ORIGINAL

### Matilda Sanders

From:

Marsha Rule [Marsha@reuphlaw.com]

Sent:

Monday, April 09, 2007 2:28 PM

To:

Filings@psc.state.fl.us

Subject:

Electronic filing: Dkt. 070008-0T

Attachments: 070008 MER.pdf

The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

MARSHA E. RULE

Rutledge, Ecenia, Purnell & Hoffman, P. A.

Post Office Box 551

Tallahassee, Florida 32302-0551

(850) 681-6788

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The docket number and title of docket:

Docket No. 070008-OT

Applications for qualified representative status

The name of the parties on whose behalf the document is filed:

DeltaCom, Inc., Business Telecom, Inc., and Interstate FiberNet, Inc.

The total number of pages in the attached document: 4

A brief but complete description of each attached document.

Cover letter and

Request for Naming of Qualified Representative with attached Affidavit of D. Anthony Mastando

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| SEC | JANEEL HARMAN  |
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CMP

DOCUMENT NUMBER-DATE

02994 APR-95

FPSC-COMMISSION CLERK

# RUTLEDGE, ECENIA, PURNELL & HOFFMAN ORIGINAL

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> TELEPHONE (850) 681-6788 TELECOPIER (850) 681-6515

> > April 9, 2007

R. DAVID PRESCOTT HAROLD F. X. PURNELL MARSHA E. RULE GARY R. RUTLEDGE MAGGIE M. SCHULTZ

**GOVERNMENTAL CONSULTANTS** JONATHAN M. COSTELLO MARGARET A. MENDUNI

Ms. Ann Cole, Director Office of Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Betty Easley Conference Center, Room 110 Tallahassee, Florida 32399-0850

> Docket No. 070008-OT Re: Applications for qualified representative status

Dear Ms. Cole:

Attached to this electronic filing please find the following documents for filing on behalf of DeltaCom, Inc, Business Telecom, Inc., and Interstate FiberNet, Inc., in the above-referenced docket:

Request for Naming of Qualified Representative with attached Affidavit of D. Anthony Mastando

As always, thank you for your assistance with this filing and please do not hesitate to contact me if you have any questions.

Sincerely,

MER/tc

Cc: Michael Cooke, Esq.

DOCUMENT NUMBER-CATE

02994 APR-95

FPSC-COMMISSION CLERK

ORIGINAL

#### BEFORE THE

### FLORIDA PUBLIC SERVICE COMMISSION

| In re: Applications for qualified representative | ) | Docket No. 070008-OT      |
|--|---|---------------------------|
| status   | ) |                           |
|  | ) | Date Filed: April 9, 2007 |

# REQUEST FOR NAMING OF QUALIFIED REPRESENTATIVE

Pursuant to Rule 28-106.107, Florida Administrative Code, DeltaCom, Inc. ("DeltaCom"), Business Telecom, Inc. ("BTI") and Interstate FiberNet, Inc. ("IFN") (collectively, the "Companies") request that D. Anthony Mastando, Vice President – Regulatory Affairs and Senior Regulatory Attorney, for each, be named a qualified representative of the Companies in all docketed and non-docketed matters currently before the Commission and in any new matters in calendar year 2007 or such additional period as the Commission may authorize. Each of the Companies is aware that it can be represented by counsel as defined in Rule 28-106.106, Florida Administrative Code and may also elect such representation.

Attached hereto is a sworn affidavit setting forth Mr. Mastando's qualifications. Mr. Mastando's address is 7037 Old Madison Pike, Huntsville, AL, 35806, and his telephone number is (256) 382-3856.

WHEREFORE, for the above and foregoing reasons, DeltaCom, BTI and IFN each respectfully requests that the instant Request for Naming of Qualified Representative be granted.

DOCUMENT NUMBER-DATE
02994 APR-95
FPSC-COMMISSION CLERK

# Respectfully submitted

MARSHA E. RULE

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ATTORNEYS FOR DELTACOM, INC., BUSINESS TELECOM, INC., and INTERSTATE FIBERNET, INC.

# CERTIFICATE OF SERVICE Docket 070008-OT

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Naming of Qualified Representative has been furnished by U.S. Mail to the following parties on this 9<sup>th</sup> day of April, 2007:

Michael Cooke General Counsel Florida Public Service Commission Division of Legal Services 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Marsha E. Rule

### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Naming of Docket No. 070008-OT Qualified Representative Filed: April 9, 2007

## AFFIDAVIT OF D. ANTHONY MASTANDO

# STATE OF ALABAMA COUNTY OF MADISON

I, D. Anthony Mastando, being first duly sworn, do hereby depose and state as follows:

- 1 I am an attorney and Vice President of Regulatory Affairs for DeltaCom, Inc., Business Telecom, Inc. and Interstate FiberNet, Inc. (collective, the "Companies").
- 2. I am a member in good standing of the Bars of the State of New York and the District of Columbia and am seeking to be designated as a qualified representative in the above-captioned docket pursuant to Rule 28-106.106, Florida Administrative Code.
- 3. I have served as regulatory counsel for the Companies in proceedings before federal and state regulatory Commissions, and I have assisted other attorneys in proceedings before federal and other state Commissions that have involved the examination and resolution of factual and legal issues.
- 4. I am familiar with the relevant portions of the Florida Statutes, the Florida Rules of Civil Procedure, the Florida Administrative Code, the Florida Rules of Evidence, and Rule 28-106.107, Florida Administrative Code.

I declare that the foregoing is true and correct based on my knowledge, information, and belief.

XYTHONY MASTANDO

SWORN TO AND SUBSCRIBED before me this Anthony Mastando, who is personally known to me.

gth day of April, 2007, by D.

Notary Public, State of Alabama

Commission Number:

My Commission expires: \_/-/2-08