

In re: Investigation into  
Pricing of Unbundled Network  
Elements

Docket No. 990649-TP  
Filed: September 11, 2000

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**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 5 Corporate Centre, 801 Crescent Centre Drive, Suite 600, Franklin, Tennessee 37067.

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 individual:

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.

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 No. 990649-TP.

Norton Cutler  
General Counsel  
BlueStar Networks  
5 Corporate Centre  
801 Crescent Centre Drive, Suite 600  
Franklin, Tennessee 37067  
615-778-7316 (telephone)  
615-778-7354 (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*

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Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
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117 South Gadsden Street  
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Telephone: (850) 222-2525  
Telecopy: (850) 222-5606

Attorneys for BlueStar Networks, Inc.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of Request for Representation by a Qualified Representative, has been furnished by hand delivery (\*) or U.S. Mail, this 11<sup>th</sup> day of September, 2000, to:

(\*)Beth Keating  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Floyd Self  
Messer, Caparello & Self  
215 South Monroe Street  
Tallahassee, FL 32301

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c/o Nancy H. Sims  
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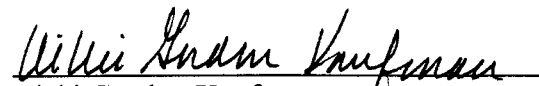
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Sprint-Florida, Incorporated  
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Tallahassee, FL 32316-2214

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Post Office Box 398555  
Miami Beach, Florida 33239

  
Vicki Gordon Kaufman

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re:

Investigation into pricing of unbundled network elements.  
\_\_\_\_\_ /

Docket No. 990649-TP

Filed: September 11 , 2000

**AFFIDAVIT OF NORTON CUTLER**

STATE OF COLORADO )  
COUNTY OF ARAPAHOE )

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

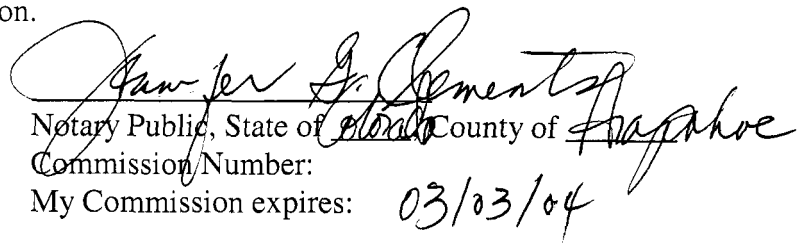
- 1. I am General Counsel, with BlueStar Networks, Inc., 5 Corporate Centre, 801 Crescent Centre Drive, Suite 600, Franklin, Tennessee 37067.
- 2. I am a member in good standing of the District of Columbia Bar and am seeking to be designated as a qualified representative in the above-captioned docket 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 5th day of Sept., ~~1999~~ <sup>2000</sup> by Norton Cutler, who () is personally known to me; or () who has presented \_\_\_\_\_ as identification.



Notary Public, State of Florida County of Flagler  
Commission Number:  
My Commission expires: 03/03/04