

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of
BellSouth Telecommunications,
Inc.'s entry into interLATA
services pursuant to Section 271
of the Federal
Telecommunications Act of 1996.

DOCKET NO. 960786-TP
ORDER NO. PSC-01-0121-PCO-TP
ISSUED: January 17, 2001

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition, Birch Telecom of the South, Inc. (Birch) has requested permission to intervene in this proceeding. There has been no response filed in opposition to this request. Birch has an interest in this docket because it is a telecommunications company certified by this Commission as an alternative local exchange telecommunications company (ALEC) and an interexchange company in Florida. Birch states it is subject to the rules, regulations, and orders of this Commission, and such rules, regulations and orders impact its ability to provide local exchange telecommunications service and intrastate interexchange telecommunications service. Moreover, Birch states that as an ALEC that desires to enter the Florida market, it is entitled to access and interconnection as prescribed in Section 271 of the Telecommunications Act of 1996. As such, Birch claims that its substantial interests will be affected by any action that the Commission takes in this proceeding.

Having reviewed the Petition, it appears that Birch's substantial interests may be affected by this proceeding. Therefore, the Petition should be granted. Pursuant to Rule 25.22.039, Florida Administrative Code, Birch takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Birch Telecom of the South, Inc. be and the same is hereby granted. It is further

DOCUMENT NUMBER-DATE

00683 JAN 17 2001

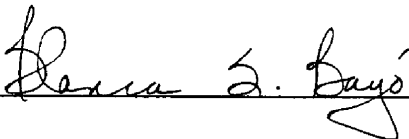
SECRETARY

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ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Monica M. Barone
Director, State Regulation
Birch Telecom of the South, Inc.
8601 Six Forks Road, Suite 463
Raleigh, NC 27516

By ORDER of the Florida Public Service Commission this 17th day of January, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DWC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.