

Florida
Digital
N e t w o r k

July 25, 2001

Ms. Blanca Bayó, Director
Division of the Commission Clerk &
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 010098-TP – Petition by Florida Digital Network, Inc. for arbitration of certain terms and conditions of proposed interconnection and resale agreement with BellSouth Telecommunications, Inc. under the Telecommunications Act of 1996.

Dear Ms. Bayó,

Please find enclosed for filing in the captioned docket an original and seven (7) copies of Florida Digital Network Inc.'s (1) Request for Representation By a Qualified Representative and (2) Notice of Deposition Duces Tecum.

If you have any questions regarding this Notice or the Petition, please call me at 407-835-0460.

Sincerely,



Matthew Feil
Florida Digital Network
General Counsel

c: Felicia Banks: Florida Public Service (overnight)
James Mezza, III: Bell South Telecommunications (overnight)
Mike C. Sloan: Swidler, Berlin, Shereff, Friedman, LLP (overnight)

LOCAL

LONG DISTANCE

INTERNET

DOCUMENT NUMBER-DATE

09089 JUL 26 5

390 N. Orange Avenue · Suite 2000 & 200 Orlando, Florida 32801
407.835.0300 Fax 407. 835.0309 www.floridadigital.net

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

| | | |
|---------------------------------------------|---|-----------------------|
| In Re: Petition of Florida Digital Network, |) | |
| Inc. for Arbitration of Certain Terms and |) | Docket No. 010098-TP |
| Resale Agreement with BellSouth |) | |
| Telecommunications, Inc. Under the |) | Served: July 25, 2001 |
| Telecommunications Act of 1996 |) | |
| <hr/> | | |

**REQUEST FOR REPRESENTATION
BY A QUALIFIED REPRESENTATIVE**

Florida Digital Network, Inc. ("FDN"), through undersigned counsel, submits this 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. This petition is filed pursuant to Rule 28-106.106, Florida Administrative Code. Rule 28-106.106(2)(a) requires that FDN submit a written request to the presiding officer in the event that FDN elects to be represented before the Commission by a qualified representative. FDN hereby submits such a request.

2. FDN seeks leave of the presiding officer for the individual identified below to appear as a qualified representative on behalf of FDN for any purpose and in all matters or proceedings conducted before the Commission in connection with the above-captioned proceeding:

Michael C. Sloan
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, D.C. 20007-5116
Telephone: 202/295-8458
Facsimile: 202/424-7645

3. Consistent with Rule 28-106.106(2)(b), FDN hereby affirms that it is aware of the services Mr. Sloan can provide and further, that FDN can elect to be represented solely by "counsel," as that term is defined by Rule 28-106.106(1). FDN will also be represented by its General Counsel, Matthew Feil, Esq., in this proceeding.

4. FDN submits that Mr. Sloan possess the necessary qualifications to responsibly represent FDN interest in this matter. In this regard, Mr. Sloan's qualifications are set forth in the attached affidavit.

5. As reflected in Mr. Sloan's affidavit, he is: (i) 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.

6. Mr. Sloan will conduct himself consistent with the standards set forth in Rule 28-106.107, and Mr. Sloan has acquired or will acquire actual knowledge of the factual and legal issues involved insofar as his representation of FDN is concerned in the above-referenced proceeding.

WHEREFORE, for the above and foregoing reasons, FDN requests that Mr. Sloan be permitted to appear as qualified representatives on behalf of FDN.

Respectfully submitted this 25th day of July, 2001,



Matthew Feil
General Counsel
Florida Digital Network
390 North Orange Avenue
Suite 2000
Orlando, FL 32801
(407) 835-0460

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing was served on the following by overnight delivery this 25th day of July, 2001.

Mr. James Meza, III
C/o Ms. Nancy H. Sims, Dir., Reg. Relations
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556

Ms. Felicia Banks
Florida Public Service Comm'n
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



Matthew Feil
Florida Digital Network
390 North Orange Avenue
Suite 2000
Orlando, FL 32801
(407) 835-0460

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

| | | |
|--------------------------------------------|---|----------------------|
| In Re Petition of Florida Digital Network, |) | |
| Inc. for Arbitration of Certain Terms and |) | Docket No. 010098-TP |
| Resale Agreement with BellSouth |) | |
| Telecommunications, Inc. Under the |) | Dated: July 25, 2001 |
| Telecommunications Act of 1996 |) | |

AFFIDAVIT OF MICHAEL C. SLOAN

I, Michael C. Sloan, being first duly sworn, do hereby depose and state as follows:

1. I am an attorney with Swidler Berlin Shereff Friedman, LLP.
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 appeared before this Commission before as a qualified representative in Case Docket No. 990649-TP.
4. 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.
5. 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.


Michael C. Sloan

The District of Columbia)

BEFORE ME, the undersigned Notary Public, on this day personally appeared Michael C. Sloan, who, being my duly sworn on his oath, deposed and said that he has executed the foregoing instrument and that the statements contained therein are true and correct to the best of her knowledge, information and belief.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 24th day of July 2001, to certify which, witness my hand and official seal of office.


Notary Public in and for the District of Columbia

My Commission expires:

JAMES MICHAEL KNOX
Notary Public District of Columbia
My Commission Expires: 02/21/2005