

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7643
WWW.SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TEL. (212) 973-0111
FAX (212) 891-9598

HARISHA J. BASTIAMPILLAI
DIRECT DIAL: (202) 424-7869
FAX: (202) 424-7643
HJBASTIAMPILLAI@SWIDLAW.COM

June 27, 2002

BY OVERNIGHT MAIL

Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 990649B-TP

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Digital Network, Inc. in the above-referenced docket is an original and fifteen copies of the Opposition of Florida Digital Network, Inc. to Sprint-Florida's Motion to Strike Portions of Florida Digital Network, Inc.'s Post-Hearing Brief.

Please date stamp and return the enclosed extra copy of this filing. Should you have any questions concerning this filing, please do not hesitate to call us.

Respectfully submitted,



Eric J. Branfman
Michael C. Sloan
Harisha J. Bastiampillai

Enclosures

cc: Parties of Record

DOCUMENT NUMBER 0617

06727 JUN 28 08

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into Pricing of)
Unbundled Network Elements)
(Sprint/Verizon Track))
_____)

Docket No. 990649B-TP

Filed: June 28, 2002

**OPPOSITION OF FLORIDA DIGITAL NETWORK, INC.
TO SPRINT-FLORIDA'S MOTION TO STRIKE PORTIONS
OF FLORIDA DIGITAL NETWORK'S POST-HEARING BRIEF**

Florida Digital Network, Inc. ("FDN"), pursuant to Rule 28-106.204, Uniform Rules of Procedure, Florida Administrative Code ("Uniform Rules of Administrative Procedure"), respectfully files its Opposition to Sprint-Florida's Motion to Strike Portions of Florida Digital Network's Post-Hearing Brief.

I. INTRODUCTION

On June 19, 2002, Sprint Florida ("Sprint") filed its Motion to Strike Portions of Florida Digital Network, Inc.'s Post-Hearing Brief. FDN's Post Hearing Brief highlighted numerous flaws in Sprint's cost models, and noted how these cost models were out of line not only with this Commission's prior rulings, but also rulings of the Federal Communications Commissions ("FCC") and other state commissions. Sprint now seeks to hide these flaws by seeking to prevent the Commission from considering much of the very relevant argument offered by FDN. Specifically Sprint contends that because FDN did not file any testimony and invokes precedential rulings of the FCC and other state commissions, portions of its brief should be stricken. FDN did not need to submit any testimony as it was able to demonstrate the flaws in Sprint's methodology through use of Sprint's own testimony, cost studies, discovery responses, and cross

examination of Sprint's witnesses. FDN then exposed the shortcomings of Sprint's cost studies by noting how Sprint's cost studies deviated from cost principles espoused by this Commission, the FCC, and other state commissions. Sprint is thus attempting to prevent this Commission from considering relevant evidence and precedents that highlight the significant shortcomings in its cost studies.

II. SPRINT'S MOTION TO STRIKE IS PROCEDURALLY INAPPROPRIATE

Sprint's primary claim is that FDN is seeking to rely on facts outside the record. Assuming *arguendo* the correctness of this claim, a motion to strike is not the appropriate recourse. Indeed, the very Commission case that Sprint relies upon in support of its motion, *Sunray Utilities*, unequivocally demonstrates that a motion to strike is not procedurally appropriate and that Sprint's motion should be denied. In *Sunray*, Sunray filed a Motion to Strike, arguing that another party, Cimarrone/Cordele ("C/C") (i) relied in its brief on factual material outside the record and (ii) included argument on an issue not previously identified.¹ The Commission *denied* Sunray's motion to strike the factual material, reasoning as follows:

We deny that the portion of the motion which seeks to strike portions of C/C's brief which may be outside the record for the following reasons: all briefs filed after a hearing have the potential for containing material outside the record; when material which is outside the record is referred to or relied on in the brief, the Commission simply does not rely on such material . . .²

In contrast, the Commission granted Sunray's motion to strike C/C's argument regarding an *issue* that had not been identified in that proceeding. Likewise, in another case that Sprint cites, the motion to strike was granted, not because the party was seeking

