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December 13, 2004

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


RE: Docket No. 041269-TP  
Petition to Establish Generic Docket to Consider Amendments to Interconnection  
Agreements Resulting from Changes of Law

Dear Ms. Bayo:


Enclosed for filing in the above-referenced docket on behalf of Southeastern Competitive  
Carriers Association ("SECCA"), US LEC of Florida Inc. ("US LEC") and XO Florida, Inc. ("XO")  
are the original and fifteen copies of their Petition to Intervene.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_ KAH/tls
- SEC \_\_\_\_\_ Enclosures
- OTH Kim P.

Please acknowledge receipt of these documents by stamping the extra copy of this letter  
"filed" and returning the copy to me. Thank you for your assistance with this filing.

Sincerely,  
  
Kenneth A. Hoffman

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: )  
 )  
Petition to Establish Generic Docket to ) Docket No. 041269-TP  
Consider Amendments to Interconnection ) Filed: December 13, 2004  
Agreements Resulting from Changes of Law )

**SOUTHEAST COMPETITIVE CARRIERS ASSOCIATION, US LEC OF FLORIDA  
INC. AND XO FLORIDA, INC.'S PETITION TO INTERVENE**

Southeastern Competitive Carriers Association ("SECCA"),<sup>1</sup> US LEC of Florida Inc. ("US LEC") and XO Florida, Inc. ("XO"), (collectively "Petitioners"), pursuant to Rules 25-22.039, 28-106.201 and 28-106.205, F.A.C., Petition the Florida Public Service Commission ("Commission") for leave to intervene in the above-styled docket and request that they be designated as parties of record and afforded all applicable rights under Florida Law and Commission Rules. In support of this petition, the petitioners allege as follows:

1. The name and addresses of the Petitioners are:

US LEC of Florida Inc.  
US LEC Corp.  
Morrocroft III  
6801 Morrison Blvd.  
Charlotte, NC 28211

SECCA  
Wanda Montano  
US LEC Corp.  
6801 Morrison Blvd.  
Charlotte, NC 28211

XO Florida, Inc.  
105 Molloy Street, Suite 300  
Nashville, Tenn. 37201

2. All pleadings, correspondence, notices, orders or other documents filed, served or

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<sup>1</sup>The members of SECCA are: US LEC of Florida, Inc., Time Warner Telecom, and XO Communications.

issued in this docket should be served on the following or behalf of Petitioners:

Kenneth A. Hoffman, Esquire  
Martin P. McDonnell, Esquire  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
P.O. Box 551  
Tallahassee, Florida 32302  
(850) 681-6788 (Telephone)  
(850)681-6515 (Telecopier)

Dana Shaffer  
XO Communications, Inc.  
105 Molloy Street, Suite 300  
Nashville, Tennessee 37201  
(615) 777-7700 (Telephone)  
(615) 850-0343 (Telecopier)

Wanda Montano  
Terry Romine  
US LEC Corp.  
6801 Morrison Blvd.  
Charlotte, NC 28211  
(770) 319-1119 (Telephone)  
(770) 602-1119 (Telecopier)

3. US LEC, XO and members of SECCA are competitive local exchange companies certificated in Florida pursuant to Section 364.337, Florida Statutes, to provide competitive local exchange services. The Petitioners are competitors of BellSouth Telecommunications, Inc. ("BellSouth"). US LEC and XO have existing Commission approved interconnection agreements with BellSouth.

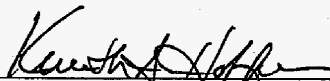
The member of SECCA that is not seeking interconnection in this proceeding also has an existing Commission - approved interconnection agreement with BellSouth and the positions taken and relief sought by SECCA in this proceeding are of the type appropriate for a trade association acting on behalf of its members. Therefore, the substantial interests of the Petitioners are subject to determination or will be affected through this proceeding.

4. Disputed issues of material fact in this proceeding include, but are not limited to:
- a. Whether the Commission has jurisdiction to conduct the proceeding proposed by BellSouth;
  - b. Whether the Commission's approval of BellSouth's request to approve contract amendments would violate the requirements of Section 252 of the Telecommunications Act of 1996 ("1996 Act"); and
  - c. Whether the relief sought by BellSouth in the instant proceeding would violate the terms of the agreement that BellSouth has entered into with each of the CLEC petitioners.<sup>2</sup>

5. Any determination and actions taken by the Commission in this docket regarding BellSouth's petition will affect the petitioners' substantial interests as CLECs in Florida. Accordingly, Petitioners have standing under Chapter 120, Florida Statutes and the applicable rules to participate as parties in this proceeding.

Wherefore US LEC, XO and SECCA respectfully request that the Commission grant them leave to intervene as full parties in this proceeding.

Respectfully submitted,



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Kenneth A. Hoffman, Esq.  
Martin P. McDonnell, Esq.  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
215 S. Monroe Street, Ste. 420  
P.O. Box 551  
Tallahassee, FL 32301

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<sup>2</sup>BellSouth has clearly violated at least one provision of the interconnection agreements as 30 days had not passed between the date BellSouth provided its proposed amendments to the Petitioners and the date BellSouth filed the instant petition.

850-681-6788 (Telephone)

860-681-6515 (Telecopier)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished by U.S. Mail to the following individuals on this 13th day of December, 2004.

Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301-1556

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Vicki Gordon Kaufman, Esq.  
McWhirter Law Firm  
117 South Gadsden Street  
Tallahassee, Florida 32301

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Florida Cable Telecommunications  
Association, Inc.  
246 E. 6<sup>th</sup> Avenue, Suite 100  
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\_\_\_\_\_  
Kenneth A. Hoffman, Esq.