

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Emergency complaint seeking order requiring BellSouth Telecommunications, Inc. and Verizon Florida Inc. to continue to honor existing interconnection obligations, by XO Florida, Inc. and Allegiance Telecom of Florida, Inc. (collectively, Joint CLECs).

DOCKET NO. 040489-TP  
ORDER NO. PSC-04-0646-PCO-TP  
ISSUED: July 7, 2004

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed on June 4, 2004, Florida Digital Network, Inc. d/b/a FDN Communications (FDN) has requested permission to intervene in this proceeding. FDN is a competitive local exchange company (CLEC) that provides local exchange service in the State of Florida. The purpose of this proceeding is to address XO Florida, Inc. (XO) and Allegiance Telecom of Florida, Inc.'s joint emergency complaint seeking an order requiring BellSouth Telecommunications, Inc. (BellSouth) and Verizon Florida Inc. (Verizon) to continue to honor existing interconnection obligations. As a CLEC, FDN purchases access to UNEs via Commission-approved interconnection agreements with incumbent local exchange carriers (ILEC). As such, the resolution of the issues in this docket will affect the substantial interests of FDN and its business operations in the State of Florida.

Having reviewed the Petition, it appears that FDN's substantial interests may be affected by this proceeding, because it purchases access to UNEs via Commission-approved interconnection agreements with incumbent local exchange carriers. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, FDN takes the case as it finds it.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by Florida Digital Network, Inc. d/b/a FDN Communications, is hereby granted. It is further

ORDERED that all parties to these proceedings shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in these proceedings, to:

DOCUMENT NUMBER-DATE

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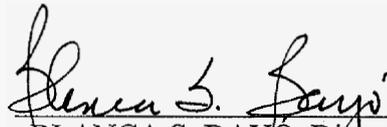
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By ORDER of the Florida Public Service Commission this 7th day of July, 2004.



BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

(SEAL)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.