

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP  
ORDER NO. PSC-05-0120-PCO-TP  
ISSUED: January 28, 2005

ORDER GRANTING INTERVENTION

By Petition filed on November 22, 2004, KMC Telecom V, Inc. and KMC Telecom III, LLC (KMC) has requested permission to intervene in these proceedings. KMC is a competitive local exchange company (CLEC) that provides local exchange service in the State of Florida. In the instant docket, BellSouth has requested that the Commission initiate this proceeding to seek approval of proposed modifications to existing interconnection agreements. As a CLEC with an interconnection agreement with BellSouth, the substantial interests of KMC and its business operations in the State of Florida might be affected by the resolution of issues in this docket.

Having reviewed the Petition, it appears that KMC's substantial interests may be affected by these proceedings, because it provides local exchange service in Florida and has an existing interconnection agreement with BellSouth. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, KMC takes the case as it finds it.

Therefore, it is

**ORDERED** by the Florida Public Service Commission that the Petition to Intervene filed by KMC Telecom V, Inc. and KMC Telecom III, LLC is hereby granted. **It is further**

**ORDERED** that all parties to these proceedings shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in these proceedings, to:

Norman H. Horton, Jr.  
Messer, Caparello & Self  
Hand: 215 S. Monroe Street, Suite 701  
Tallahassee, FL 32301  
Mail: P.O. Box 1876  
Tallahassee, FL 32302-1876  
Tel: (850) 222-0720  
Fax: (850) 224-4359  
E-mail: nhorton@lawfla.com

John Heitman  
Garret R. Hargrave  
Kelley, Drye & Warren, LLP  
Suite 500  
1200 19<sup>th</sup> Street, NW  
Washington, DC 20036  
jheitmann@kelleydrye.com  
ghargrave@kelleydrye.com

DOCUMENT NUMBER-DATE

01030 JAN 28 05

FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 28th day of January, 2005.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

AJT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.