

Diamond Williams

From: Lacey, Kimberly A. [kimberly.lacey@bingham.com]
Sent: Friday, November 12, 2010 2:30 PM
To: Filings@psc.state.fl.us
Cc: Branfman, Eric J.; Macres, Philip J.
Subject: Docket No. 100008-OT - Request for Naming of Qualified Representative
Attachments: Docket No 100008-OT Access Point Inc.pdf

Attached for electronic filing in the above-referenced docket, please find the attached Request for Naming of Qualified Representatives. If you have any questions, please do not hesitate to contact us.

a. Persons responsible for this filing:

Eric J. Branfman
 Kimberly A. Lacey
 Bingham McCutchen LLP
 2020 K Street, N.W.
 Washington, DC 20006
 Tel: (202) 373-6000
 Fax: (202) 373-6001
 Email: eric.branfman@bingham.com
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- b. Docket No. 100008-OT
 c. Filed on behalf of: Access Point, Inc.
 d. Total pages: 7
 e. Brief Description: Request for Naming of Qualified Representatives

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DOCKET NUMBER-DATE

9322 NOV 12 2

11/12/2010

FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF FLORIDA

In re: Applications for Qualified Representative
Status

Docket No. 100008-OT
Filed: November 12, 2010

REQUEST FOR NAMING QUALIFIED REPRESENTATIVES

Pursuant to Rules 28-106.106 and 28-106.107 of the Florida Administrative Code, Access Point, Inc. ("Access Point") requests that Eric J. Branfman and Kimberly A. Lacey, attorneys with the law firm Bingham McCutchen LLP, be named qualified representatives for Access Point in Docket No. 090538-TP.¹

1. The business address and contact information for Mr. Branfman and Mrs. Lacey is:

Eric J. Branfman
Kimberly A. Lacey
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, DC 20006
Tel: (202) 373-6000
Fax: (202) 373-6001
Email: eric.branfman.bingham.com
kimberly.lacey@bingham.com

2. Consistent with Rule 28-106.106(2)(a), Access Point is aware that it can elect to be represented solely by "counsel," at that term is defined in Rule 28-106-106(1) of the Florida Administrative Code.

¹ In re: Amended Complaint of Qwest Communications Company, LLC against MCI Metro Access Transmission Services, LLC (d/b/a Verizon Access Transmission Services), XO Communications Services, Inc., tw Telecom of Florida, L.P., Granite Telecommunications LLC, Cox Florida Telcom, L.P., Broadwing Communications, LLC, Access Point, Inc., Birch Communications, Inc., Budget Prepay, Inc., Bullseye Telecom, Inc., Deltracom, Inc., Ernest Communications, Inc., Flatel, Inc., Lightyear Network Solutions, LLC, Navigator Telecommunications, LLC, PaeTec Communications, Inc., STS Telecom, LLC, U.S. LEC of Florida, LLC, Windtream NuVox, Inc., and John Does 1 through 50.

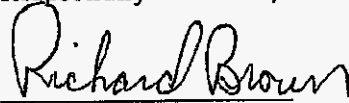
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3. Access Point submits that Mr. Branfman and Mrs. Lacey possess the necessary qualifications to represent Access Point's interests in Docket No. 090538-TP. In this regard, attached here are the sworn affidavits of Eric J. Branfman and Kimberly A. Lacey, setting forth their respective qualifications as required by Rule 28-106.106.

WHEREFORE, for the foregoing reasons, Access Point respectfully requests that this Request for Naming of Qualified Representative be granted.

