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September 29, 2003

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

via Overnight Mail

Re: Docket No. 030852-TP Implementation of Requirements Arising from FCC
Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber
Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport

Dear Ms. Bayo:

Enclosed please find an original and fifteen (15) copies of FDN Communications'
Request of Representation by a Qualified Representative.

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

Sincerely,

Handwritten signature of Matthew Feil

Matthew Feil
General Counsel
FDN Communications

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LOCAL

LONG DISTANCE CENTER

390 North Orange Avenue Suite 2000 Orlando, FL 32801
407.835.0300 Fax 407 835.0309 www.fdn.com

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA  
PUBLIC SERVICE COMMISSION**

In re: Implementation of Requirements	)	
Arising from FCC Triennial UNE Review:	)	
Location-Specific Review for DS1, DS3	)	Docket No. 030852-TP
and Dark Fiber Loops, Route-Specific	)	
Review for DS1, DS3 and Dark Fiber	)	Filed: September 29, 2003
Transport	)	
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**REQUEST FOR REPRESENTATION  
BY A QUALIFIED REPRESENTATIVE**

Florida Digital Network, Inc. d/b/a FDN Communications ("FDN"), through undersigned counsel, submits this 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. This petition is filed pursuant to Rule 28-106.106, Florida Administrative Code. Rule 28-106.106(2)(a) requires that FDN submit a written request to the presiding officer in the event that FDN elects to be represented before the Commission by a qualified representative. FDN hereby submits such a request.
2. FDN seeks leave of the presiding officer for the individual identified below to appear as a qualified representative on behalf of FDN for any purpose and in all matters or proceedings conducted before the Commission in connection with the above-captioned proceeding:

Scott A. Kassman, Esq.  
Assistant General Counsel  
FDN Communications  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
Telephone: 407-447-6636  
Facsimile: 407-447-4839

3. Consistent with Rule 28-106.106(2)(b), FDN hereby affirms that it is aware of the services Mr. Kassman can provide and further, that FDN can elect to be represented solely by

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"counsel," as that term is defined by Rule 28-106.106(1). FDN will also be represented by its General Counsel, Matthew Feil, Esq., in this proceeding.

4. FDN submits that Mr. Kassman possesses the necessary qualifications to responsibly represent FDN interest in this matter. In this regard, Mr. Kassman's qualifications are set forth in the attached affidavit.

5. As reflected in Mr. Kassman's affidavit, he is: (i) an attorney admitted to practice in the State of 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.

6. Mr. Kassman will conduct himself consistent with the standards set forth in Rule 28-106.107, and Mr. Kassman has acquired or will acquire actual knowledge of the factual and legal issues involved insofar as his representation of FDN is concerned in the above-referenced proceeding.

**WHEREFORE**, for the above and foregoing reasons, FDN requests that Mr. Kassman be permitted to appear as qualified representatives on behalf of FDN.

Respectfully submitted this 29<sup>th</sup> day of September 2003,



Matthew Feil  
General Counsel  
FDN Communications  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
(407) 835-0460

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (\*) who have been sent a copy via overnight mail, this 29 day of Sept., 2003.

BellSouth Telecommunications, Inc.  
R, Douglas Lackey/Meredith E. Mays  
c/o Ms. Nancy H. Sims  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301-1556  
[nancy.sims@bellsouth.com](mailto:nancy.sims@bellsouth.com)

Mr. Adam Teitzman  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[ateitzman@psc.state.fl.us](mailto:ateitzman@psc.state.fl.us)

McWhirter Law Firm  
Vicki Kaufman  
117 South Gadsden Street  
Tallahassee, FL 32301  
[vkaufman@mac-law.com](mailto:vkaufman@mac-law.com)

Covad Communications Company  
Mr. Charles E. Watkins  
1230 Peachtree Street, N.E.  
19<sup>th</sup> Floor  
Atlanta, GA 30309-3574  
[gwatkins@covad.com](mailto:gwatkins@covad.com)

Verizon Florida, Inc.  
Richard Chapkis  
One Tampa City Center  
201 North Franklin Street (33602)  
P.O. Box 110, FLTC 0007  
Tampa, FL 33601-0110  
[Richard.chapkis@verizon.com](mailto:Richard.chapkis@verizon.com)

Florida Cable Telecom Assoc., Inc.  
Michael A. Gross  
246 East 6<sup>th</sup> Avenue  
Suite 100  
Tallahassee, FL 32303  
[mgross@fcta.com](mailto:mgross@fcta.com)



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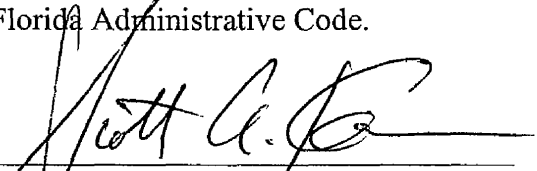
**AFFIDAVIT**

Undersigned counsel, being first duly sworn, states that:

Undersigned counsel is currently employed by FDN Communications as Assistant General Counsel, at the address and phone number below.

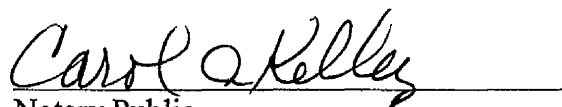
Undersigned counsel possesses the necessary qualifications to responsibly represent FDN Communications' interests in Docket No. 030852-TP.

Undersigned counsel is an attorney admitted to practice, and a member in good standing of the State of New Jersey, Bar No. 5090-98; has practiced before other utility regulatory agencies or authorities; has reviewed those portions of the Florida Statutes relative to the Commission's jurisdiction; has reviewed the Florida Rules of Civil Procedure relating to discovery in an administrative proceeding; 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; has acquired or will acquire knowledge of the factual and legal issues in this matter; and has reviewed the Standards of Conduct for Qualified Representatives contained in Rule 28-106.107 of the Florida Administrative Code.

  
\_\_\_\_\_  
Scott A. Kassman, Esq.  
Assistant General Counsel  
390 North Orange Avenue  
Suite 2000  
Orlando, FL 32801  
Telephone: 407-447-6636  
Facsimile: 407-447-4839

State of Florida  
County of Orange

Affirmed and subscribed before me this 29th day of September 2003.

  
\_\_\_\_\_  
Notary Public

