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April 24, 1997

**VIA FEDERAL EXPRESS**

Mr. Blanco S. Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2340 Shumard Oak Boulevard  
Tallahassee, Florida 32399

970496-TP

Re: KMC Telecom, Inc. Petition for Relief To Opt Into  
An Approved Interconnection Agreement

Dear Mrs. Bayo:

Enclosed for filing on behalf of KMC Telecom, Inc., please find an original and fifteen (15) copies of the Petition To Opt Into An Approved Interconnection Agreement. Please date stamp the extra copy of the Petition and return it in the enclosed self-addressed envelope.

Please call me if you have any questions.

Sincerely,



Richard M. Rindler

Enclosures

RECEIVED & FILED

*W*

EPSC BUREAU OF RECORDS

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EPSC BUREAU OF RECORDS/REPORTING

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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the matter of	)	
	)	
KMC TELECOM, INC.	)	
	)	
Petition for Relief To Opt Into An Approved Interconnection Agreement	)	Docket No. _____
	)	
SPRINT - FLORIDA, INC.	)	

**PETITION TO OPT INTO AN APPROVED INTERCONNECTION AGREEMENT**

KMC Telecom, Inc. ("KMC"), by its undersigned attorneys, hereby petitions the Florida Public Service Commission (the "Commission") for relief in accordance with Section 252(i) of the Telecommunications Act of 1996 (the 1996 Act), 47 U.S.C. § 252(i) with respect to the refusal by Sprint - Florida, Inc. ("Sprint") to make available to KMC one term in a previously approved interconnection agreement. In support of this petition, KMC states as follows:

1. KMC is a Delaware corporation, with offices located at 1545 Route 206, Suite 300, Bedminister, NJ 07921, which has applied for and received certification to provide interexchange and local exchange service in a number of states.
2. KMC intends to install fiber optic communication networks in a number of states and expects to offer a wide range of high quality digital local access and private line services to communications-intensive businesses and government end users.
3. Sprint is an incumbent provider of local exchange services within the State of Florida. Sprint is a corporation having its principal place of business at 555 Lake Border Drive, Apopka, Florida 32703. Sprint provides and at all material times has provided intrastate, local

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exchange and exchange access service in Florida subject to the regulatory authority of this Commission.

4. For purposes of §§ 251 and 252 of the 1996 Act, Sprint is and has been at all material times an "incumbent local exchange carrier" in the State of Florida as defined by Sec. 251(h) of the 1996 Act.

5. On September 13, 1996, KMC sent a letter to Sprint requesting interconnection pursuant to § 251 of the 1996 Act (the "Interconnection Request Letter").

6. The parties have reached an agreement in principle on all except one issue. An agreement reflecting the terms of this agreement in principle is in the process of being prepared and will be filed after it has been executed.

7. In the course of the negotiations, KMC stated that it was willing to accept, in the State of Florida, the terms and conditions as set forth in the Partial Interconnection Agreement for LATA 458 between United Telephone Company of Florida and MFS Communications Company, Inc. ("MFS Agreement"), which was approved by this Commission in Order No. PSC-97-0240-FOF-TP.

8. KMC and Sprint agreed that, pursuant to Section 252(i) of the 1996 Act, KMC would opt into the MFS Agreement, with modifications to reflect the differences in geography and network design between MFS and KMC.

9. Sprint, however, refused to permit KMC to opt into Section 5.4.2 of the MFS Agreement.

10. Section 252 of the 1996 Act provides:

A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

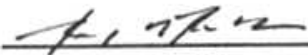
47 U.S.C. § 252(i).

REQUEST FOR RELIEF

KMC requests that the Commission determine that, in accordance with Section 252(i) of the 1996 Act, Sprint is required to allow KMC to opt into the MFS Agreement in its entirety, including Section 5.4.2 of the MFS Agreement which establishes a reciprocal local call termination rate of \$0.0055 per minute of use.

KMC requests that this matter proceed under the provisions of Section 120.57(2) of the Florida Statutes Annotated and R.25-22-036 of the Florida Rules of Civil Procedure as there are no material facts in dispute.

Respectfully submitted,

  
Richard M. Rindler  
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Attorneys for KMC TELECOM, INC.

April 22, 1997

**CERTIFICATE OF SERVICE**

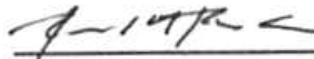
I hereby certify that on this 24th day of April 1997, copies of the foregoing Petition To Opt Into An Approved Interconnection Agreement were served, via overnight mail, on the following:

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