

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review and cancellation of BellSouth Telecommunications, Inc.'s Key Customer promotional tariffs and for investigation of BellSouth's promotional pricing and marketing practices, by Florida Digital Network, Inc.

DOCKET NO. 020119-TP  
ORDER NO. PSC-02-0383-PCO-TP  
ISSUED: March 21, 2002

ORDER GRANTING JOINT PETITION TO INTERVENE

BY THE COMMISSION:

By Petition, US LEC of Florida, Inc., XO Florida, Inc., and Time Warner Telecom of Florida, L.P. (collectively "petitioners") have requested permission to intervene in this proceeding. In their petition, petitioners state that they are ALECS certificated in Florida. Further, petitioners state that BellSouth's anticompetitive behavior will impair petitioners' ability to provide competitive telecommunications services to consumers.

Having reviewed the Petition, it appears that petitioners' substantial interests may be affected by this proceeding because they are certificated as ALECS in Florida. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, petitioners take the case as they find it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition for Leave to Intervene filed jointly by US LEC of Florida, Inc., XO Florida, Inc. and Time Warner Telecom of Florida, L.P., 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

03247 MAR 21 02

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-0383-PCO-TP  
DOCKET NO. 020119-TP  
PAGE 2

Kenneth A. Hoffman, Esq.  
Martin P. McDonnell, Esq.  
Marsha Rule, Esq.  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
US LEC of Florida, Inc.  
P.O. Box 551  
Tallahassee, Florida 32302-0551  
(850) 681-6788 (telephone)  
(850) 681-6515 (fax)

Dana Shaffer  
XO Florida, Inc.  
105 Molly Street, Suite 300  
Nashville, Tennessee 37201  
(615) 777-7700 (telephone)  
(615) 345-1564 (fax)

Karen Camechis, Esq.  
Pennington Law Firm  
Time Warner Telecom of Florida, LP  
P.O. Box 10095  
Tallahassee, Florida 32302-2095  
(850) 222-3533 (telephone)  
(850) 222-2126 (fax)

By ORDER of the Florida Public Service Commission this 21st  
Day of March, 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.

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.