

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 00-12809  
\_\_\_\_\_

D. C. Docket No. 99-00248-CV-JOF-1

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
JULY 17, 2002  
THOMAS K. KAHN  
CLERK

BELLSOUTH TELECOMMUNICATIONS, INC.,

Plaintiff-Counter-  
Defendant-Appellant-  
Cross-Appellee,

UNITED STATES OF AMERICA,

Intervenor-Appellant,

versus

MCIMETRO ACCESS TRANSMISSION  
SERVICES, INC.

Defendant-Counter-  
Claimant-Appellee,

GEORGIA PUBLIC SERVICE COMMISSION,  
ROBERT B. BAKER, JR., in his  
official capacity as Chairman,  
LAUREN "BUBBA" MCDONALD, in his  
official capacity as Commissioner,  
ROBERT DURDEN, in his official  
capacity as Commissioner,  
STANCIL O. WISE, in his official

capacity as Commissioner,

Defendants-Appellees-  
Cross-Appellants.

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No. 00-12810

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D. C. Docket No. 99-00249-CV-JOF-1  
BELLSOUTH TELECOMMUNICATIONS, INC.,

Plaintiff-Counter-  
Defendant-Appellant,  
Cross-Appellee,

UNITED STATES OF AMERICA,

Intervenor-Appellant,

versus

WORLDCOM TECHNOLOGIES, INC., a  
successor in interest to MFS  
INTELENET OF GEORGIA, INC.,

Defendant-Counter-  
Claimant-Appellee,

E. SPIRE COMMUNICATIONS, INC.,  
formerly known as American  
Communications Services, Inc.,  
NEXTLINK GEORGIA, INC.,  
TELEPORT COMMUNICATIONS  
ATLANTA, INC.,

Defendants-Appellees,

GEORGIA PUBLIC SERVICE COMMISSION,  
ROBERT B. BAKER, JR., in his  
official capacity as Chairman,  
LAUREN "BUBBA" MCDONALD, in his  
official capacity as Commissioner,  
ROBERT DURDEN, in his official

capacity as Commissioner,  
STANCIL O. WISE, in his official  
capacity as Commissioner,

Defendants-Appellees-  
Cross-Appellants,

ICG TELECOM GROUP, INC.,

Defendant.

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Appeals from the United States District Court for the  
Northern District of Georgia  
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**(July 17, 2002)**

PETITION FOR REHEARING AND  
SUGGESTION FOR REHEARING EN BANC  
(Opinion January 10, 2002, 278 F.3d. 1223, 11<sup>th</sup> Cir., 2002)

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH, BLACK,  
CARNES, BARKETT, MARCUS and WILSON, Circuit Judges.\*

**B Y T H E C O U R T:**

A member of this Court in active service having requested a poll on the  
suggestions of rehearing en banc and a majority of the judges in this Court in  
active service having voted in favor of granting a rehearing en banc,

IT IS ORDERED that the above causes shall be reheard by this Court en  
banc. The previous panel's opinion is hereby VACATED.

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\*Judges Joel F. Dubina and Frank M. Hull have recused themselves and will not participate.