

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into  
allegations of anti-competitive  
behaviors and practices of  
BellSouth Telecommunications,  
Inc.

DOCKET NO. 011077-TL  
ORDER NO. PSC-01-2240-PCO-TL  
ISSUED: November 16, 2001

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition, American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc. (e.spire) has requested permission to intervene in this proceeding. e.spire is a certificated ALEC in Florida. e.spire states that it has an interconnection agreement with BellSouth and decisions with respect to practices of BellSouth affect the interests of e.spire.

Having reviewed the Petition, it appears that e.spire's substantial interests may be affected by this proceeding because e.spire is an ALEC in Florida that provides telecommunication services in BellSouth's local exchange territory. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, e.spire takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition for Leave to Intervene filed by American Communication Services of Jacksonville, Inc. d/b/a e.spire Communications, Inc., be and the same is hereby granted. It is further

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:

DOCUMENT NUMBER-DATE

14556 NOV 16 01

FPSC-COMMISSION CLERK

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Norman H. Horton, Jr.  
Messer, Caparello & Self, P.A.  
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Suite 701  
Tallahassee, Florida 32301-1876  
(850) 222-0720  
(850) 224-4359 (fax)

Renee Terry  
e.spire Communications,  
Inc.  
131 National Business  
Parkway, Suite 100  
(301) 361-4298  
(301) 361-4277 (fax)

By ORDER of the Florida Public Service Commission this 16th  
Day of November, 2001.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

FRB

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.

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.

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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 the Commission Clerk and Administrative Services, 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.