¹ *Sunray Utilities, Inc.*, Docket No. 870539-WS, Order No. 25501, 1991 WL 426625 (Dec. 17, 1991).

to rely on *facts* outside the record, but because the party was addressing *issues* that the Commission had deemed to be outside the scope of the proceeding.³

In this case, Sprint does not allege that FDN is raising *issues* outside the scope of this proceeding. Instead, Sprint contends that FDN is relying on *facts* outside the record. If Sprint is correct--and FDN will demonstrate below that it is not--the Commission should follow *Sunray* by denying the motion and simply disregarding the particular factual material.

III. FDN DID NOT NEED TO FILE TESTIMONY TO REBUT SPRINT FLORIDA'S CASE

Sprint assails FDN's decision not to file testimony. It is hard to see how a failure to file testimony can support a motion to strike. In fact, it appears that Sprint is simply using its motion to strike as a vehicle for an additional attack upon the propriety of FDN's approach to this case.⁴

Sprint operates under the mistaken premise that a party, even one that does not bear the burden of proof, must put on testimony to rebut a case. As a threshold matter, it is beyond question, that a utility bears the burden of proof in regard to its rates.⁵ Thus, Sprint could conceivably be found to fail to meet this burden even if FDN proffered no case at all. In this case, however, FDN did develop a factual rebuttal based on Sprint's testimony, discovery responses, and cross-examination of Sprint's witnesses. There was

² *Id.*, *2.

³ *See Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act*, Docket No. 960786-TL, Order No. PSC-01-1830-PCO-TL at 6 (Sept. 11, 2001).

⁴ Sprint already has gone on at length in its Post-Hearing Brief about FDN not filing testimony.

⁵ *Cypress Lakes Associates, Ltd.*, Docket No. 971220-WS, Order No. PSC-00-0264-FOF-WS, 2000 WL 196701, *2 (Feb. 8, 2000); *see also, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, and Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, First Report and Order, CC Docket. No. 96-98, CC Docket No. 95-185, 11 FCC Record 15499, ¶ 680 (1996) (*Local Competition Order*) (subsequent history omitted) (ILEC must

no need for FDN to file any testimony because the flaws in Sprint's cost models could be, and were, demonstrated through other means.⁶ In fact, contrary to Sprint's characterization of FDN's approach as waiting "in the weeds," FDN was the most active participant in the Sprint phase of the docket. It was the only party other than Staff to promulgate discovery on Sprint, it was the only party (other than Staff) to cross-examine all of Sprint's witnesses, and it filed the most extensive and comprehensive brief in the Sprint phase of the proceeding. In short, the only thing FDN did not do is submit pre-filed testimony, and that was because it determined that there was no need to file testimony to demonstrate the flaws in Sprint's cost models. The flaws were easily identifiable.

Sprint suggests that it was prejudiced by FDN's decision not to file testimony in that it did not know what FDN's position would be until FDN's filing of its pre-hearing statement. First, FDN's pre-hearing statement was not the first indication of the challenges FDN would be raising. The issues upon which FDN would be focusing should have been clear to Sprint from FDN's discovery and deposition questions. Second, the pre-hearing statement is more than sufficient notice of the issues that a party will raise. FDN did not deviate from, nor does Sprint contend that FDN deviated from,

"prove to the state commission the nature and magnitude of any forward-looking cost that it seeks to recover in the prices of interconnection and unbundled network elements.")

⁶ In footnote 2, page 3, of its Motion, Sprint states that all requests for relief shall be by motion and in the next sentence suggests that FDN is seeking affirmative relief. It is not clear if Sprint's statement that "all requests for relief shall be by motion" refers to the first part of the footnote where Sprint contends that a "motion to strike" is the appropriate vehicle for Sprint's challenge or if it refers to the second part of the footnote which deals with Sprint's contention that FDN is seeking affirmative relief. If Sprint is suggesting that FDN needed to file some type of motion to support the ruling it seeks in this proceeding such a suggestion is preposterous. Sprint as the proponent of its rates is the party seeking affirmative relief. FDN does not need to seek "affirmative relief" in regard to Sprint's proposed rates because the rates have not been approved. Thus, FDN would not need to file a motion, or similar type pleading, to challenge Sprint's rates. FDN would only need to file a brief which it did.

the positions it took in its pre-hearing statement. Thus, Sprint had ample opportunity to address the positions FDN raised.

