

ORIGINAL



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May 14, 2003

Mrs. Blanca S. Bayó
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

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CLERK

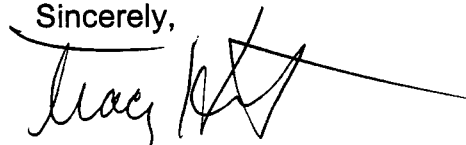
RE: Petition of MPower Communications, Corp. and Florida Digital Network
for Expedited Temporary and Permanent Relief Against BellSouth
Telecommunications, Inc. For Alleged Anticompetitive Conduct Regarding
Florida Digital Network, Inc.'s Proposed Acquisition of Assets and
Customer Base of MPower Communications, Corp.
Docket No. 030301-TP

Dear Mrs. Bayó:

Enclosed please find the original and fifteen (15) copies of the Response to
BellSouth's Opposition to AT&T's Petition to Intervene in the above-referenced
proceeding. Please stamp the extra copy and return to the runner making this filing.

Thank you and please contact me if there are any questions regarding this
matter.

Sincerely,


Tracy Hatch

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

Enclosures
cc: All Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition by Mpower Communications Corp.)
and Florida Digital Network, Inc. for expedited) Docket No. 030301-TP
temporary and permanent relief against)
BellSouth Telecommunications, Inc. for)
alleged anticompetitive conduct regarding) May 14, 2003
Florida Digital Network Inc.'s proposed)
acquisition of assets and customer base of)
Mpower Communications Corp.)

**AT&T'S RESPONSE TO BELL SOUTH'S OPPOSITION TO
AT&T'S PETITION TO INTERVENE**

Comes now, AT&T of the Southern States, LLC and TCG South Florida, Inc. (collectively "AT&T") and files its Response to BellSouth Telecommunications, Inc's ("BellSouth") Opposition to AT&T's Petition to Intervene filed on May 7, 2003.

The genesis of this docket is a Complaint filed by Florida Digital Network ("FDN") on March 27, 2003 against Bellsouth. In its Complaint, FDN asserts that it is in the process of trying to acquire the assets and customer base of Mpower Communications Corp. ("Mpower") in Florida and Georgia. FDN states that BellSouth is requiring that FDN use only FDN's Access Customer Name Abbreviation ("ACNA") code for the customer base it acquires from Mpower. Further, BellSouth intends to charge \$35-40 per UNE and impose other onerous conditions for the coding changes on the UNE's that are being transferred from Mpower to FDN.

AT&T filed its petition to intervene in this docket because of the potential impact the outcome of this docket may have on similar issues concerning the use of ACNA codes. As stated in Comcast Phone of Florida, LLC's ("Comcast") Response to BellSouth's Opposition to Petition to Intervene, AT&T and Comcast have a dispute with

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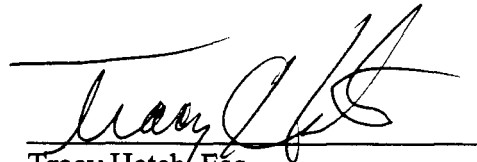
FPSC-COMMISSION CLERK

BellSouth that also involves ACNA codes and related ordering and provisioning issues which the parties are currently trying to resolve on an amicable basis. AT&T shares the concerns iterated by Comcast in its Response that BellSouth could be attempting to establish broad general policy and “industry standards” regarding an acquiring carrier’s use of another carrier’s codes in a narrow factual context.

Further, aside from the AT&T and Comcast dispute discussed above, AT&T has additional issues with BellSouth concerning the use of multiple ACNA codes. Accordingly, AT&T seeks to ensure that any decision the Commission renders in this docket is based on the specific facts of the FDN/Mpower transaction and will not have broad application to all issues involving ACNA codes and related ordering and provisioning issues.

If the outcome of this docket will have broad application and set industry wide precedence, then the substantial interests of AT&T would be affected and the Commission should grant AT&T’s intervention pursuant to Rule 28-106.205. If, however, the decision rendered in this docket will be specific to the facts of the FDN/Mpower transaction and will not have broad application to the conditions and use of ACNA codes, then AT&T will withdraw its petition for intervention.

Respectfully submitted, this the 14th day of May, 2003.


Tracy Hatch, Esq.
AT&T
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Tallahassee, FL 32301

Attorney for AT&T Communications of
the Southern States, LLC and TCG
South Florida, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon the parties of record by electronic mail and first-class, postage paid U.S. Mail.

This the 14thth day of May, 2003.

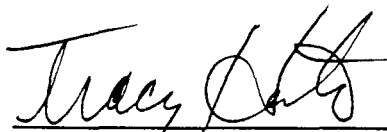
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