

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
pricing of unbundled network
elements.

DOCKET NO. 990649-TP
ORDER NO. PSC-99-1546-PCO-TP
ISSUED: August 5, 1999

ORDER GRANTING INTERVENTION

By Petition, Florida Digital Network, Inc. (Florida Digital or the company), has requested permission to intervene in this docket, which was established to investigate the pricing of unbundled network elements. Florida Digital is an alternative local exchange carrier and an interexchange carrier certified by this Commission to provide services in the State of Florida. Florida Digital alleges that "[a]ny decision by the Commission made during this proceeding will affect the interests of Florida Digital and its business in the State of Florida."

There has been no response filed in opposition to this request.

Having reviewed the Petition, it appears that the company's substantial interests may be affected by this proceeding. Therefore, the Petition should be granted. Pursuant to Rule 25.039, Florida Administrative Code, however, the company takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition for Leave to Intervene filed by Florida Digital Network, Inc., be and the same is hereby granted. It is further

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

Eric J. Branfman
Morton J. Posner
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116


DOCUMENT NUMBER-DATE

09323 AUG-5 99

REG-RECORDS-REPORTING

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By ORDER of the Florida Public Service Commission, this 5th
day of August, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DMC

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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.

M E M O R A N D U M

AUGUST 4, 1999

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *DMC CB*

RE: DOCKET NO. 990649-TP - INVESTIGATION INTO PRICING OF
UNBUNDLED NETWORK ELEMENTS.

1540-PCD

Attached is an ORDER GRANTING INTERVENTION, to be issued in
the above-referenced docket. (Number of pages in order - *12*)

DMC/anc
Attachment
cc: Division of Communications
I: 990649p6.dc

Set binder