

November 12, 1999

VIA OVERNIGHT DELIVERY

Mr. Walter D'Haeseleer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Petition to Intervene -- Docket No. 991267-TP

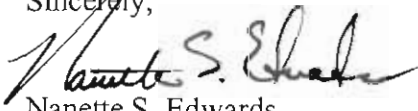
Dear Mr. D'Haeseleer:

I am enclosing for filing with the Commission, an original and fifteen (15) copies of ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom's Petition to Intervene.

Please return a date-stamped receipt copy of this filing labeled "return receipt" to me in the enclosed self-addressed, stamped envelope.

Should you have any questions regarding this filing, please contact me, at 256-650-3856.

Sincerely,



Nanette S. Edwards
Regulatory Attorney

/nse

Enclosure: 1

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BEFORE THE STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

In Re: Complaint of Global NAPS, Inc., Against)
BellSouth Telecommunications, Inc., for)
Enforcement of Section VI(B) of its Interconnection)
Agreement with BellSouth Telecommunications, Inc.,) Docket No. 991267-TP
And Request for Relief.)
)
)

PETITION OF ITC^DELTACOM
COMMUNICATIONS, INC. TO INTERVENE

COMES NOW ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom") by its undersigned counsel, and pursuant to Commission Rule 25-22.039, hereby moves for leave to intervene in this case. In support of the Petition to Intervene, ITC^DeltaCom respectfully states as follows:

1. ITC^DeltaCom is an Alabama corporation with its headquarters located at 1791 O.G. Skinner Drive, West Point, Georgia 31833. On November 20, 1996 ITC^DeltaCom was certified to provide competitive local exchange services within the state of Florida pursuant to Certificate No. 4764. ITC^DeltaCom is currently providing such local services within the state of Florida.
2. ITC^DeltaCom was not aware that the interconnection agreement ITC^DeltaCom negotiated with BellSouth Telecommunications, Inc., was the subject of a complaint proceeding until this week. Neither Global Naps nor BellSouth Telecommunications served ITC^DeltaCom with a copy of the complaint. ITC^DeltaCom was notified by

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local counsel for Global Naps this week that a complaint based on ITC^DeltaCom's contract with BellSouth had been filed with this Commission.

3. ITC^DeltaCom has an interconnection agreement with BellSouth that was approved by this Commission on October 7, 1997 which is the subject of the dispute between Global Naps and BellSouth Telecommunications, Inc. Specifically, ITC^DeltaCom's interconnection agreement requires the payment of reciprocal compensation for ISP-bound traffic. BellSouth has refused to pay reciprocal compensation for ISP-bound traffic. ITC^DeltaCom is owed money for carrying this traffic on its network for BellSouth.
4. Further, BellSouth has raised the issue of ITC^DeltaCom's intent during the negotiations of its interconnection agreement with BellSouth in response to Global Nap's complaint.
5. Should this Commission render a decision in the Global Naps complaint proceeding, that decision would have a material impact on ITC^DeltaCom's rights under its interconnection agreement with BellSouth Telecommunications, Inc. The underlying issue is whether calls originating on BellSouth's network, carried by ITC^DeltaCom or any other CLEC, to an Internet Service Provider ("ISP") that is a customer of ITC^DeltaCom or another CLEC are subject to the reciprocal compensation provisions of the interconnection agreement between BellSouth and ITC^DeltaCom. Thus, the same contract and the same question of law underlying the dispute between Global Naps and BellSouth exists in ITC^DeltaCom's agreement.

6. Because ITC^DeltaCom has the same interconnection agreement with BellSouth and provides telecommunications services to ISPs in Florida, ITC^DeltaCom's interests will be substantially affected by the outcome of this proceeding. In addition, judicial economy dictates that where the same contract is at issue, only one proceeding is necessary.
7. ITC^DeltaCom would be severely prejudiced if intervention is denied because it will be bound by the decision in this matter without any opportunity to present its case.
8. ITC^DeltaCom possesses substantial property rights in its interconnection agreement with BellSouth—in essence, rights to payment for reciprocal compensation under the agreement.
9. The interests of ITC^DeltaCom may not be adequately represented by other parties in the case.

WHEREFORE, ITC^DeltaCom respectfully requests that the Commission grant its Petition to Intervene in full.

Respectfully submitted,



Nanette Edwards
Senior Manager, Regulatory Attorney
ITC^DeltaCom
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Huntsville, Alabama 35802
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FAX: (256) 650-3936

Counsel for ITC^DeltaCom Communications,
Inc.

Dated: November 12, 1999

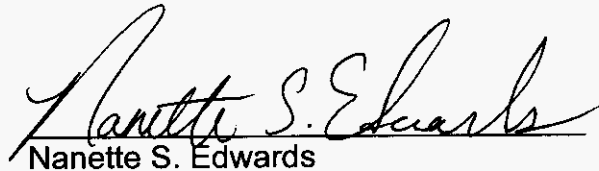
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Intervene of ITC^DeltaCom Communications, Inc., d/b/a ITC^DeltaCom was furnished by U.S. Mail, Certified Return Receipt Requested, this 12th day of November, 1999, to

Nancy White, Esquire, General Counsel
BellSouth Telecommunications, Inc.,
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

And

Jon C. Moyle, Esquire
Moyle Flanigan Katz Kolins
Raymond & Sheehan, P.A.
118 N. Gadsden Street
Tallahassee, Florida 32301.


Nanette S. Edwards