

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers.

DOCKET NO. 030851-TP
ORDER NO. PSC-03-1378-PCO-TP
ISSUED: December 5, 2003

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed on December 3, 2003, Florida Digital Network, Inc. d/b/a FDN Communications ("FDN"), has requested permission to intervene in this proceeding. FDN is a competitive local exchange company ("CLEC") that provides local exchange service in the State of Florida. The scope of this docket and the ultimate resolution of the issues set forth by the FCC for consideration will impact the ability of a CLEC, including FDN, to compete for local exchange service customers. As such, the resolution of the issues in this docket will affect the substantial interests of FDN and its business operations in the State of Florida.

Having reviewed the Petition, it appears that FDN's substantial interests may be affected by this proceeding, because it provides local exchange service in Florida. 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 to Intervene filed by Florida Digital Network, Inc. d/b/a FDN Communications, is hereby granted. It is further

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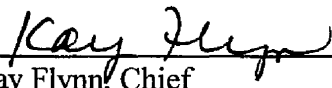
ORDERED that all parties to these proceedings shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in these proceedings, to:

Matthew Feil
FDN Communications
390 North Orange Avenue, Suite 2000
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skassman@mail.fdn.com

By ORDER of the Florida Public Service Commission this 5th Day of December, 2003.

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

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

(S E A L)

JLS

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; or (2) 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.