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August 10, 1999

VIA OVERNIGHT DELIVERY

Blanca S. Bayó
Director, Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
AUG 11 AM 10:43
MAIL ROOM

Re: Docket No. 990649 - Petition to Intervene of KMC Telecom Inc., KMC Telecom II, Inc. and KMC Telecom III, Inc.

Dear Ms. Bayó:

Enclosed for filing on behalf of KMC Telecom Inc., KMC Telecom II, Inc. and KMC Telecom III, Inc. (collectively "KMC") are an original and fifteen (15) copies of KMC's Petition to Intervene and Request for Designation of Qualified Representative in the above-captioned docket. Please date-stamp the enclosed extra copy of this filing and return it in the attached self-addressed, stamped envelope. Please contact us if you have any questions concerning this matter.

Respectfully submitted,

Eric J. Branfman
Morton J. Posner

Counsel for KMC Telecom Inc., KMC
Telecom II, Inc. and KMC Telecom III, Inc.

ASA _____
APP _____
CAF _____
CMA lll
CTR _____
EAG _____
LEG 2 Enclosures
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PJI _____
SEC 1
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cc: John M. Beahn

Done 8/17/99
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OPAC-RECORDS/REPORTING

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into Pricing of)	Docket No. 990649-TP
Unbundled Network Elements)	
		Filed: August 11, 1999

**PETITION TO INTERVENE OF
KMC TELECOM INC., KMC TELECOM II, INC. and KMC TELECOM III, INC.**

KMC Telecom Inc., KMC Telecom II, Inc. and KMC Telecom III, Inc. (collectively "KMC" or "Petitioner"), through its undersigned counsel, and pursuant to Rule 25-22.039 of the Florida Administrative Code, FLA. ADMIN. CODE. r. 25-22.039, files this Petition to Intervene in the above-captioned proceeding and states as follows:

1. Each KMC entity is certificated as an Alternative Local Exchange Carrier ("ALEC") pursuant to orders of the Florida Public Service Commission ("Commission"). The address of each is:

1545 Route 206, Suite 300
Bedminster, New Jersey 07921-2567
Telephone: (908) 470-2100
Facsimile: (908) 719-8775.

2. All process, pleadings, notices and correspondence should be served upon the following individual:

Eric J. Branfman
Morton J. Posner
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116
Telephone: (202) 424-7500
Facsimile: (202) 424-7645

with a copy to:

John McLaughlin
KMC Telecom Inc.
Suite 170
3025 Breckinridge Boulevard

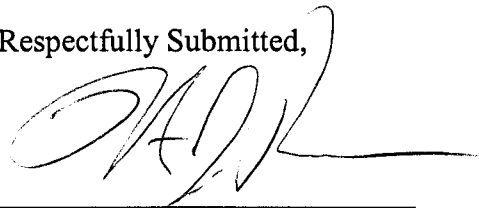
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09550 AUG 11 99
FPSC-RECORDS/REPORTING

Duluth, GA 30096
Telephone: (770) 931-5260
Facsimile: (770) 638-6796

3. In this proceeding, the Commission intends to examine the issue of the pricing of unbundled network elements in the State of Florida. Any decision by the Commission made during this proceeding will affect the interests of KMC and its business in the State of Florida.

WHEREFORE, KMC Telecom Inc., KMC Telecom II, Inc. and KMC Telecom III, Inc. respectfully request that they be allowed to intervene in this proceeding.

Respectfully Submitted,



Eric J. Branfman
Morton J. Posner
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116
Telephone: (202) 424-7500
Facsimile: (202) 424-7645

**Counsel for KMC Telecom Inc., KMC
Telecom II, Inc. and KMC Telecom III, Inc.**

Dated: August 10, 1999

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into Pricing of)	Docket No. 990649-TP
Unbundled Network Elements)	
_____)	Filed: August 11, 1999

**REQUEST OF
KMC TELECOM INC., KMC TELECOM II, INC. and KMC TELECOM III, INC.
FOR DESIGNATION OF
QUALIFIED REPRESENTATIVE**

KMC Telecom Inc. and KMC Telecom II, Inc. and KMC Telecom III, Inc. (collectively "KMC"), by undersigned counsel and pursuant to Rule 28-106.106 of the Florida Administrative Code, FLA. ADMIN. CODE r. 28-106.106, hereby files its Request for Designation of a Qualified Representative in the above-captioned proceeding. KMC requests that the Commission designate Morton J. Posner of Swidler Berlin Shereff Friedman, LLP ("SBSF"), KMC's regulatory counsel, as its qualified representative in this docket. KMC is aware and familiar with the services that SBSF can provide, and has chosen to utilize counsel from SBSF in this proceeding. KMC believes that allowing it to be represented by attorneys from SBSF in the above-captioned proceeding will not impair the fairness of the proceeding or the correctness of the action to be taken in this docket.

