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May 19, 2005

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 050182-TP


Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom III LLC is an original and fifteen copies of KMC Telecom III LLC's Response to BellSouth Telecommunications, Inc.'s Petition for Leave to Intervene in the above referenced docket.

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 yours,


for Floyd R. Self

- OMP _____
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Enclosures
cc: Parties of Record

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DOCUMENT NUMBER - DATE
04927 MAY 19 05

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Joint petition for waiver of carrier selection)
requirements of Rule 25-4.118, FAC, to)
allow KMC Telecom III LLC to transfer)
certain customer accounts to TelCove)
Investment, LLC)
_____)

Docket No. 050182-TP
Filed: May 19, 2005

**KMC TELECOM III LLC'S RESPONSE TO BELL SOUTH
TELECOMMUNICATIONS, INC.'S PETITION FOR LEAVE TO INTERVENE**

KMC Telecom III LLC (hereinafter "KMC"), pursuant to Rule 28-106.204(1), F.A.C. hereby responds to Sprint-Florida, Incorporated's (hereinafter "Sprint") Motion to Strike, and states:

1. On March 11, 2005, KMC and TelCove Investment, LLC (hereinafter "TelCove") filed their Joint Petition for Waiver of Rule 25-4.118, F.A.C., so as to allow for the transfer of existing customers of KMC to TelCove.

2. Rule 25-22.039, F.A.C. governs intervention in PSC Dockets, and provides, in pertinent part, that:

Persons, other than the original parties to a pending proceeding, who have a substantial interest in the proceeding, and who desire to become parties may petition the presiding officer for leave to intervene. Petition for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Uniform subsection 28-106.201(2), F.A.C., and must include allegations sufficient to demonstrate . . . that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.

3. BellSouth has failed to include specific factual allegations sufficient to demonstrate that its substantial interests are affected by the transfer of KMC accounts to

TelCove. Conclusory allegations as to alleged disputes between BellSouth and KMC in unrelated matters do not meet the requirements of Rule 25-22.039, F.A.C., thus BellSouth has not demonstrated that it has standing to intervene in this proceeding.

4. Rule 25-22.039, F.A.C., through its reference of Rule 28-106.201(2), F.A.C., requires that petitions to intervene meet the following standards:

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

5. BellSouth's Petition to Intervene fails to comply with the PSC's rule regarding intervention.

WHEREFORE, due to the fact that BellSouth has failed to sufficiently allege its standing to intervene in this proceeding, and due to the fact that BellSouth's Petition to Intervene does not meet the standards for such a petition as established in the rules of the Commission, the Commission should deny BellSouth Telecommunications, Inc.'s Petition for Leave to Intervene.

Respectfully submitted this 19th day of May, 2005.


for Floyd R. Self, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following parties by Hand Delivery (*), and/or U. S. Mail this 19th day of May, 2005.

Jason Rojas, Esq.*
General Counsel's Office, Room 370
Florida Public Service Commission
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Tallahassee, FL 32399-0850

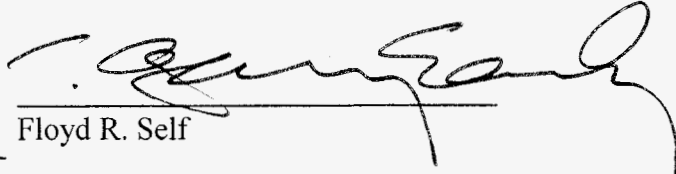
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