Third, Sprint's position would invert the burdens in this proceeding. Sprint seems to suggest that a party in a rate proceeding has the burden to file testimony if for no other reason than to telegraph the challenges it will raise. Sprint at all times has the burden of proof in this proceeding. It has to be prepared to defend its rates against challenges. Sprint, however, seeks to create a requirement that a party must unveil its strategy prior to its pre-hearing statement. If Sprint was dissatisfied with a procedural schedule that did not require parties to identify the issues they would raise until the pre-hearing statement, its proper recourse was to challenge the procedural schedule when it was issued, not to wait until after the post-hearing briefs were filed, and then attack another party for complying with that schedule.

Sprint also suggests that it has not had the opportunity to challenge the positions raised by FDN in rebuttal testimony or to cross-examine a witness.⁷ The factual case established by FDN was not fabricated or imported, but came from the record in this proceeding. Ironically, the facts relied upon by FDN came directly from Sprint in the form of its cost studies, its testimony, its discovery responses, and its witnesses' response to cross-examination questions. Given that the evidence upon which FDN relies came directly from Sprint's witnesses and discovery responses, Sprint's contention then that FDN did not rely on "competent, substantial evidence" is an attack upon its own evidence.⁸ Sprint was saved the need to have to rebut the testimony or to cross-examine

⁷ Sprint Motion at 3.

⁸ One need only examine the footnotes in FDN's brief to see that the vast majority of the citations are to Sprint record materials.

someone else's witness. All it had to do was defend its own cost models. If it failed to do so, it has no one to blame but itself.

Finally, Sprint notes that the Commission has "always prided itself on the fact that its hearings were live – as opposed to paper – and allowed the Commission, its Staff and the parties to develop a creditable record."⁹ It is ironic that Sprint would argue this considering the fact that there was no live hearing as a result of Sprint's suggestion that its phase of the proceeding be conducted on paper filings. FDN agreed to this based on the fact that it would save all parties concerned time and resources, and based on the fact that the existing record generated through discovery already demonstrated enough flaws in Sprint's cost model such that a live hearing was not necessary.

Sprint's suggestion that this hearing was short on due process is ludicrous. Sprint was given every opportunity to advance and support its case, and to meet its burden of proof, through its testimony and cost studies, its responses to discovery requests, its deposition testimony, and finally its brief. If Sprint failed to take full advantage of these opportunities, and, thus, failed to meet its burden of proof, it was not the result of any lack of due process, but rather lack of a foundation to its case.

IV. FDN APPROPRIATELY CITED TO DECISIONS OF THE FCC AND STATE COMMISSIONS

Sprint argues that FDN attempts to "create" factual support by citing opinions and findings by other state commissions. Sprint contends that FDN is attempting to "import" facts from other jurisdictions, and, thus, should have sought judicial notice of these matters pursuant to Sections 90.202 and 90.203 of the Florida Statutes.

⁹ Sprint Motion at 3.

Contrary to Sprint's assertions, FDN acted well within its province in citing to precedential decisions from the FCC and other state commissions. In a colloquy in the pre-hearing conference in this proceeding, the Commission policy on citing other commission decisions was rearticulated:

COMMISSIONER BAEZ: Mr. Fudge, remind me. I think -- don't we have a practice of accepting or taking official recognition of other commissions' orders?

