

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into
appropriate methods to
compensate carriers for exchange
of traffic subject to Section
251 of the Telecommunications
Act of 1996.

DOCKET NO. 000075-TP
ORDER NO. PSC-00-1686-PCO-TP
ISSUED: September 20, 2000

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition, Level 3 Communications, LLC (Level 3), has requested permission to intervene in this proceeding. Level 3 states that as an alternative local exchange telecommunications provider (ALEC), it is authorized to provide local exchange service in Florida and is subject to the statutes, rules and orders of this Commission. Level 3 states that the statutes, rules and orders impact both Level 3's ability to provide telecommunications services and its ability to compete in Florida. Level 3 explains that this proceeding will focus on a host of legal, factual, and policy issues concerning the delivery of internet service provider-bound traffic, including whether the delivery of such traffic is subject to compensation under Section 251 of the Telecommunications Act of 1996 and the appropriate intercarrier compensation mechanism for the delivery of such traffic. Level 3 asserts that as an ALEC, it exchanges traffic with incumbent local exchange companies and other ALECs in order to provide local exchange service. Level 3 contends that the Commission's decisions in this proceeding, which are anticipated to have general applicability, will affect its substantial interests, and, therefore, entitling it to participate as a party.

Having reviewed the Petition, it appears that Level 3's substantial interests may be affected by this proceeding because it operates as an ALEC in Florida, and is subject to the rules, regulations, and orders of the Commission regarding the rate structure for exchange of traffic between carriers in Florida. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Level 3 takes the case as it finds it.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition of Level 3 Communications, LLC to Intervene 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:

Michael R. Romano, Esq.
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, Colorado 80021

and

Kenneth A. Hoffman, Esq.
John R. Ellis, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
Post Office Box 551
Tallahassee, FL 32302

By ORDER of the Florida Public Service Commission this 20th day of September, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

DWC

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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.