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November 23, 1998

VIA HAND DELIVERY

Blanca S. Bayo, Director
Florida Public Service Commission
Division of Records and Reporting
Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

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RECORDS AND REPORTING

Re: Docket No. 980800-TP

Dear Ms. Bayo:

Enclosed for filing and distribution are the original and fifteen copies of the Florida Competitive Carriers Association's Petition to Intervene On a Limited Basis in the above docket.

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

Sincerely,

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
LIN _____
OPC _____
RCH _____
SEC _____
WAS _____
OTH _____

Wicki Gordon Kaufman
Wicki Gordon Kaufman

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DOCUMENT NUMBER - DATE
#13233 NOV 23 98
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for emergency relief by)	
Supra Telecommunications & Information)	Docket No. 980800-TP
Systems against BellSouth Telecommunications,)	
Inc., concerning collocation and interconnection)	Filed: November 23, 1998
agreements.)	
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**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S
PETITION TO INTERVENE ON A LIMITED BASIS**

The Florida Competitive Carriers Association (FCCA), pursuant to rule 28-106.205, Florida Administrative Code, files this petition to intervene on a limited basis in support of the joint motion for reconsideration of Order No. PSC-98-1417-PCO-TP filed by American Communications, Inc.-Jacksonville, Inc (e.spire) and NextLink Florida, Inc. (NextLink). As grounds therefor, FCCA states:

Introduction

1. The name and address of Intervenor is:

Florida Competitive Carriers Association
 Post Office Box 10967
 Tallahassee, Florida 32302

2. FCCA's representatives to whom all pleadings, notices and correspondence should

be addressed are:

Joseph A. McGlothlin
 Vicki Gordon Kaufman
 McWhirter, Reeves, McGlothlin, Davidson,
 Decker, Kaufman, Arnold & Steen, P.A.
 117 South Gadsden Street
 Tallahassee, Florida 32301

Substantial Interest

3. In Order No. PSC-98-1417-PCO-TP the Commission addressed the issue of

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whether it should change its collocation policy of "first come, first serve" and instead give some sort of priority to carriers who have filed a collocation complaint with the Commission. In its order, while recognizing that the Federal Communications Commission (FCC) requires collocation requests to be processed on a "first come, first serve" basis (47 C.F.R. § 51.323 (f)(1)), the Commission found that Supra Telecommunications & Information Systems (Supra) is entitled to first priority for physical collocation in certain of BellSouth Telecommunications, Inc.'s (BellSouth) central offices. The Commission's decision to make such a fundamental shift in policy will affect the entire telecommunications industry and will impact the development of local competition, which is highly dependent on the ability to collocate.

4. FCCA seeks to intervene in this proceeding for the limited purpose of supporting the joint petition for reconsideration filed by e.spire and NextLink. Order No. PSC-98-1417-PCO-TP, and the motions for reconsideration addressed to that Order's delineation of a priority other than "first come, first serve", raise issues of grave importance to the nascent competitive local telecommunications industry. It is not only e.spire and NextLink who will be affected by the Order, if the Commission does not reconsider its decision, but the entire local telecommunications market will be affected as competitors continue to attempt to provide consumers with a choice in local telecommunications service.

5. The FCCA is an industry organization composed of competitive telecommunications carriers conducting business in the state of Florida. Some of the FCCA's members are certified as ALECs and have requests for collocation pending with BellSouth. The issue which is the subject of reconsideration is an issue of great importance to the FCCA membership and is the type of issue as to which the association would typically be involved and

would have standing. See, Florida League of Cities v. Department of Environmental Regulation, 603 So.2d 1363 (Fla. 1st DCA 1992). The Commission should ensure that it has the benefit of the views of the affected industry in rendering such an important decision.

6. The FCCA will not repeat here the arguments raised by others as to the Order on reconsideration. Suffice it to say that the FCCA believes that the Commission has made a fundamental error of law by assigning a priority to Supra which is in direct contravention of federal law and past Commission policy. Any decision which affects the ability of competitive carriers to collocate is of supreme importance to all ALECs, including FCCA members, who will be affected by it.

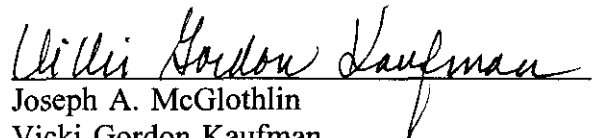
7. FCCA further asserts that if the action which the Commission has indicated it will take on this issue is not changed upon reconsideration, such action will be an unpromulgated rule in contravention of section 120.56(4), Florida Statutes. Despite the Order's recitations to the contrary, this decision is not limited to Supra and BellSouth in this proceeding but will affect the processing of other collocation requests. It will require, at the very least, that all ALECs who request collocation file a complaint at the Commission to protect their position in the collocation queue. If the Commission decides to make this policy shift, this change, which will be generally applicable, must be addressed in rulemaking to meet the requirements of Chapter 120, Florida Statutes.

Good Cause for Intervention

8. The FCCA is aware that rule 28-106.205, Florida Administrative Code, provides that "except for good cause shown", petitions to intervene must be filed 20 days before the final hearing. FCCA asserts that the Commission has not yet had an evidentiary hearing on the

priority issue and further that insufficient notice was provided to the industry regarding the fact that this generic issue was to be decided. Alternatively, FCCA asserts that it has demonstrated good cause for its intervention because the issue which the Commission will address represents a radical shift in the policy of this Commission, is at odds with federal law and policy and will have a broad effect on that segment of the telecommunications industry which comprise FCCA's membership.

WHEREFORE, the FCCA requests that it be permitted to intervene for the limited purpose of addressing the issue of collocation priority for those carriers filing complaints.



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Attorneys for the Florida Competitive
Carriers Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the **Florida Competitive Carriers Association's** foregoing **Petition to Intervene On a Limited Basis** has been furnished by hand delivery(*) or U.S. Mail this **23rd** day of **November, 1998**, to the following:

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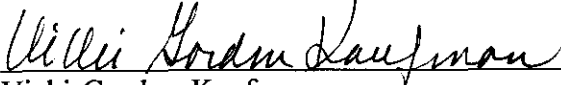
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