

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of
BellSouth Telecommunications,
Inc.'s entry into interLATA
services pursuant to Section 271
of the Federal Telecommuni-
cations Act of 1996.

DOCKET NO. 960786-TL
ORDER NO. PSC-01-1365-PCO-TL
ISSUED: June 25, 2001

ORDER GRANTING INTERVENTION

By Petition dated May 29, 2001, IDS Telecom LLC (IDS) has requested permission to intervene in this proceeding. IDS states that it is a certificated alternative local exchange company in Florida. In addition, IDS states it is a customer of BellSouth Telecommunications, Inc. (BellSouth) for unbundled network elements. According to IDS, because it is a long distance provider and a BellSouth competitor in the provision of local exchange services, IDS's substantial interests will be affected in this proceeding regarding whether BellSouth has complied with the requirements of Section 271(c) of the Telecommunications Act of 1996. In its petition, IDS states that its sole purpose behind its participation is to file testimony addressing BellSouth's operations support systems (OSS) and access to unbundled network elements (UNEs).

BellSouth filed an "Opposition to IDS Telecom, L.L.C.'s Petition to Intervene" on June 11, 2001. In its opposition, BellSouth argues that the Commission has already decided in Order No. PSC-01-1025-PCO-TL that it will not take evidence on BellSouth's OSS and provision of access to its UNEs during this proceeding because these issues are being addressed by the third party testing currently underway in this docket. According to BellSouth, IDS cannot come in at this late date and argue that the scope of the proceeding should be expanded beyond that already set by the prehearing officer. BellSouth does not object to IDS participating "on the same terms and conditions as the other parties to this proceeding."

Having reviewed the Petition, it appears that IDS's substantial interests may be affected by this proceeding because it is a competitive telecommunications provider in Florida.

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PSC-REGISTRATION REPORTING

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Therefore, the Petition shall be granted. In approving IDS's Petition, this order does not address IDS's arguments regarding my decision in Order No. PSC-01-1025-PCO-TL, nor the propriety of any testimony IDS might file in this proceeding. Rulings on the relevance of IDS's testimony or evidence presented shall be made on a case-by-case basis as necessary. Pursuant to Rule 25-22.039, Florida Administrative Code, IDS takes the case as it finds it.

Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason as Prehearing Officer that the Petition to Intervene filed by IDS Telecom LLC 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:

Suzanne F. Summerlin, Esquire
1311-B Paul Russell Road, Suite 201
Tallahassee, Florida 32301

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 25th Day of June, 2001.

A handwritten signature in black ink, appearing to read "J. Terry Deason", is written over a horizontal line.

J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

MAH

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.