

ORIGINAL

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PLEASE REPLY TO:  
  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 FAX

April 19, 2002

**VIA HAND DELIVERY**

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

APR 19 PM 4:40  
COMMISSION CLERK  
FPSC

Re: Docket No.: 011119-TP

Dear Ms. Bayo:

On behalf of XO Florida, Inc., enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Request for Representation by a Qualified Representative.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

*Vicki Gordon Kaufman*  
Vicki Gordon Kaufman

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_ VGK/bae
- SEC  Enclosure
- OTH *hang*

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*Atkinson*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
04374 APR 19 2002  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by XO Florida,  
Inc. for arbitration of  
Unresolved issues with BellSouth  
Telecommunications, Inc.

Docket No. 011119-TP

Filed: April 19, 2002

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**REQUEST FOR REPRESENTATION BY A QUALIFIED REPRESENTATIVE**

XO Florida, Inc. (XO), 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. XO is a certified alternative local exchange carrier and provides service in the state of Florida. XO is located at 5904-A Hampton Oaks Parkway, Tampa, Florida 33610.

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 individuals:

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 XO submit a written request to the presiding officer in the event that XO elects to be represented before the Commission by a qualified representative. XO hereby submits such a request.

4. XO seeks leave of the presiding officer for the individual identified below to appear as a qualified representative on behalf of XO for any purpose and in all matters or proceedings conducted before the Commission in connection with Docket No.011119-TP.

John A. Doyle, Jr.  
Parker, Poe, Adams & Berstein, LLP  
First Union Capitol Center  
150 Fayetteville Street Mall, Suite 1400  
Raleigh, North Carolina 27602

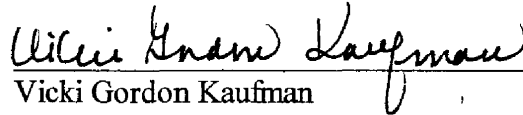
5. Consistent with Rule 25-106.106(2)(b), XO hereby affirms that it is aware of the services Mr. Doyle can provide and, further, that XO can elect to be represented solely by “counsel,” as that term is defined by Rule 28-106.106(1). Indeed, XO has elected to be represented in this matter by other attorneys in addition to Mr. Doyle.

6. XO submits that Mr. Doyle possesses the necessary qualifications to responsibly represent XO’s interests in this matter. In this regard, Mr. Doyle’s qualifications are set forth in the attached affidavit.

7. As reflected in Mr. Doyle’s affidavit, he: (i) is an attorney admitted to practice in North Carolina, Nebraska, Pennsylvania and New Jersey; (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. Doyle has acquired or will acquire actual knowledge of the factual and legal issues involved insofar as his representation of XO is concerned in the above-referenced proceeding.

**WHEREFORE**, for the above and foregoing reasons, XO. requests that Mr. Doyle be permitted to appear as a qualified representative on behalf of XO.



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Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin,  
Davidson, Decker, Kaufman,  
Arnold & Steen, P.A.  
117 South Gadsden Street  
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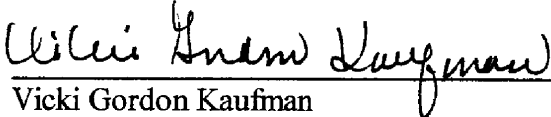
Attorneys for XO Florida, Inc.

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of XO.'s Request for Representation by a Qualified Representative has been furnished by (\*) hand delivery or U. S. Mail this 19<sup>th</sup> day of April 2002 to the following:

(\*) Jason Fudge  
Staff Counsel  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

James Meza c/o  
Nancy B. White  
150 West Flagler Street  
Suite 1910  
Miami, FL 33130

  
Vicki Gordon Kaufman

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by XO Florida,  
Inc. for arbitration of  
Unresolved issues with BellSouth  
Telecommunications, Inc.

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Docket No. 011119-TP

Filed: 4/19/02

**AFFIDAVIT OF JOHN DOYLE**

STATE OF NORTH CAROLINA    )  
COUNTY OF WAKE                )

I, John Doyle, being first duly sworn, do hereby depose and state as follows:

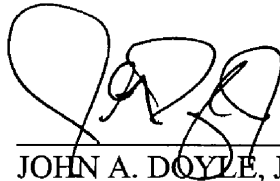
1. I am an associate in the law firm of Parker, Poe, Adams & Bernstein, LLP, First Union Capitol Center, 150 Fayetteville Street Mall, Raleigh, North Carolina 27602.

2. I am a member in good standing of the North Carolina, Nebraska, Pennsylvania and New Jersey Bars 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 regulatory counsel to XO Florida, 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.



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JOHN A. DOYLE, JR.

SWORN TO AND SUBSCRIBED before me this 16<sup>th</sup> day of April, 2002 by John A. Doyle, Jr. who  is personally known to me; or  who has presented \_\_\_\_\_ as identification.

Allyson Hammond Downs  
Notary Public, State of North Carolina  
County of Wake  
Commission Number: N/A  
My Commission expires: 11/20/06

