

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re:

Petition for Arbitration of BlueStar
Networks, Inc. with BellSouth
Telecommunications, Inc. Pursuant to the
Telecommunications Act of 1996

Docket No. 991838-TP

Filed: February 15, 2000

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 carrier 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)
(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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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.

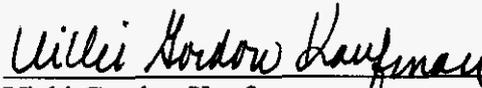
6. BlueStar submits that Mr. Cutler possesses the necessary qualifications to responsibly represent BlueStar's interests in this matter. In this regard, Mr. Cutler's qualifications are set forth in the attached affidavit.

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.



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

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AFFIDAVIT OF NORTON CUTLER

STATE OF TENNESSEE)
COUNTY OF RUTHERFORD)

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

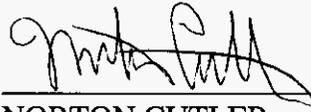
1. I am General Counsel, with BlueStar Networks, Inc., 401 Church Street, 24th Floor, North Nashville, Tennessee 37201.

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.

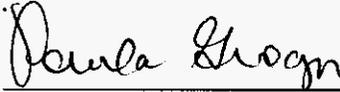
4. I am familiar with the relevant portions of the Florida Statutes, the Florida Rules of Civil Procedure, the Florida Administrative Code, and the Florida Rules of Evidence.

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 14th day of February, ²⁰⁰⁰ 1999 by Norton Cutler, who () is personally known to me; or () who has presented _____ as identification.



Notary Public, State of TN, County of Davidson

Commission Number:

My Commission expires: 6/28/00

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Request for Representation by a Qualified Representative has been furnished by (*) hand delivery or by U.S. mail to the following parties of record this 15th day of February, 2000:

(*) Donna Clemons
Florida Public Service Commission
Staff Attorney
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Phil Carver
BellSouth Telecommunications, Inc.
Legal Department, Suite 4300
675 West Peachtree Stree, NE
Atlanta, Georgia 30375-0001


Vicki Gordon Kaufman