

ORIGINAL

Matilda Sanders

From: Cara Gowan [CGowan@mail.fdn.com]
 Sent: Friday, June 04, 2004 2:42 PM
 To: Filings@psc.state.fl.us
 Cc: jmcglothlin@mac-law.com; Vicki Gordon Kaufman; Tracy Hatch; Donna McNulty;
 de.oroark@mci.com; Beth Keating; Nancy White; Richard Chapkis
 Subject: Docket No. 040520-TP and Docket No. 040489-TP

Please file the attached Petitions to Intervene on behalf of FDN Communications in the following dockets:

- 1) Docket No. 040520-TP - In re: Emergency Petition of FCCA, AT&T, and MCI to Require ILECs to Continue to Honor Existing Interconnection Obligations
- 2) Docket No. [REDACTED] In re: Proceeding to Address Actions Necessary to Respond to the Federal Communications Commission Triennial Review Order Released August 21, 2003

The documents to be filed in above-referenced dockets consist of a cover letter, a Petition to Intervene, and the Certificate of Service for a total of four (4) pages in each docket.

The person who is responsible for electronically filing these documents is:

Name: Matthew Feil
 Address: FDN Communications
 2301 Lucien Way, Ste. 200
 Maitland, FL 32751
 Phone No: 407-835-0460
 Email: mfeil@mail.fdn.com

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DOCUMENT NUMBER-DATE

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6/4/2004

FPSC-COMMISSION CLERK

ORIGINAL

June 4, 2004

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 Electronic Mail

Re: Docket No. 040489-TP; Proceeding to Address Actions Necessary to
Respond to the Federal Communications Commission Triennial Review
Order Released August 21, 2003

Dear Ms. Bayo:

Enclosed please find FDN Communications' Petition to Intervene for filing in the above-referenced matter.

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

Sincerely,

s/ Matthew Feil

Matthew Feil
General Counsel
FDN Communications

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proceeding to Address Actions)	
Necessary to Respond to the Federal)	
Communications Commission)	DOCKET NO. 040489-TP
Triennial Review Order Released)	
August 21, 2003)	
_____)	

PETITION TO INTERVENE
OF
FDN COMMUNICATIONS

Pursuant to Rules 25-22.039 and 28-106.201(2), Florida Administration Code, Florida Digital Network, Inc. d/b/a FDN Communications (“FDN”) files this Petition to Intervene with the Florida Public Service Commission (“Commission”) in the above-referenced docket. In support hereof, FDN states as follows:

- 1. Petitioner’s full name and principal place of business are:

FDN Communications
2301 Lucien Way, Ste. 200
Maitland, FL 32751

- 2. All pleadings, orders, notices and other correspondence with respect to this docket should be addressed to:

Matthew Feil
FDN Communications
2301 Lucien Way, Ste. 200
Maitland, FL 32751
(407) 835-0460
mfeil@mail.fdn.com

Scott A. Kassman
FDN Communications
2301 Lucien Way, Ste. 200
Maitland, FL 32751
(407) 447-6636
skassman@mail.fdn.com

- 3. FDN is a duly certified alternative local exchange telecommunications carrier (“ALEC”) in Florida. As such, FDN is subject to the rules, regulations and orders of the

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FPSC-COMMISSION CLERK

Commission, and those rules, regulations and orders impact FDN's ability to provide service in the state of Florida.

4. The Commission's decision in this proceeding may have a direct impact on all other ALECs in this state, FDN included, since ALECs purchase access to UNEs via Commission-approved interconnection agreements with incumbent carriers. Although FDN's positions/arguments in support of the relief requested may differ somewhat from the petitioners', FDN is similarly situated to petitioners with respect to the need for enforcement of interconnection agreement terms and with respect to the uncertainty created by the D. C. Circuit Court's USTA II ruling and the BellSouth and Verizon reactions to that ruling.

WHEREFORE, FDN requests that the Commission issue an order permitting FDN to intervene in this proceeding, affording FDN party status consistent with its rules, and directing all parties to serve on FDN all filings hereafter made in this case.

Respectfully submitted this 4th day of June, 2004.

s/ Matthew Feil

Matthew Feil
FDN Communications
2301 Lucien Way, Ste. 200
Maitland, FL 32751
(407) 835-0460
mfeil@mail.fdn.com

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 this 4th day of June, 2004.

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s/ Matthew Feil

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