

RICHARD M. RINDLER
ATTORNEY AT LAW

**SWIDLER
&
BERLIN**
CHARTERED

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DIRECT DIAL
(202)424-7221

February 25, 1997

VIA FEDERAL EXPRESS

Mrs. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

970242-11

Dear Ms. Bayo:

Enclosed is an original and fifteen (15) copies of a Motion To Accept a Late Filing. As discussed in the Motion, KMC Telecom, Inc.'s petition for arbitration was to be delivered from our office to the Commission yesterday morning. Unfortunately, the courier arrived at the Commission shortly after 5:00 p.m. The documents were submitted before 9:00 a.m. this morning.

Copies of the petition and this motion have been sent via facsimile to Sprint.

I also enclose an original and fifteen (15) copies of a verification of the testimony of Tricia Breckenridge.

Please stamp and return in the enclosed stamped envelope a copy of the Motion and the Verification.

Very truly yours,

Richard M. Rindler

- ACK _____
- AFA _____
- ADP _____
- DAF _____
- CMJ _____
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- LIN 5 _____
- PLN _____
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- WFO _____
- QTH _____

FILED
CITY

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In the matter of)
)
KMC TELECOM, INC.)
)
Petition for Arbitration Pursuant to)
47 U.S.C. §252(b) of Interconnection Rates,)
Terms, and Conditions with)
)
SPRINT UNITED - CENTEL OF FLORIDA,)
INC. (ALSO KNOWN AS)
CENTRAL TELEPHONE COMPANY)
OF FLORIDA AND UNITED TELEPHONE)
COMPANY OF FLORIDA))

Docket No. 970842-TP

MOTION TO ACCEPT LATE FILING

KMC Telecom, Inc. ("KMC"), pursuant to Section 252 of the Telecommunications Act of 1996, negotiated interconnection issues with Sprint United Centel of Florida, Inc. ("Sprint") through Friday evening, February 21, 1997, the 159th day from the date negotiations commenced. As KMC states in its Petition, as a result of the negotiations, all except one issue was resolved in principle. KMC determined on Friday evening that it would pursue arbitration of the remaining issue -- KMC's right to opt in to the one provision of the MFS Communications Company, Inc. agreement with Sprint in Florida, which Sprint declined to agree to.

A petition for arbitration of that issue along with testimony in support of the petition was prepared over the weekend. Arrangements were made to have the filing couriered to Tallahassee

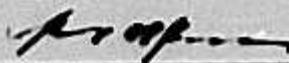
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on Monday for filing with the Commission. Unfortunately, as stated in the attached affidavit, the courier did not arrive at the Commission until after 5:00 p.m. at which time the Commission was closed.

A copy of the petition and testimony was sent to Sprint counsel by U.S. mail on Monday, February 24, 1997. A facsimile copy of the petition and testimony, as well as this motion, was provided to Sprint on Tuesday, February 25, 1997.

No party will be prejudiced by the delay in filing of this petition from Monday, February 24 to the morning of February 25. Accordingly, KMC Telecom, Inc. moves for the Commission to accept the petition filed on February 25, 1997.

Respectfully submitted,



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Attorneys for KMC TELECOM, INC.

AFFIDAVIT


I, John Bixler state that:

- 1. I work for AG Management Company. We provide courier service to Swidler & Berlin.**
- 2. I received materials for filing with the Florida Public Service Commission from Mr. Rindler's secretary at approximately 9:30 Monday morning.**
- 3. I arranged for the materials to be delivered to Tallahassee using US Air's PDQ service. Because of security provisions, we were unable to place the filing on the 11:00 plane. We arranged to have the filing taken by the next flight to Tallahassee. The flight was scheduled to arrive at 3:45 p.m.**
- 4. The courier service we used in Tallahassee, DHL's subcontractor, Midnight Express, picked up the filing at the Tallahassee airport but did not reach the Commission until sometime after 5:00 p.m. at which time the Clerk's office was closed.**
- 5. The courier service filed the documents at approximately 8:45 this morning.**



John Bixler

SUBSCRIBED AND SHOWN TO before me this 25th day of February, 1997.


Katherine A. Swall

My Commission Expires: October 31, 1997



CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February, 1997, a copy of the foregoing Motion to Accept Late Filing was served, via facsimile, on the following:

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