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December 15, 2003

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

VIA Overnight Mail

Dear Ms. Bayo:

Enclosed please find FDN Communications' request that Scott A. Kassman, Assistant General Counsel, be named a qualified representative of FDN in Docket No. 030851-TP.

Mr. Kassman is located at 390 North Orange Avenue, Suite 2000, Orlando, Florida, 32810, and may be reached at 407-447-6636.

Sincerely,

Matthew Feil
General Counsel

- AUS _____
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- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH _____

Enclosure

Hong Done 12/17/03

LOCAL

LONG DISTANCE

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**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Implementation of Requirements)	
Arising From FCC Triennial UNE Review:)	Docket No. 030851-TP
Local Circuit Switching for Mass Market)	
Customers)	Filed: <u>12-16-03</u>
_____)		

**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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FPSC-COMMISSION CLERK

“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.

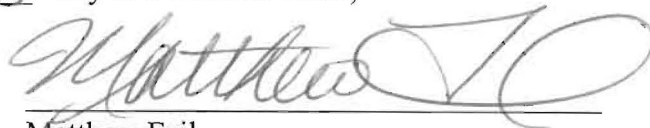
4. FDN submits that Mr. Kassman possesses the necessary qualifications to responsibly represent FDN interest in this matter. In this regard, Mr. Kassman’s qualifications are set forth in the attached affidavit.

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 5th day of December 2003,



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


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. 030851-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.



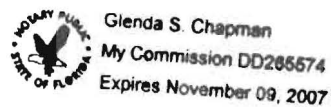
Scott A. Kassman, Esq.
Assistant General Counsel
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Suite 2000
Orlando, FL 32801
Telephone: 407-447-6636
Facsimile: 407-447-4839

State of Florida
County of Orange

Affirmed and subscribed before me this 15th day of December 2003.



Notary Public



CERTIFICATE OF SERVICE

Docket 030851-TP

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 15 day of December, 2003.

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A handwritten signature in cursive script, appearing to read "Matthew Feil".

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