MR. FUDGE: Yes, sir. We -- well, we used to have a practice of taking official recognition of all orders or findings of other commissions or agencies. But I think we've, we've accepted that if they're just an order just for the ruling, then we accept them on their face. But if you're trying to allege the facts within those orders or findings, then you have to seek official recognition.¹⁰

FDN therefore did not have to seek official recognition of the orders or findings unless it was proposing to rely upon facts within those orders and findings. Likewise, it was reaffirmed at the pre-hearing conference that a party did not need to seek official recognition of FCC Orders.¹¹

It is thus clear that, unless FDN was attempting to rely upon facts from these decisions, Sprint has no basis to challenge FDN's citation to those decisions. In fact, Sprint concedes that the Commission "routinely administratively notices decisions from other regulatory bodies" but states that this "does not provide FDN with the ability to glean 'facts' from those other decisions to suit FDN's needs in this proceeding."¹² It is evident from an examination of FDN's citations to FCC and state decisions that FDN is not "gleaning" facts from the decision. Consistent with the time-honored legal tradition of relying upon precedent, FDN cites the decisions of other commissions and the FCC as

¹⁰ *Investigation into Pricing of Unbundled Network Elements (Sprint/Verizon Track)*, Docket No. 990649B-TP, Transcript of Pre-Hearing Conference at 14: 2-11 (Apr. 19, 2002) ("Pre-Hearing Conference Transcript").

¹¹ *Id.* at 58: 14-15.

examples of how these bodies have ruled in similar situations. The facts relied upon by FDN, however, all come from the record of this case. A section of FDN's brief that Sprint seeks to strike is illustrative of this fact. In Issue 7 of FDN's brief, FDN discusses how Sprint used a grid approach to locate its customers in its cost model and did not use geocoded data except for DS-1 customers.¹³ FDN's brief argued that both this Commission and the FCC have previously found that use of geocoded data and a clustering approach provided more accurate cost determinations. Sprint, however, seeks to excise references to these precedential determinations even though the facts cited by FDN come from Sprint's own cost studies and discovery responses, not from the prior cases. FDN's citations to the FCC order and the order of this Commission are merely used to show how the FCC and this Commission have previously addressed this issue. FDN proffered citations to these orders as relevant precedent to which the Commission can attach the weight it deems appropriate. This illustration is indicative of the way Sprint is seeking to preclude the Commission from considering relevant precedent.

Moreover, rather than offer specific justifications for the portions of the FDN's brief it seeks to strike, Sprint merely raises general challenges and suggests that "it may be more efficient for the Commission to review the particular offending portions in FDN's brief itself" because the portions it seeks to strike are "numerous, lengthy and interspersed."¹⁴ If for no other reason, the Commission should dismiss Sprint's motion for its failure to plead with particularity. FDN is greatly prejudiced by Sprint's generalized approach because Sprint designates large portions of the brief to be excised without providing any indication of specific problems with particular sections. For

¹² Sprint Motion at 2.

¹³ See Sprint Motion, Attachment A, pp. 7-12.

instance, while Sprint argues that FDN is seeking to import facts from other jurisdictions, it does not identify any specific fact that FDN has “imported” from outside the record.

In addition, in many instances, Sprint seeks to strike references to the Commission’s own decisions.¹⁵ Sprint, however, provides no indication why citing to the Commission’s prior decisions is in any way problematic. It is ironic that Sprint, which relies upon precedent by contending that the Commission should adhere to approaches it took with BellSouth,¹⁶ seeks to strike numerous FDN references to the Commission’s order in the BellSouth UNE proceeding. Sprint also seeks to strike references to FCC orders and rulings of the U.S. Supreme Court that will clearly frame many of the Commission’s conclusions of law.¹⁷

It is clear that FDN has legitimately referenced prior rulings of other commissions, the FCC, and this Commission. FDN is not crafting facts, but using precedent to illustrate the flaws of Sprint’s approach. The facts that Sprint contends it was not given an opportunity to rebut are the facts elicited from Sprint’s own testimony, cost studies, and discovery responses. It is increasingly evident that Sprint’s main goal is to keep relevant information from this Commission, particularly any information that highlights flaws in its cost models. The following provides further examples of the overbroad and unsubstantiated nature of Sprint’s challenges:

- Sprint Motion, Attachment A,¹⁸ pp. 12-14. Sprint seeks to excise discussion of FCC and state rulings on use of integrated digital loop carrier (“IDLC”). The “fact” in this situation is Sprint’s assumption of use of universal digital loop carrier for unbundled

¹⁴ Sprint Motion at 6.

