

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

IN RE: BELLSOUTH) TELECOMMUNICATIONS INC.'S) PETITION FOR TEMPORARY WAIVER) OF PHYSICAL COLLOCATION) REQUIREMENTS SET FORTH IN 1996) TELECOMMUNICATIONS ACT AND) THE FCC'S FIRST REPORT AND ORDER,) FOR THE LAKE MARY MAIN CENTRAL) OFFICE) _____)	Docket No. <u>981250</u> Filed:
---	--

PETITION TO INTERVENE OF ACI CORP.

COMES NOW ACI Corp. ("ACI"), through its undersigned counsel, and hereby files its Petition to Intervene ("Petition") and participate as a full party of record in the above-captioned docket (the "Docket"). As grounds for this Petition, ACI states as follows:

1. Petitioner's name, address and telephone number are:

ACI Corp.
7337 S. Revere Parkway
Englewood, CO 80112
(303) 476-4200

2. All notices, pleadings, orders, and documents in this proceeding should be provided to:

Charles A. Hudak, Esq.
Jeremy D. Marcus, Esq.
Gerry, Friend & Sapronov, LLP
Three Ravinia Drive, Suite 1450
Atlanta, GA 30346-2131
Tel: (770) 399-9500
Fax: (770) 395-0000

and

DOCUMENT NUMBER - DATE

14529 DEC 23 88

FPSC-RECORDS/REPORTING

Jeffrey Blumenfeld, Esq.
Elise P.W. Kiely, Esq.
Blumenfeld & Cohen
1615 M Street, NW, Suite 700
Washington, DC 20036
Tel: (202) 955-6300
Fax: (202) 955-6460

3. ACI is certificated by the Florida Public Service Commission (the "Commission") to provide both local exchange and long distance telecommunications services.

4. ACI intends to provide high-speed data communications, including high-speed local access, initially through the deployment of digital subscriber line ("DSL") services to business and residential consumers in the State of Florida in 1999.

5. On or about October 1, 1998, BellSouth Telecommunications, Inc. ("BellSouth") filed a Petition for Temporary Waiver of Physical Collocation Requirements Set Forth in 1996 Telecommunications Act and the FCC's First Report and Order, for the Lake Mary Main Central Office (Docket No. 981250) requesting the Commission to temporarily exempt BellSouth from its obligation under Section 251(c)(6) of the Telecommunications Act of 1996 to offer physical collocation in its Lake Mary Main Central Office.

6. In order to obtain a temporary waiver of its physical collocation obligations, BellSouth is required under Section 251(c)(6) of the Telecommunications Act of 1996 "to demonstrate[] to the State commission that physical collocation is not practical for technical reasons or because of space limitations."

7. As a future provider of facilities-based, high-speed data communications services, ACI has a substantial interest in this proceeding because it intends to submit applications for physical collocation space from BellSouth in the Lake Mary Main Central Office. In order for

ACI, or any other carrier including BellSouth, to provide DSL services, that carrier must be able to place equipment in BellSouth central offices.

8. ACI requests intervention as a full party of record. ACI's rights and interests in this matter will not be adequately represented by any other party, and ACI's participation herein will not unduly delay this proceeding.

WHEREFORE, ACI respectfully requests that the Commission grant this Petition and allow ACI to become a full party of record in the Docket.

Respectfully submitted this 2nd day of December 1998.

GERRY, FRIEND & SAPRONOV, LLP


CHARLES A. HUDAK


JEREMY D. MARCUS

Three Ravinia Drive, Suite 1450
Atlanta, GA 30346-2131
(770) 399-9500

AND

Jeffrey Blumenfeld, Esq.
Elise P.W. Kiely, Esq.
Blumenfeld & Cohen
1615 M Street, NW, Suite 700
Washington, DC 20036
(202) 955-6300

COUNSEL FOR ACI CORP.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Petition to Intervene, by depositing same in the United States mail in a properly addressed envelope with adequate postage thereon to insure delivery to the following parties:

BellSouth Telecommunications, Inc.
Ms. Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

Teleport Communications Group, Inc.
Michael McRae/Paul Kouroupas
2 Lafayette Centre
1133 Twenty-First Street, N.W., #400
Washington, DC 2003

Messer Law Firm
Floyd Self
P.O. Box 1876
Tallahassee, FL 32302

WorldCom Technologies, Inc.
Mr. Brian Sulmonetti
1515 South Federal Highway, Suite 400
Boca Raton, FL 33432-7404

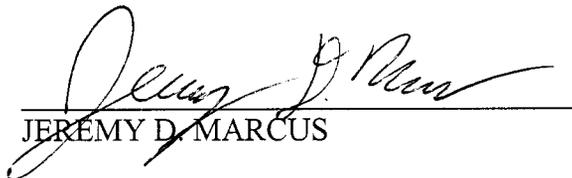
Rutledge Law Firm
Kenneth Hoffman
P.O. Box 551
Tallahassee, FL 32302

Calvin Favors
Florida Public Service Commission
Division of Communications
2540 Shumark Oak Blvd.
Tallahassee, FL 32399-0850

David Dimlich
Supra Telecommunications
and Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, FL 33133-3001

June McKinney
Florida Public Service Commission
Division of Legal Services
2540 Shumark Oak Blvd.
Tallahassee, FL 32399-0850

This the 22nd day of December, 1998.


JEREMY D. MARCUS

GERRY, FRIEND & SAPRONOV, LLP
Three Ravinia Drive, Suite 1450
Atlanta, Georgia 30346-2131
(770) 399-9500