpower Communications Corp.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Mpower Communications Corp.'s Petition to Intervene has been furnished by (*) hand delivery or by U. S. Mail on this 31st day of July 2002 to the following:

(*) Felicia Banks
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2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
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