Dated: November 11, 2010

Respectfully submitted,

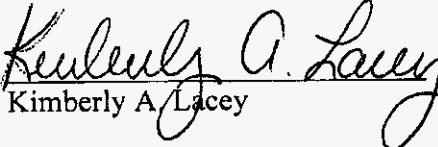


Richard Brown
Chief Executive Officer
Access Point, Inc.
1100 Crescent Green, Suite 109
Cary, NC 27518-8105
Tel: (919) 827-0449
Fax: (919) 851-5422
Email: richard.brown@accesspointinc.com

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of November, 2010, a true and correct copy of the foregoing was electronically filed, and sent via U.S. Mail to the following:

Curt Kiser
General Counsel
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassess, FL 32399-0850


Kimberly A. Lacey

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF FLORIDA

In re: Applications for Qualified Representative Status

Docket No. 100008-OT
Filed: November 12, 2010

AFFIDAVIT

ERIC J. BRANFMAN, being first duly sworn, states that:

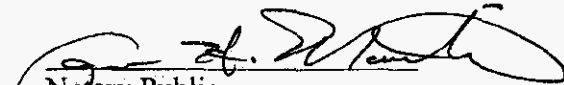
- 1. I am an attorney with the law firm Bingham McCutchen LLP.
- 2. I represent Access Point, Inc. ("Access Point") in connection with certain legal and regulatory matters relating to telecommunications services.
- 3. I have prepared this affidavit in connection with Access Point's request that I be named a qualified representative of Access Point in Docket No. 090538-TP.
- 4. I possess the necessary qualifications to responsibly represent Access Point before the Commission in Docket No. 090538-TP.
- 5. I am a member in good standing of the bar of the District of Columbia. I am also admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the District of Columbia Circuit, U.S. Court of Appeals for the Sixth Circuit, U.S. Court of Appeals for the Eighth Circuit, and U.S. District Court, District of Columbia. I have extensive telecommunications-specific regulatory experience and have appeared in matters before the federal and state regulatory commissions.
- 7. I am familiar with the relevant portions of the Florida Statutes, Florida Rules of Civil Procedure, the Florida Administrative Code, the Florida Rules of Evidence, and Rule 28-106.107, Florida Administrative Code.

9. I have reviewed Rule 28-106.107, Florida Administrative Code, and agree to abide by its standards.

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


Eric J. Branfman

Sworn to and subscribed before me this 12th day of November, 2010.


Notary Public

My Commission expires: 2/28/2011

James H. Mountain
Notary Public, District of Columbia
My Commission Expires 02/28/2011

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF FLORIDA

In re: Applications for Qualified Representative Status

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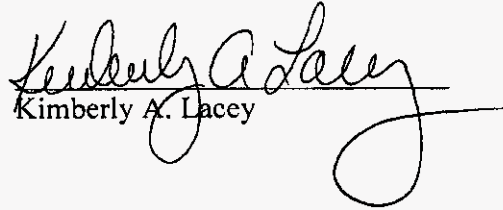
AFFIDAVIT

KIMBERLY A. LACEY, being first duly sworn, states that:

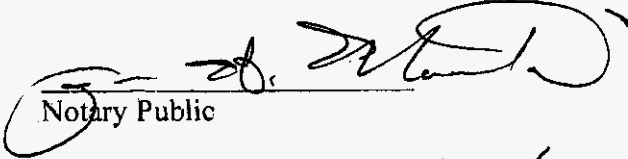
- 1. I am an attorney with the law firm Bingham McCutchen LLP.
- 2. I represent Access Point, Inc. ("Access Point") in connection with certain legal and regulatory matters relating to telecommunications services.
- 3. I have prepared this affidavit in connection with Access Point's request that I be named a qualified representative of Access Point in Docket No. 090538-TP.
- 4. I possess the necessary qualifications to responsibly represent Access Point before the Commission in Docket No. 090538-TP.
- 5. I am a member in good standing of the bars of the Commonwealth of Virginia and District of Columbia.
- 7. I am familiar with the relevant portions of the Florida Statutes, Florida Rules of Civil Procedure, the Florida Administrative Code, the Florida Rules of Evidence, and Rule 28-106.107, Florida Administrative Code.
- 8. I have reviewed Rule 28-106.107, Florida Administrative Code, and agree to abide by its standards.

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


Kimberly A. Lacey

Sworn to and subscribed before me this 12th day of November, 2010.


Notary Public

My Commission expires: 2/28/2011

James H. Mountain
Notary Public, District of Columbia
My Commission Expires 02/28/2011