MCWHIRTER REEVES



TAMPA OFFICE: 400 NORTH TAMPA STREET, SUITE 2450 TAMPA, FLORIDA 33602 P. O. BOX 3350 TAMPA, FL 33601-3350 (813) 224-0866 (813) 221-1854 FAX PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE: 117 SOUTH GADSDEN TALLAHASSEE, FLORIDA 32301 (850) 222-2525 (850) 222-5606 FAX

December 13, 1999
VIA Hand Delivery

Blanca S. Bayo, Director Division of Records and Reporting Betty Easley Conference Center 4075 Esplanade Way Tallahassee, Florida 32399-0870

Re: Docket Nos. 981834-TP, 990321-TP

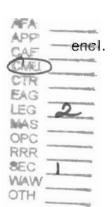
Dear Ms. Bayo:

Enclosed for filing and distribution are the original and 15 copies of BlueStar Network, Inc.'s Request for Representation by a Qualified Representative.

Please acknowledge receipt of the above on the extra copy enclosed herein and return it to me. Thank you for your assistance.

Yours truly,

Vicki Gordon Kaufman





DOCUMENT NUMBER-DATE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DOCKET No. 981834-TPORIGINAL

In re: Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida Incorporated and GTE Florida comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost efficient physical collocation.

DOCKET No. 990321-TP

Filed: December 13, 1999

REQUEST FOR REPRESENTATION BY A QUALIFIED REPRESENTATIVE

BlueStar Networks, Inc. (BlueStar), through its undersigned counsel, submits its Request for Representation by a Qualified Representative pursuant to Rule 28-106.106, Florida Administrative Code, in the above-referenced proceeding, and states as follows:

- 1. BlueStar is a certified alternative local exchange carrier and provides service in the state of Florida. BlueStar is located at 401 Church Street, 24th Floor, North, Nashville, Tennessee 37201.
- 2. Any pleading, motion, notice, order or other document required to be served upon the petitioner or filed by any party relative to this Request for Representation should be served upon the following individuals:

Vicki Gordon Kaufman McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A. 117 South Gadsden Tallahassee, Florida 32301 (850)222-2525 (telephone)

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FPSC-RECORES/REPORTING

(850)222-5606 (fax)

- 3. This petition is filed pursuant to Rule 28-106.106, Florida Administrative Code. Rule 28-106.106(2)(a) requires that BlueStar submit a written request to the presiding officer in the event that BlueStar elects to be represented before the Commission by a qualified representative. BlueStar hereby submits such a request.
- 4. BlueStar seeks leave of the presiding officer for the individual identified below to appear as a qualified representative on behalf of BlueStar for any purpose and in all matters or proceedings conducted before the Commission in connection with Docket Nos. 981834-TP and 990321-TP.

Norton Cutler General Counsel BlueStar Networks 401 Church Street, 24th Floor Nashville, Tennessee 37210 615-346-3848 (telephone) 615-346-3875 (fax)

- 5. Consistent with Rule 25-106.106(2)(b), BlueStar hereby affirms that it is aware of the services Mr. Cutler can provide and, further, that BlueStar can elect to be represented solely by "counsel," as that term is defined by Rule 28-106.106(1). Indeed, BlueStar has elected to be represented in this matter by other attorneys in addition to Mr. Cutler.
- 6. BlueStar submits that Mr. Cutler possesses the necessary qualifications to responsibly represent BlueStar's interests in this matter. In this regard, Mr. Cutler's qualifications are set forth in the attached affidavit.
- 7. As reflected in Mr. Cutler's affidavit, he: (i) is an attorney admitted to practice in the District of Columbia; (ii) has reviewed those portions of the Florida Statutes relative to the

Commission's jurisdiction, (iii) has reviewed the Florida Rules of Civil Procedure relating to discovery in an administrative proceeding; and (iv) has reviewed those portions of the Florida Administrative Code and Florida Statutes related to the rules of evidence, including the concept of hearsay in an administrative proceeding.

8. Consistent with the standard set forth in Rule 28-106.107, Mr. Cutler has acquired or will acquire actual knowledge of the factual and legal issues involved insofar as his representation of BlueStar is concerned in the above-referenced proceeding.

WHEREFORE, for the above and foregoing reasons, BlueStar Networks, Inc. requests that Mr. Cutler be permitted to appear as a qualified representative on behalf of BlueStar Networks, Inc.

Vicki Gordon Kaufman

McWhirter, Reeves, McGlothlin,

Davidson, Decker, Kaufman,

Arnold & Steen, P.A.

117 South Gadsden Street

Tallahassee, Florida 32301

Telephone: (850) 222-2525 Telecopy: (850) 222-5606

Telecopy: (850) 222-5606

Attorneys for BlueStar Networks, Inc.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Competitive Carriers for Commission action to support local competition in BellSouth Telecommunications, Inc.'s service territory.