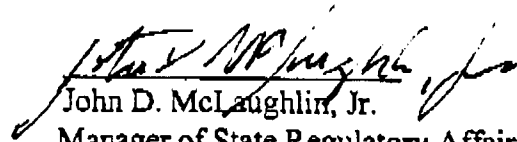
The qualified representative that KMC has chosen for this proceeding is:

Morton J. Posner, Esq.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-7645

An Affidavit setting forth the qualifications of the representative named above are attached to this Request.

WHEREFORE, KMC Telecom Inc., KMC Telecom II, Inc. and KMC Telecom III, Inc. respectfully request that the individual identified in this filing be permitted to serve as qualified representative in the above-captioned proceeding pursuant to Rule 28-106.106 of the Florida Administrative Code.

Respectfully submitted,



John D. McLaughlin, Jr.
Manager of State Regulatory Affairs
KMC Telecom Inc., KMC Telecom II, Inc. and
KMC Telecom III, Inc.

Dated: August 10, 1999

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into Pricing of)	Docket No. 990649-TP
Unbundled Network Elements)	
_____)	Filed: August 11, 1999

**AFFIDAVIT OF
MORTON J. POSNER**

I, Morton J. Posner, being first duly sworn, do hereby depose and state as follows:

1. I am an Attorney with the law firm Swidler Berlin Shereff Friedman, LLP ("SBSF").

My business address is 3000 K Street, N.W., Suite 300, Washington, D.C. 20007.

2. I am a member in good standing of the District of Columbia bar, and am seeking to be designated as a qualified representative in the above-captioned docket pursuant to Rule 28-106.106 of the Florida Administrative Code.


3. SBSF has served as regulatory counsel to KMC Telecom Inc., KMC Telecom II, Inc. and KMC Telecom III, Inc, (collectively "KMC") in proceedings before state commissions and the Federal Communications Commission. Moreover, I have assisted other clients in proceedings before this and other state commissions that have involved the examination and resolution of factual and legal issues similar to those under consideration in the above-captioned docket.

I declare that the foregoing is true and correct based on my knowledge, information, and belief.



Morton J. Posner

Sworn to and subscribed before me this 10 day of August, 1999.


Notary Public for the District of Columbia

My Commission expires: November 30, 2003

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the 10th day of August, 1999, a copy of the foregoing Petition to Intervene and Request for Designation of Qualified Representative in Docket No. 990649-TP were served, via first-class mail, on the following parties:

William Cox
Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

James Falvey
e.spire Communications
133 National Business Parkway
Suite 200
Annapolis Junction, MD 20701

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

Michael A. Gross
VP Reg. Affairs & Reg. Counsel
Florida Cable Telecom. Assoc.
310 N. Monroe St.
Tallahassee, FL 32301

Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Decker, Kaufman, Arnold & Steen,
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Tallahassee, FL 32301

Kimberly Caswell
GTE Service Corporation
One Tampa City Center
201 North Franklin Street
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Tampa, FL 33601-0110

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4312 92nd Avenue, N.W.
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Florida Public Telecommunications Assoc.
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Tallahassee, FL 32314

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Tallahassee, FL 32302

Florida Competitive Carriers Assoc.
Post Office Box 10967
Tallahassee, FL 32302

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3625 Queen Palm Drive
Tampa, FL 33619-1309

MediaOne Florida Telecommunications, Inc.
c/o Laura L. Gallagher
204 S. Monroe Street, Suite 201
Tallahassee, FL 32301

Norman Horton, Jr.
Messer, Caprello & Self
215 South Monroe Street
P.O. Box 701
Tallahassee, FL 32301

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San Francisco, CA 94108

Stephen C. Reilly
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

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Atlanta Georgia

Susan Huther
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Las Vegas, NV 90130

TCG South Florida
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Rutledge Law Firm
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Tallahassee, FL 32302

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Blumenfeld & Cohen
1616 M Street, N.W., Suite 700
Washington D.C. 20036

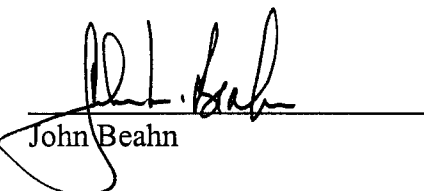
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John Beahn