

ORIGINAL

**Matilda Sanders**

**From:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM]  
**Sent:** Thursday, May 12, 2005 11:18 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** 050182-TP BellSouth's Petition for Leave to Intervene  
**Importance:** High  
**Attachments:** 050182-T.pdf

A. Vicki Fatool  
 Legal Secretary to Nancy B. White  
 BellSouth Telecommunications, Inc.  
 150 South Monroe Street  
 Suite 400  
 Tallahassee, Florida 32301  
 (305) 347-5560  
[vicki.fatool@bellsouth.com](mailto:vicki.fatool@bellsouth.com)

B. Docket No. 050182-TP

Joint Petition for waiver of carrier selection requirements of Rule 25-4.118, FAC, to allow KMC Telecom III LLC to transfer certain customer accounts to TelCove Investment, LLC

C. BellSouth Telecommunications, Inc.  
 on behalf of Nancy B. White

D. 5 pages total (including letter, certificate of service and pleading)

E. BellSouth Telecommunications, Inc.'s Petition for Leave to Intervene

.pdf  
 <<050182-T.pdf>>

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- COM \_\_\_\_\_
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Legal Department

NANCY B. WHITE  
General Counsel - Florida  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5558

May 12, 2005

Mrs. Blanca S. Bayó  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

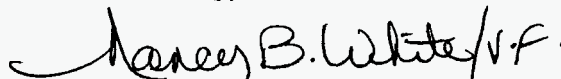
Re: **Docket No. 050182-TP**  
**Joint Petition for waiver of carrier selection requirements of Rule 25-4.118, FAC, to allow KMC Telecom III LLC to transfer certain customer accounts to TelCove Investment, LLC**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Petition for Leave to Intervene, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

  
Nancy B. White

Enclosures

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey

DOCUMENT NUMBER-DATE

04628 MAY 12 05

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**CERTIFICATE OF SERVICE**  
**Docket No. 050182-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and First Class U. S. Mail this 12th day of May, 2005 to the following:

Jason Rojas  
Staff Counsel  
Florida Public Service  
Commission  
Division of Legal Services  
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Kelley Drye & Warren LLP  
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TelCove Investment, LLC  
James Means, Esq.  
121 Champion Way  
Canonsburg, PA 15317  
Tel. No. (724) 743-9566  
Fax. No. (724) 743-9791  
[jim.means@telcove.com](mailto:jim.means@telcove.com)

  
Nancy B. White

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Joint Petition for waiver of carrier ) Docket No. 050182-TP  
selection requirements of Rule 25-4.118,) )  
FAC, to allow KMC Telecom III LLC to ) )  
transfer certain customer accounts to ) )  
TelCove Investment, LLC ) )  
\_\_\_\_\_ ) Filed: May 12, 2005

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
PETITION FOR LEAVE TO INTERVENE**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), pursuant to Rule 25-22.039, Florida Administrative Code, hereby requests leave to intervene in this proceeding, and as grounds therefore states:

1. BellSouth is a telephone company lawfully doing business in the State of Florida whose regulated operations are subject to the jurisdiction of this Commission pursuant to Chapter 364, Florida Statutes.

2. BellSouth's principal place of business in Florida is 150 W. Flagler Street, Suite 1910, Miami, Florida 33130. Pleadings and process in this matter may be served upon:

Nancy B. White  
c/o Nancy H. Sims  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301

3. Any decision made by the Commission in the context of this proceeding will necessarily affect the substantial interests of BellSouth and its business operations in the State of Florida.

4. On March 14, 2005, KMC Telecom III LLC ("KMC III") and TelCove Investment, LLC ("TelCove") filed a joint petition with the Commission requesting a

waiver of Rule 25-4.118, Florida Administrative Code, to complete a transfer of assets/customers.

5. At this juncture, BellSouth and KMC III have on-going issues regarding an audit of KMC III's factors. To eliminate the KMC III assets as a source of payment for liabilities currently owed to BellSouth by any KMC entity could prejudice BellSouth's ability to recover under the interconnection agreement.

6. BellSouth has current disputes with KMC entities under the existing interconnection agreement. BellSouth is seeking assurances from the purchaser and seller that liabilities resulting from ongoing or pending audits as well as other existing liabilities will be appropriately handled in the transfer, including retention of records necessary to comply with audit provisions of the existing agreement between BellSouth and KMC.

7. Matters affecting BellSouth's legal interests may be determined in the proceedings, and BellSouth's interest will not be adequately represented unless BellSouth is allowed to intervene.

8. Allowing BellSouth to intervene will not impair the interests of justice or the orderly and prompt conduct of these proceedings.

9. BellSouth respectfully requests that it be granted leave to intervene and participate as a party in the above-captioned proceeding.

WHEREFORE, BellSouth respectfully requests that the Commission grant the Company leave to intervene for all legal purposes in this docket.

Respectfully submitted this 12<sup>th</sup> day of May, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

Handwritten signature of Nancy B. White in black ink, written over a light gray rectangular background.

NANCY B. WHITE

c/o Nancy H. Sims

150 So. Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5558

Handwritten signature of R. Douglas Lackey in black ink, written over a light gray rectangular background.

R. DOUGLAS LACKEY

Suite 4300

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Atlanta, GA 30375

(404) 335-0747

585170