

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-02-0144-PCO-TP
ISSUED: February 1, 2002

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition, Florida Digital Network, Inc. (FDN) has requested permission to intervene in this proceeding. FDN asserts that it is a certificated ALEC and ILEC carrier in Florida. As such, FDN states that the Commission's rules, regulations and orders impact FDN's ability to provide local exchange telecommunications service and interexchange telecommunications service. Further, FDN asserts that as an ALEC in Florida interconnected with and exchanging local and other traffic with ILECs, it will be substantially affected by the Commission's decision in this docket.

Having reviewed the Petition, it appears that FDN's substantial interests may be affected by this proceeding because FDN is an ALEC in Florida that provides telecommunications service. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FDN takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition for Leave to Intervene filed by Florida Digital Network, 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:

DOCUMENT NUMBER-DATE

01235 FEB-18

FPSC-COMMISSION CLERK

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Matthew Feil, Esquire
Florida Digital Network, Inc.
390 North Orange Avenue
Suite 2000
Orlando, FL 32801-1640
(407) 835-0460
mfeil@floridadigital.net

By ORDER of the Florida Public Service Commission this 1st Day
of February, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

FRB

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 the Commission Clerk and Administrative Services, 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.