

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DOCKET NO. 041269-TP
ORDER NO. PSC-05-0121-PCO-TP
ISSUED: January 28, 2005

ORDER GRANTING INTERVENTION

By Petition filed on November 22, 2004, Xspedius Communications, LLC on behalf of its operating affiliates, Xspedius Management Co. of Jacksonville, LLC and Xspedius Management Co. Switched Services, LLC (Xspedius) has requested permission to intervene in these proceedings. Xspedius is a competitive local exchange company (CLEC) that provides local exchange service in the State of Florida. In the instant docket, BellSouth has requested that the Commission initiate this proceeding to seek approval of proposed modifications to existing interconnection agreements. As a CLEC with an interconnection agreement with BellSouth, the substantial interests of Xspedius and its business operations in the State of Florida might be affected by the resolution of issues in this docket.

Having reviewed the Petition, it appears that Xspedius' substantial interests may be affected by these proceedings, because it provides local exchange service in Florida and has an existing interconnection agreement with BellSouth. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Xspedius takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Xspedius Management Co. of Jacksonville, LLC and Xspedius Management Co. Switched Services, LLC is hereby granted. It is further

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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:

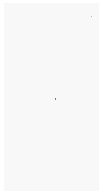
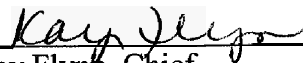
Norman H. Horton, Jr.
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By ORDER of the Florida Public Service Commission this 28th day of January, 2005.

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

By:

Kay Flynn, Chief
Bureau of Records

(S E A L)

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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.