

ORIGINAL



January 3, 2002

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

via Overnight Mail

Re: Docket No. 990649A-TP – Investigation into Pricing of Unbundled Network Elements (BellSouth Track)

Dear Ms. Bayó,

Please find enclosed for filing in the above docket an original and seven (7) copies of Florida Digital Network, Inc.'s: (1) Prehearing Statement and (2) Motion to Accept Prehearing Statement. Also enclosed is a diskette containing a Word file of the foregoing.

If you have any questions regarding the enclosed, please call me at 407-835-0460.

Sincerely,

Matthew Feil
Florida Digital Network
General Counsel

Motion
DOCUMENT NUMBER-DATE
00153 JAN-4 8
FPSC-COMMISSION CLERK

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LOCAL LONG DISTANCE

390 N. Orange Avenue Suite 2000 & 200 Orlando, Florida 32801
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Prehearing Statement
DOCUMENT NUMBER-DATE
INTERNET
00144 JAN-4 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

SCANNED

In re: Investigation into Pricing of)
Unbundled Network Elements)
_____)

Docket No. 990649A
Filed: January 4, 2002

**FLORIDA DIGITAL NETWORK, INC.'S MOTION TO
ACCEPT PREHEARING STATEMENT**

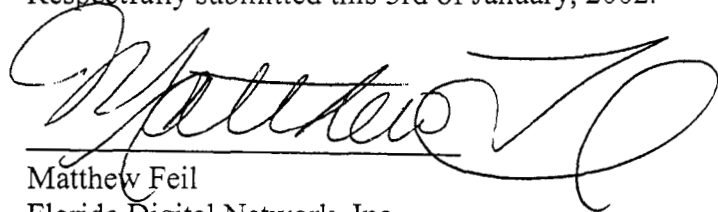
Pursuant to Rule 28-106.204, Florida Administration Code, Florida Digital Network, Inc. ("Florida Digital") files this motion for the Florida Public Service Commission ("Commission") to accept Florida Digital's Prehearing Statement, filed one day after it was due in the above-referenced docket. In support hereof, Florida Digital states as follows:

1. Order No. PSC-01-1904-PCO-TP, issued September 24, 2001, ("Order Establishing Procedure") required parties to what is being called the "120-day filing" part of this docket to file prehearing statements on January 3, 2002.
2. Florida Digital has filed its Prehearing Statement on January 4, 2002 -- one day after required by the Order Establishing Procedure.
3. Florida Digital's Prehearing Statement is filed one day late because the undersigned did not properly calendar the event and preparation for the event coincided with the undersigned's vacation.
4. Florida Digital maintains that no party is prejudiced by Florida Digital's filing its Prehearing Statement one day late. To minimize any potential inconvenience to Commission staff, the undersigned has emailed a copy of Florida Digital's Prehearing Statement to staff counsel on this date.

DOCUMENT NUMBER-DATE
00153 JAN-4 2002
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WHEREFORE, Florida Digital requests that the Commission accept Florida Digital's Prehearing Statement for consideration in this docket as though timely filed.

Respectfully submitted this 3rd of January, 2002.

A handwritten signature in black ink, appearing to read "Matthew Feil", written over a horizontal line.

Matthew Feil
Florida Digital Network, Inc.
390 North Orange Ave
Suite 2000
Orlando, FL 32801
(407) 835-0460
mfeil@floridadigital.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U.S. Mail or by overnight mail (if designated with a *) this 30th day of January, 2002.

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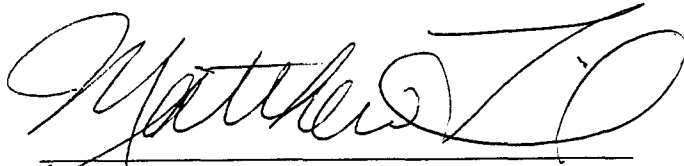
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A handwritten signature in black ink, appearing to read "Matthew J. Feil". The signature is written in a cursive style with a horizontal line underneath it.

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