DOCKET No. 981834-TP

In re: Petition of ACI Corp. d/b/a Accelerated Connections, Inc. for generic investigation to ensure that BellSouth Telecommunications, Inc., Sprint-Florida Incorporated and GTE Florida comply with obligation to provide alternative local exchange carriers with flexible, timely, and cost efficient physical collocation.

DOCKET No. 990321-TP

Filed: December 13, 1999

AFFIDAVIT OF NORTON CUTLER

STATE OF TENNESSEE				
COUNTY OF RUTHERFORD)			

- I, Norton Cutler, being first duly sworn, do hereby depose and state as follows:
- 1. I am General Counsel, with BlueStar Networks, Inc., 401 Church Street, 24th Floor, North Nashville, Tennessee 37201.
- 2. I am a member in good standing of the District of Columbia Bar 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 General Counsel to BlueStar Networks, Inc. in proceedings before state commissions. Moreover, I have assisted other attorneys in proceedings before other state commissions that have involved the examination and resolution of factual and legal issues similar to those under consideration in the above-captioned docket.
- 4. I am familiar with the relevant portions of the Florida Statutes, the Florida Rules of Civil Procedure, the Florida Administrative Code, and the Florida Rules of Evidence.

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

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NORTON CUTLER	

SWORN	TO AN	D SUBS	CRIBED b	efore me	this	104	\ day	of	Oece	mter	, 1999 by	
Norton Cutler,	who (is	personally entification.	known	to	me;	or ()	who	has	presented	
			1	Dan	la	Sh	oga	·~	,			

Notary Public, State of TP, County of Rutherford Commission Number:
My Commission expires: 6/28/00

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of BlueStar Network, Inc.'s Request for Representation by a Qualified Representative has been furnished by (*) hand delivery or U. S. Mail this 13th day of December 1999 to the following:

(*)Beth Keating Staff Counsel Florida Public Service Commission Division of Legal Services 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Nancy B. White 150 West Flagler Street Suite 1910 Miami, FL 33130

Andrew O. Isar Telecommunications Resellers Assoc. 4312 92nd Avenue, N.W. Gig Harbor, WA 98335

Marsha Rule Tracy Hatch 101 Monroe Street Suite 700 Tallahassee, FL 32301

Richard D. Melson Hopping, Green, Sams & Smith, P.A. Post Office 6526 123 South Calhoun Street Tallahassee, FL 32314 Norman H. Horton, Jr. Messer, Caparello & Self Post Office Drawer 1876 215 South Monroe Street Suite 701 Tallahassee, FL 32302-1876

Terry Monroe Vice President, State Affairs Competitive Telecomm. Association 1900 M Street, N.W. Suite 800 Washington, D.C. 20036

Marilyn Ash MGC Communications, Inc. 3301 Worth Buffalo Drive Las Vegas, Nevada 89129

Patrick K. Wiggins Wiggins & Villacorta, P.A. 2145 Delta Boulevard Suite 200 Tallahassee, FL 32303

Susan S. Masterton Sprint Comm. Co. LLP P.O. Box 2214 MC: FLTLHO0107 Tallahassee, FL 32316-2214 James C. Falvey
e.spire Communications, Inc.
133 National Business Parkway
Suite 200
Annapolis Junction, Maryland 20701

Jeffrey Blumenfeld Elise Kiley Blumenfeld & Cohen 1625 Massachusetts Ave., N.W. Suite 300 Washington, D.C. 20036

Kimberly Caswell
GTE Service Corporation
One Tampa City Center
201 North Franklin Street (33602)
Post Office Box 110, FLTC0007
Tampa, FL 33601-0110

Peter M. Dunbar Pennington, Moore, Wilkinson & Dunbar, P.A. P.O. Box 10095 Tallahassee, Florida 32302

David Dimilich Supra Telecommunications & Information Systems, Inc. 2620 S.W. 27th Avenue Miami, FL 33133

Donna Canzano McNulty MCI WorldCom 325 John Knox Road Suite 105 Tallahassee, FL 32303 Michael A. Gross VP Reg. Affairs & Reg. Counsel Florida Cable Telecomm. Assoc. 310 North Monroe Street Tallahassee, FL 32301

Laura L. Gallagher, P.A. 101 E. College Ave., Suite 302 Tallahassee, FL 32301

Florida Public Telecomm. Assoc. Angela Green, General Counsel 125 South Gadsden Street #200 Tallahassee. FL 32301-1525

Intermedia Communication, Inc. Scott Sapperstein 3625 Queen Palm Drive Tampa, FL 33619-1309

Charles J. Beck
Deputy Public Counsel
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

<u>Uillii Indne Laufman</u> Vicki Gordon Kaufman