

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
pricing of unbundled network
elements.

DOCKET NO. 990649-TP
ORDER NO. **PSC-99-1887-PCO-TP**
ISSUED: **September 23, 1999**

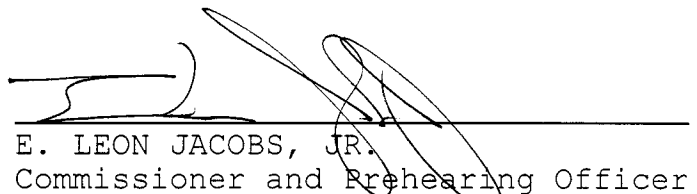
ORDER AUTHORIZING QUALIFIED REPRESENTATIVE STATUS

On August 11, 1999, Eric J. Branfman, Counsel for KMC Telecom, Inc., KMC Telecom II, Inc. and KMC Telecom III, Inc. (KMC Telecom), filed a written request pursuant to Rule 28-106.106, Florida Administrative Code, for Morton J. Posner, Attorney, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, Northwest, Suite 300, Washington, D.C. 20007, to appear as Qualified Representative for KMC Telecom in Docket No. 990649-TP. Having reviewed the request, it appears that Morton J. Posner has the necessary qualifications to responsibly represent KMC Telecom's interests in a manner which will not impair the fairness of the proceeding or the correctness of the action to be taken. Having met the requirements of Rule 28-106.106(4), Florida Administrative Code, Morton J. Posner is authorized to appear as Qualified Representative on behalf of KMC Telecom in this docket.

Based on the foregoing, it is

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that Morton J. Posner, Attorney, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, Northwest, Suite 300, Washington, D.C. 20007, is authorized to appear as Qualified Representative on behalf of KMC Telecom, Inc., KMC Telecom II, Inc., and KMC Telecom III, Inc., 1545 Route 206, Suite 300, Bedminster, New Jersey 97921-2567, in this docket.

By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 23rd day of September, 1999.


E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)
BK/ALC

DOCUMENT NUMBER-DATE
11483 SEP 23 99
FPSC-RECORDS/REPORTING

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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.

M E M O R A N D U M

RECEIVED FPSC

SEP 23 AM 9:57

September 23, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (KEATING) *pk*
RE: DOCKET NO. 990649-TP - INVESTIGATION INTO PRICING OF
UNBUNDLED NETWORK ELEMENTS.

1887-PCB

Attached is an ORDER AUTHORIZING QUALIFIED REPRESENTATIVE STATUS, to be issued in the above-referenced docket.

(Number of pages in order - 2)

MUST GO TODAY

BK/ALC/dr

Attachment

cc: Division of Communications (Ollila, Dowds, King)
Division of Legal Services (Clemons)

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