¹⁵ See, e.g., Sprint Motion, Attachment A at pp. 9, 11-12, 18-21, 33, 35, 37, 45, 51.

¹⁶ See Sprint-Florida Post-Hearing Brief at 12 (“Sprint-Florida must be treated in the same fashion as the other ILECs in Florida with regard to cost methodologies, cost input requirements and pricing principles.”)

¹⁷ See, e.g., Sprint Motion, Attachment A at pp. 8, 10-11, 15, 16, 18, 48, 51.

¹⁸ Attachment A is FDN’s Post-Hearing Brief.

loops. That fact comes from the record of this case.¹⁹ FDN's citations to FCC, New Jersey and Michigan orders are illustrative of how other regulatory bodies have approached the issue and are merely offered as relevant legal precedent to inform the Commission's inquiry.

- Attachment A, pp. 16. Sprint challenges FDN's structure sharing argument. Once again, the "facts" are Sprint's proposed structure sharing percentages, which come from the record of this case.²⁰ The FCC Order is referenced to demonstrate the structure sharing percentages the FCC deemed appropriate and how Sprint's proposal deviates from the FCC's approach.
- Attachment A, pp. 17-20. Sprint seeks to excise FDN's fill factor challenge. The "facts" are Sprint's proposed fill factors, which come from the record of this case.²¹ In fact, Sprint even seeks to strike FDN's cite to Sprint's proposed fill factor and a simple hypothetical example of how the assumption of two distribution pairs per household would mean that if a street had 40 houses, Sprint would need to deploy 80 pairs. It is ludicrous to intimate that FDN would need to proffer a witness to multiply 40 times 2. Sprint then seeks to strike a reference to this Commission's approach to fill factors in its USF proceeding, which is obviously a highly relevant precedent. The Commission automatically takes notice of its own rulings,²² so it is unclear, the basis, if any, of Sprint's challenge.

These are but a few examples of the overbroad and unsubstantiated nature of Sprint's attacks. It is clear from these examples that FDN was not importing facts from other proceedings, but relying upon the facts in the record of this case, and seeking to place them in context by reference to prior rulings from this Commission, the FCC, and other state commissions. There is nothing extraordinary in this approach: the Commission in its *BellSouth UNE Order* gave significant consideration not only to precedential rulings by the FCC, but also by other state commissions such as the Massachusetts Department of Telecommunications and Energy.²³ The Commission is free to attach any weight to other state commission decisions as it pleases, but it is clear given the Commission's

¹⁹ Post-Hearing Brief of Florida Digital Network, Inc. for Sprint Phase of Proceeding at 12 ("FDN Brief"), *citing*, Tr. at 79: 17-21 (Dickerson Direct at 19: 17-21); Ex. No. 14, KWD-1D (Dickerson Deposition) at 41: 16-21.

²⁰ FDN Brief at 17, *citing*, Tr. at 71: 5-20 (Dickerson Direct at 11: 5-20).

²¹ FDN Brief at 18, *citing, inter alia*, Ex. No. 14, KWD-1D (Dickerson Deposition) at 14: 1-4.

²² Pre-Hearing Conference Transcript at 57: 7-8.

²³ *See, e.g., Investigation into Pricing of Unbundled Network Elements*, Docket No. 990649-TP, Order No. PSC-01-1181-FOF-TP, 2001WL 640804, *214 (May 25, 2001) ("*BellSouth UNE Order*").

routine practice of considering such precedents that it does find such rulings to be helpful in performing its task.

