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TAMPA OFFICE: 400 North Tampa Street, Suite 2450 Tampa, Florida 33602 P. O. Box 3350 Tampa, FL 33601-3350 (813) 224-0866 (813) 221-1854 FAX PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE: 117 SOUTH GADSDEN TALLAHASSEE, FLORIDA 32301 (850) 222-2525 (850) 222-5606 FAX

December 13, 1999 VIA Hand Delivery

Blanca S. Bayo, Director Division of Records and Reporting Betty Easley Conference Center 4075 Esplanade Way Tallahassee, Florida 32399-0870

Re: Docket Nos. 981834-TP, 990321-TP

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and 15 copies of BlueStar Network, Inc.'s Request for Representation by a Qualified Representative.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Yours truly,

Willie Gran Laufman

DOCUMENT NUMBER-DATE

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Vicki Gordon Kaufman





MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEET

RECORDS AND RECORDS AND REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

In re: Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida Incorporated and GTE Florida comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost efficient physical collocation.

DOCKET No. 981834-TPORIGINAL

DOCKET No. 990321-TP

Filed: December 13, 1999

REQUEST FOR REPRESENTATION BY A QUALIFIED REPRESENTATIVE

BlueStar Networks, Inc. (BlueStar), through its undersigned counsel, submits its Request for

Representation by a Qualified Representative pursuant to Rule 28-106.106, Florida Administrative

Code, in the above-referenced proceeding, and states as follows:

1. BlueStar is a certified alternative local exchange cartier and provides service in the

state of Florida. BlueStar is located at 401 Church Street, 24th Floor, North, Nashville, Tennessee

37201.

2. Any pleading, motion, notice, order or other document required to be served upon the

petitioner or filed by any party relative to this Request for Representation should be served upon the

following individuals:

Vicki Gordon Kaufman McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A. 117 South Gadsden Tallahassee, Florida 32301 (850)222-2525 (telephone)

> DOCUMENT NUMBER-DATE 15206 DEC 138 FPSC-RECORDS/REPORTING

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(850)222-5606 (fax)

3. This petition is filed pursuant to Rule 28-106.106, Florida Administrative Code. Rule 28-106.106(2)(a) requires that BlueStar submit a written request to the presiding officer in the event that BlueStar elects to be represented before the Commission by a qualified representative. BlueStar hereby submits such a request.

4. BlueStar seeks leave of the presiding officer for the individual identified below to appear as a qualified representative on behalf of BlueStar for any purpose and in all matters or proceedings conducted before the Commission in connection with Docket Nos. 981834-TP and 990321-TP.

> Norton Cutler General Counsel BlueStar Networks 401 Church Street, 24th Floor Nashville, Tennessee 37210 615-346-3848 (telephone) 615-346-3875 (fax)

5. Consistent with Rule 25-106.106(2)(b), BlueStar hereby affirms that it is aware of the services Mr. Cutler can provide and, further, that BlueStar can elect to be represented solely by "counsel," as that term is defined by Rule 28-106.106(1). Indeed, BlueStar has elected to be represented in this matter by other attorneys in addition to Mr. Cutler.

6. BlueStar submits that Mr. Cutler possesses the necessary qualifications to responsibly represent BlueStar's interests in this matter. In this regard, Mr. Cutler's qualifications are set forth in the attached affidavit.

7. As reflected in Mr. Cutler's affidavit, he: (i) is an attorney admitted to practice in the District of Columbia; (ii) has reviewed those portions of the Florida Statutes relative to the Commission's jurisdiction, (iii) has reviewed the Florida Rules of Civil Procedure relating to discovery in an administrative proceeding; and (iv) has reviewed those portions of the Florida Administrative Code and Florida Statutes related to the rules of evidence, including the concept of hearsay in an administrative proceeding.

8. Consistent with the standard set forth in Rule 28-106.107, Mr. Cutler has acquired or will acquire actual knowledge of the factual and legal issues involved insofar as his representation of BlueStar is concerned in the above-referenced proceeding.

WHEREFORE, for the above and foregoing reasons, BlueStar Networks, Inc. requests that Mr. Cutler be permitted to appear as a qualified representative on behalf of BlueStar Networks, Inc.

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Vicki Gordon Kaufman McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A. 117 South Gadsden Street Tallahassee, Florida 32301 Telephone: (850) 222-2525 Telecopy: (850) 222-5606

Attorneys for BlueStar Networks, Inc.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DOCKET No. 981834-TP

In re: Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida Incorporated and GTE Florida comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost efficient physical collocation.

DOCKET No. 990321-TP Filed: December 13, 1999

AFFIDAVIT OF NORTON CUTLER

STATE OF TENNESSEE)COUNTY OF RUTHERFORD)

I, Norton Cutler, being first duly sworn, do hereby depose and state as follows:

1. I am General Counsel, with BlueStar Networks, Inc., 401 Church Street, 24th Floor, North Nashville, Tennessee 37201.

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, Florida Administrative Code.

3. I have served as General Counsel to BlueStar Networks, Inc. in proceedings before state commissions. Moreover, I have assisted other attorneys in proceedings before 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.

4. I am familiar with the relevant portions of the Florida Statutes, the Florida Rules of Civil

Procedure, the Florida Administrative Code, and the Florida Rules of Evidence.

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

belief.

NORTON CUTLER

SWORN TO AND SUBSCRIBED before me this 10th day of <u>Oecenter</u>, 1999 by Norton Cutler, who () is personally known to me; or () who has presented as identification.

Jaula Shogan

Notary Public, State of <u>P</u>, County of <u>Rubberford</u> Commission Number: My Commission expires: 6/28/00

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of BlueStar Network, Inc.'s Request for Representation by a Qualified Representative has been furnished by (*) hand delivery or U. S. Mail this 13th day of December 1999 to the following:

(*)Beth Keating
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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