

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-02-1153-PCO-TP
ISSUED: August 23, 2002

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition, Mpower Communications Corp. ("Mpower") has requested permission to intervene in this proceeding. In its petition, Mpower states that it is a competitive provider in Florida, certificated to provide competitive local exchange service. Mpower asserts that it is a direct competitor of BellSouth Telecommunications, Inc. As such, Mpower believes that any determinations and action in this docket regarding BellSouth's anticompetitive behavior and practices will affect its substantial interests.

Having reviewed the Petition, it appears that Mpower's substantial interests may be affected by this proceeding because Mpower is a competitive provider of telecommunications services in Florida. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Mpower 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 Mpower Communications Corp., 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

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FPSC-COMMISSION CLERK

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Mr. Joseph A. McGlothlin, Esq.
McWhirter Reeves McGlothlin
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525
Facsimile: (850) 222-5606

Mr. Rick Heatter
Vice President
Mpower Communications Corp.
175 Sully's Trail, Suite 300
Pittsford, New York 14534
Telephone: (585) 218-6556
Facsimile: (585) 218-0635

By ORDER of the Florida Public Service Commission this 23rd
Day of August, 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.