

ORIGINAL

Timolyn Henry

From: Cara Gowan [CGowan@mail.fdn.com]
 Sent: Friday, December 17, 2004 3:13 PM
 To: Filings@psc.state.fl.us
 Cc: 'miketwomey@talstar.com'; Nancy Sims; Michael Gross; 'mellmer@fairpoint.com'; Charles Beck; Ken Hoffman; 'marty@reuphlaw.com'; Charles Rehwinkel; Susan Masterton; Tom McCabe; David Christian; Richard Chapkis; Tracy Hatch; Vicki Gordon Kaufman; Donna McNulty; Matthew Feil
 Subject: Docket No. 040604

Please file the attached Petition to Intervene on behalf of FDN Communications in the following docket:

- 1) Docket No. 040604 - Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs

The document to be filed in above-referenced docket consists of a cover letter, a Petition to Intervene, a Certificate of Service, and a Service List for a total of six (6) pages.

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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December 17, 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. 040604 – Adoption of the National School Lunch Program and
an Income-Based Criterion At or Below 135% of the Federal Poverty
Guidelines as Eligibility Criteria for the Lifeline and Link-Up Programs

Dear Ms. Bayo:

Attached please find FDN Communications' Petition to Intervene for electronic 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

MF:cg

Enc.

cc: All Parties of Record

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ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs.

Docket No. 040604-TL

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, Suite 200
Maitland, FL 32751
(407) 835-0460
mfeil@mail.fdn.com

- 3. FDN is a duly certified alternative local exchange telecommunications carrier ("ALEC") and intrastate interexchange carrier ("IXC") in Florida. As such, FDN is

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subject to the rules, regulations and orders of the 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 carriers in the state such as FDN, and in particular the Commission's determination of Issues 6 and 6A. As such, the Commission should permit FDN to intervene.

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 17th day of December, 2004.

s/ Matthew Feil

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were sent via U.S. mail to the parties on the attached list this 17th day of December, 2004.

s/ Matthew Feil

MATTHEW FEIL

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