

ORIGINAL

Timolyn Henry

From: Vicki Gordon Kaufman
Sent: Friday, June 04, 2004 3:21 PM
To: Filings@psc.state.fl.us
Cc: Colette Davis; Gene Watkins; Harold McLean; Adam Teitzman; Patty Christensen; Nancy White; Nancy Sims; Tracy Hatch; Lisa Riley; Michael Gross; Charles Beck
Subject: Docket No. 040443-TL - Covad Petition to Intervene

Pursuant to the Commission's procedures for e-filing, Covad Communications Co. provides the following filing:

a. The attorney responsible for the filing is:
 Vicki Gordon Kaufman
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- b. The document is to be filed in Docket No. 040443-TL, In re: Petition for establishment of new transaction-based performance assessment plan by BellSouth Telecommunications, Inc.
- c. The document is filed on behalf of Covad Communications Co.
- d. The document is 4 pages long.
- e. The document is a petition to intervene.

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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for establishment of new
Transaction-based performance assessment
Plan by BellSouth Telecommunications, Inc.

Docket No.: 040443-TL
Filed: June 4, 2004

**DIECA Communications, Inc. d/b/a
Covad Communications Company's Petition to Intervene**

DIECA Communications, Inc., d/b/a Covad Communications Company (Covad), pursuant to Rules 28-106.205 and 25-22.039, Florida Administrative Code, files this Petition to Intervene and as grounds therefore states:

1. The name and address of Intervenor is:

DIECA Communications, Inc., d/b/a Covad Communications Company
1230 Peachtree Street, NE
Atlanta, Georgia 30309

2. Copies of all pleadings, notices, and orders in this docket should be provided to:

Charles (Gene) E. Watkins
Covad Communications Company
1230 Peachtree Street, NE
Atlanta, Georgia 30309
(404) 942-3492 (telephone)
(404) 942-3495 (fax)
g Watkins@covad.com

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3. **Statement of Substantial Interests.** Covad is a telecommunications company that is certified by the Commission as a competitive local exchange company (CLEC). Covad provides services in Florida.

4. In providing its service offerings, Covad must utilize the operations support systems (OSS) of BellSouth Telecommunications, Inc. (BellSouth). The Commission has in place a detailed plan to monitor the performance metrics it has previously approved in regard to BellSouth's OSS and to enforce failures to comply with such metrics. In this docket, BellSouth seeks approval of a new performance-based assessment plan despite the fact that a Commission-approved plan is already in place. Therefore, any action taken by the Commission in this proceeding will directly affect Covad's substantial interests.

5. **Statement of Material Facts in Dispute.** Intervenor is unable to identify disputes of material fact at this time.¹

6. **Ultimate Facts Alleged.** BellSouth has not demonstrated that the currently approved performance plan should be replaced.

¹ On June 1, 2004, Covad, along with other carriers, filed a motion to dismiss BellSouth's petition.

WHEREFORE, Covad requests that its Petition to Intervene be granted and that it be accorded full party status in this docket.

S/Vicki Gordon Kaufman

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Attorneys for Covad Communications Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of DIECA Communications, Inc. d/b/a Covad Communications Company's Petition to Intervene has been furnished by (*) electronic mail and U.S. Mail this 4th day of June, 2004:

(*) Patty Christensen
Adam Teitzman
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

(*) Nancy B. White
C/o Nancy Sims
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150 S. Monroe Street, Suite 400
Tallahassee, FL 32301

(*) Tracy Hatch
AT&T Communications of the Southern
States, LLC
101 North Monroe Street, Suite 700
Tallahassee, FL 32301

(*) Lisa A. Sapper
AT&T Communications of the Southern
States, LLC
1200 Peachtree Street, NE, Suite 8100
Atlanta, GA 30309

(*) Michael Gross
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246 E. 6th Avenue, Suite 100
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S/Vicki Gordon Kaufman

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