

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
pricing of unbundled network  
elements.

DOCKET NO. 990649-TP  
ORDER NO. PSC-99-1749-PCO-TP  
ISSUED: September 7, 1999

ORDER GRANTING INTERVENTION

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

There has been no response filed in opposition to KMC's 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 to Intervene filed by KMC Telecom, Inc., KMC Telecom II, Inc., and KMC Telecom, III, 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

10677 SEP-7 99

FILED RECORDS/REPORTING

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John McLaughlin  
KMC Telecom, Inc.  
Suite 170  
3025 Breckinridge Boulevard  
Duluth, GA 30096

By ORDER of the Florida Public Service Commission, this 7th  
day of September, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

  
\_\_\_\_\_  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

DMC

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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.

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M E M O R A N D U M

September 7, 1999

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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CLEMONS) *pmc* *CAB*

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

Pco 1749

Attached is an ORDER GRANTING INTERVENTION, to be issued in the above-referenced docket. (Number of pages in order - 3)

DMC/anc  
 Attachment  
 cc: Division of Communications  
 I: 990649p8.dc

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