

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

DOCKET NO. 000121-TP
ORDER NO. PSC-00-2344-PCO-TP
ISSUED: December 7, 2000

ORDER GRANTING INTERVENTION

By Petition, Birch Telecom of the South, Inc. (Birch) has requested permission to intervene in this proceeding. Birch states that it has been duly certificated by this Commission as an alternate local exchange company (ALEC) in the State of Florida, and, as such, is subject to the Commission's rules, regulations and orders. Birch states that it must utilize the operations support systems of incumbent local exchange companies (ILEC) in order to provide local exchange service in Florida. Thus, Birch states that any decision in this case will substantially affect Birch's interests.

Having reviewed the Petition, it appears that Birch's substantial interests may be affected by this proceeding. As an ALEC operating in Florida, Birch states that it must utilize the operations support systems of ILECs to provide local exchange service. Thus, Birch has sufficiently demonstrated that its substantial interests may be affected by the outcome of this proceeding. Pursuant to Rule 25-22.039, Florida Administrative Code, Birch takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Birch Telecom of the South, Inc. 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:

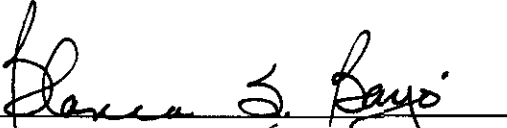
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15686 DEC-78
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Monica M. Barone, Esquire
Director, State Regulation
Birch Telecom of the South, Inc.
8001 Fairlake Drive
Wake Forest, NC 27587

Tad J. (T.J.) Sauder
Manager, ILEC Performance Data
Birch Telecom of the South, Inc.
2020 Baltimore Avenue
Kansas City, MO 64108

By ORDER of the Florida Public Service Commission this 7th Day
of December, 2000.



Handwritten signature of Blanca S. Bayó in cursive script, written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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.

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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.