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July 31, 2002

**VIA HAND DELIVERY**

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

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02 JUL 31 PM 3:42  
COMMISSION  
CLERK

Re: Docket No.: ~~020598-TL~~ 020578-TP

14

Dear Ms. Bayo:

On behalf of Mpower Communications Corp., Inc., I am enclosing the original and 15 copies of Mpower Communications Corp.'s Petition to Intervene.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and pleading by returning the same. Thank you for your assistance in this matter.

Thank you for your assistance in this matter.

Yours truly,

Joseph A. McGlothlin

JAM/mls  
Enclosure

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
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McWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEEN, P.A.

*Done 8/10/02*

DOCUMENT NUMBER-DATE

08026 JUL 31 02

FPSC-COMMISSION CLERK

000417

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Florida Competitive,  
Carriers Association, for Expedited Review  
and Cancellation Of BellSouth  
Telecommunications, Inc.'s Key Customer  
Promotional Tariffs.

Docket No.: 020578-TP

Filed: July 31, 2002

**MPOWER COMMUNICATIONS CORP.'S PETITION TO INTERVENE**

Mpower Communications Corp. (Mpower), pursuant to rules 25-22.039 and 28-106.205,  
Florida Administrative Code, files this Petition to Intervene and states:

1. The affected agency is:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850.

2. Petitioner's name and address:

Mpower Communications Corp.  
175 Sully's Trail, Suite 300  
Pittsford, New York 14534

3. The name, address and telephone number of persons who should receive copies of

all orders, notices and correspondence in this docket are the undersigned counsel and:

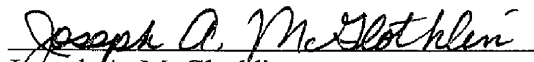
Rick Heatter, Vice President  
Mpower Communications Corp.  
175 Sully's Trail, Suite 300  
Pittsford, New York 14534

4. Mpower is a competitive provider in Florida, certificated to provide competitive local exchange service and long distance service. As a Florida ALEC, Mpower is a direct competitor of BellSouth Telecommunications, Inc. ("BellSouth"). As such, its substantial interests are affected by any anti-competitive conduct on the part of BellSouth.

5. Disputed issues of material fact in this proceeding include, but are not limited to:
  - a. Whether BellSouth is engaging in anti-competitive practices and behaviors in Florida through its promotional pricing and marketing practices contained in BellSouth's "2002 Key Customer" tariff.
  - b. The actions, if any, which the Commission should take to afford appropriate remedies for anti-competitive practices and behaviors committed by BellSouth.
6. Subject to further development through discovery and testimony in this proceeding, Mpower adopts and incorporates by reference the ultimate facts supporting relief alleged by the Florida Competitive Carriers Association ("FCCA") in its Petition for Expedited Review and Cancellation of BellSouth Telecommunications, Inc.'s Key Customer Promotional Tariffs dated June 25, 2002.
7. Mpower is entitled to relief pursuant to the following statutes: Sections 364.01(4)(a), (b), (c) and (g); 364.051; 364.08; 364.09, 364.10 and 364.3381, Florida Statutes.
8. As a Florida ALEC, Mpower competes with BellSouth. Any determinations and actions in this docket regarding BellSouth's anti-competitive behavior and practices will affect the substantial interests of Mpower. Moreover, such interests are precisely those which the cited statutes are designed to protect. Granting Mpower leave to intervene in this docket will provide the Commission with greater insight into the problems encountered by ALECs in the marketplace, as well as provide Mpower the opportunity to seek redress for BellSouth's anti-competitive behavior. Thus, Mpower has standing under Chapter 120, Florida Statutes and applicable rules to be granted intervention in this proceeding.

**WHEREFORE**, Mpower requests the Commission to grant its Petition to Intervene

and accord it full party status in this matter.

  
Joseph A. McGlothlin  
Vicki Gordon Kaufman  
McWhirter, Reeves, McGlothlin, Davidson,  
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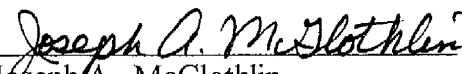
**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Mpower Communications Corp.'s Petition to Intervene has been furnished by (\*) hand delivery or by U. S. Mail on this 31<sup>st</sup> day of July, 2002 to the following:

(\*) Felicia Banks  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
[fbanks@psc.state.fl.us](mailto:fbanks@psc.state.fl.us)

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James Meza  
Patrick Turner  
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