V. THE PUBLIC INTEREST DICTATES THAT THIS INFORMATION NOT BE STRICKEN

Sprint suggests that if its motion is not granted, the integrity of future UNE costing and pricing proceedings would be imperiled. It is Sprint's approach, however, that will imperil the integrity of these proceedings by impeding the Commission's ability to consider relevant information, including precedents established by this and other state and federal commissions, that will ensure just and reasonable rates in Florida. There are many considerations at play in a rate proceeding. In ruling on a Motion to Strike in another proceeding, the Commission noted:

A number of interests must be balanced in deciding on this Motion. Those interests include, the intervenor's due process rights, the interests of Gulf's general body of ratepayers in having the lowest cost option, and the interest of the Commission in getting the facts on the table in order to make an informed decision.²⁴

In this proceeding, Sprint's due process rights have been protected. Sprint has had ample opportunity to present and justify its rates. There are also other interests that must be considered, such as those of Florida consumers in having cost-based rates and the interest of this Commission in making informed decisions. To protect these interests, the Commission must admit and consider relevant information, particularly when the utility fails to demonstrate a basis to strike such information.

FDN's goal was to place the relevant material before the Commission in as cost-effective a manner as possible. Placing relevant information before this Commission will not always involve the filing of a party's own testimony, particularly when such

testimony is not necessary. Even without filing testimony, FDN has devoted significant time and resources to this proceeding, and was the only party to do so. FDN's approach was well within the bounds of acceptable Commission practice and the Commission should not discourage such approaches.

In this turbulent market, the resources of all carriers are limited. FDN is a carrier that has been actively involved in numerous Commission proceedings and has often filed testimony in those proceedings. In this proceeding, FDN determined that there was no need for testimony because of the obvious flaws in Sprint's approach, and that there were other more cost-effective ways to bring these flaws to the Commission's attention. The approach FDN took was well within the bounds of the Commission's practices and has at its ultimate goal the ensuring of competitive rates for Florida's consumers. If FDN had not picked up the competitive flag, Sprint's inflated rates, and the deficiencies in its costs models that cause the inflation, would have gone unexamined save for Staff's input. To allow Sprint, with no basis in law or policy, to strike relevant challenges to its rates would be to diminish, if not extinguish, the prospects for competition in the Sprint region.

The Commission should also continue to ensure that the practices of its ILECs are in accord with the best practices found in other states. The FCC has explicitly stated that "courts, federal and state regulators, and competitors have consistently recognized comparative practices analysis as a crucial tool, and have employed such analyses, to set industry standards and policy, detect discriminatory behavior, and promote competition."²⁵ The FCC also stated that "comparing the practices of several major

²⁴ *Petition by Gulf Power Company for Approval of Purchased Power Arrangement*, Docket No. 010827-EI, Order No. PSC-01-1682-PCO-EI, 2001 WL 1083393 (Aug. 20, 2001).

²⁵ *In Re Applications of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to*

incumbent LECs has enabled the Commission to determine whether an individual incumbent's claim concerning technical feasibility is warranted, or to monitor service quality with a minimum regulatory intervention."²⁶ Sprint, clearly recognizing that its practices fall well short of the best practices of other ILECs, seeks to preclude Commission consideration of these practices instead of improving its practices. The losers in such an approach are Florida consumers and businesses who are denied the benefits of competition in Sprint territories.

VI. CONCLUSION

The Commission, for the foregoing reasons, should deny Sprint Florida's Motion to Strike in its entirety.

Respectfully submitted,



Matthew Feil, Esq.
Florida Digital Network, Inc.
390 North Orange Avenue, Suite 2000
Orlando, Florida 32801

Eric J. Branfman
Michael C. Sloan
Harisha J. Bastiampillai
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 700
Washington, D.C. 20007
(202) 424-7500 (tel)

Attorneys for Florida Digital Network, Inc.

Dated: June 28, 2002

Sections 214 and 310(d) of the Communications Act, Memorandum Opinion and Order, FCC 99-279, ¶ 125 (rel. October 8, 1999) ("*SBC/Ameritech Merger Order*").

²⁶ *Id.* at ¶ 130.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Opposition of Florida Digital Network, Inc. to Sprint-Florida's Motion to Strike Portions of Florida Digital Network's Post-Hearing Brief in Docket No. 990649B-TP has been served on the following parties by U.S. mail this 28th day of June, 2002.



Harisha Bastiampillai

Beth Keating
Jason Fudge
Division of Legal Services, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Laura King/Todd Brown
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Nancy B. White
c/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301

Richard Guepe, Esq.
AT&T
101 N. Monroe St., Suite 700
Tallahassee, FL 32301

Virginia Tate, Esq.
AT&T
1200 Peachtree St., Suite 8068
Atlanta, GA 30309

Marc W. Dunbar, Esq.
Pennington, Moore, Wilkinson, Bell &
Dunbar, P.A.
P.O. Box 10095
Tallahassee, FL 32302-2095

Charles Beck
Office of the Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32301

Charles J. Rehwinkel
Sprint-Florida, Incorporated
MC FLTH00107
P.O. Box 2214
Tallahassee, FL 32399-2214

Mark Buechele
Supra Telecom
1311 Executive Center Drive, Suite 200
Tallahassee, FL 32301

Carolyn Marek
Vice President of Regulatory Affairs
Southeast Region
Time Warner Communications
233 Bramerton Court
Franklin, TN 37069

Jeffrey Whalen, Esq.
John Fons, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Michael A. Gross
Vice President, Regulatory Affairs
& Regulatory Counsel
Florida Cable Telecommunications Assoc., Inc.
246 E. 6th Avenue
Tallahassee, FL 32301

Kimberly Caswell
Verizon Select Services
P.O. Box 110, FLTC0007
Tampa, FL 33601

Donna McNulty, Esq.
WorldCom
The Atrium Building, Suite 105
325 John Knox Road
Tallahassee, FL 32303

Mr. Brian Sulmonetti
WorldCom, Inc.
6 Concourse Parkway, Suite 3200
Atlanta, GA 30328

Scott Sapperstein
Intermedia Communications, Inc.
One Intermedia Way (MC:FLT HQ3)
Tampa, FL 33647-1752

Mr. John Spilman
Broadslate Networks of Florida, Inc.
675 Peter Jefferson Parkway, Suite 310
Charlottesville, VA 22911

Ms. Wanda Montano
US LEC of Florida, Inc.
6801 Morrison Blvd.
Charlotte, NC 28211-3599

Vicki Kaufman, Esq.
Joe McGlothlin, Esq.
McWhirter, Reeves, McGlothlin
Davidson, Rief & Bakas, P.A.
117 S. Gadsden Street
Tallahassee, FL 32301

Patrick Wiggins
Charles Pellegrini
Katz, Kutter Law Firm
106 East College Avenue, 12th Floor
Tallahassee, FL 32301

Richard D. Melson
Hopping Green Sams & Smith, P.A.
P.O. Box 6526
Tallahassee, FL 32314

John D. McLaughlin., Jr.
1755 North Brown Road
Lawrenceville, GA 30043-8911

Genevieve Morelli
Andrew Klein
Kelley Drye & Warren, LLP
1200 Nineteenth St. N.W.
Washington, D.C. 20036

Jonathan Canis
Michael Hazzard
Kelley, Drye & Warren, LLP
1200 Nineteenth St. N.W.
Washington, D.C. 20036

Ms. Catherine F. Boone
Covad Communications Company
10 Glenlake Parkway, Suite 650
Atlanta, GA 30328-3495

Florida Digital Network, Inc.
390 North Orange Avenue, Suite 2000
Orlando, Florida 32801

Rodney L. Joyce
Shook, Hardy & Bacon LLP
600 14th Street, N.W., Suite 800
Washington, D.C. 20005-2004

George S. Ford
Z-Tel Communications, Inc.
601 S. Harbour Island Blvd.
Tampa, FL 33602-5706

Tracy Hatch/Floyd Self
Messer, Caparello & Self
P.O. Box 1876
Tallahassee, FL 32302

Mr. Don Sussman
Network Access Solutions Corporation
Three Dulles Tech Center
13650 Dulles Technology Drive
Herndon, VA 20171-4602

Michael Sloan
Swidler & Berlin
3000 K Street, N.W., #300
Washington, D.C. 20007-5116

Susan Masterton
Sprint-Florida, Inc.
P.O. Box 2214
Tallahassee, Florida 32316