THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION

dPi TELECONNECT, L.L.C.	§
Plaintiff,	050863-TP
v. THE FLORIDA PUBLIC SERVICE COMMISSION, Katrina J. McMurrian, Nancy Argenziano, and Nathan A. Skop in their official capacities as Commissioners of the Florida Public Service Commission	Civil Action No.: 4:08cv509-RS/WCS CONTROL CO
and BELLSOUTH TELECOMMUNICATIONS, INC.	AM 10: 36 AM 10: 36 ERX
d/b/a AT&T FLORIDA,	\$ &
Defendants.	\$ \$ \$

INSTRUCTIONS TO CLERK

Plaintiff, dPi Teleconnect L.L.C. ("dPi"), in accordance with this Court's March 13, 2009 Scheduling Order (DE-20), hereby submits these Instructions to the Clerk of the Florida Public Service Commission to request that the relevant portions of the record in the proceeding below, Docket No. 050863-TP, be forwarded to this Court.

The docket in that proceeding contains several issues and disputes that are not before the Court in this appeal. Thus, in order not to burden the record, Plaintiff request that the Clerk limit

COM	OM the record to the following documents:	
ECR	PSC DOCUMENT NO.	DESCRIPTION
GCL		
OPC	10901-05	dPi Teleconnect, L.L.C Complaint against BellSouth
RCP		Telecommunications, Inc. for dispute arising under
SSC		interconnection agreement
SGA		
ADM		DOCUMENT NUMBER-DATE
CLK	Thelean.	02710 MAR 278
		UZ/10 MANZI

FPSC-COMMISSION CLERK

11468-05	BellSouth (Gurdian, Lackey) - Response to dPi's complaint
06158-07	dPi (Malish) – Motion for continuance [to allow adequate discovery before direct testimony is filed]
06252-07	AT&T Florida (Gurdian, Carver) – Response in opposition to motion for continuance
06409-07	dPi (Tepera, Malish) – Motion for leave to file amended testimony [of Brian Bolinger and Steve Watson]
07029-07	AT&T Florida (Meza, Edenfield) – (CONFIDENTIAL) Exhibit PAT-3 to direct testimony of Pam Tipton. [x-ref. DN 06275-07] [Request for confidentiality withdrawn; Document forwarded to docket file.]
07030-07	AT&T Florida (Meza, Edenfield), - Redacted version of confidential DN 07029-07
07605-07	AT&T Florida (Meza, Carver) – Motion to strike [portions of dPi's rebuttal testimony; and request to prohibit amendment of dPi's rebuttal testimony]
07650-07	Notice of Commission hearing and prehearing – Haring to be held 10/1/07 at 9:30 a.m., Rm 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee; prehearing to be held 9/18/07 at 9:30 a.m. in Rm 148
07741-07	AT&T Florida (Meza, Carver) – Notice of filing corrected attachment [to motion to strike certain portions of rebuttal testimony of dPi witnesses]
07837-07	Order PSC-07-0712-PCO-TP denying dPi's motion for continuance
07981-07	GCL/Tan – Staff's prehearing statement
08072-07	dPi (Malish) – Motion for [1 day] extension of time to respond to AT&T Florida's motion to strike; with attached response to motion to strike
08147-07	AT& \mathbb{T} Florida (Gurdian, Edenfield, Carver) – Response in opposition to dPi's motion for extension of time [to respond to motion to strike]

08341-07	dPi (Malish) - Motion to compel [AT&T Florida to respond to discovery]
08429-07	dPi (Malish) – Motion for leave to file amended testimony [w/exh's of Brian Bolinger and Steve Watson]
08469-07	AT&T Florida (Meza, Edenfield) - Motion to compel [dPi to respond to AT&T's 1 st set of interrogatories and 1 st request for admissions] [CLK Note: See DN 08472-07 for motion with exhibits]
08470-07	AT&T Florida (Meza, Edenfield) – Response in opposition to dPi's motion to compel
08472-07	AT&T Florida (Meza, Edenfield) - Motion to compel [dPi to respond to AT&T's 1 st set of interrogatories and 1 st request for admissions]; and Exhs A and B
08476-07	dPi (Malish) – Motion to strike testimony of Pam Tipton
08559-07	TRANSCRIPT - Pgs 1-87 of 9/18/07 prehearing conference held in Tallahassee before MM
08659-07	dPi (Malish) - Response to AT&T Florida motion to compel [response to discovery]
08660-07	AT&T Florida (Gurdian, Edenfield, Carver) – Response in opposition to dPi's motion to strike [testimony of Pam Tipton]
08665-07	dPi (Malish) - Reply to AT&T's response to motion to compel
08842-07	dPi (Malish) – Motion for continuance [pursuant to FLA. ADMIN. COMM'N UNIV. R. 28-6-106.210 to allow
	adequate discovery of evidence on potential key issues]
08843-07	adequate discovery of evidence on potential key issues] dPi (Malish) – Request for reconsideration of preliminary decision on motion to compel
08843-07 08879-07	dPi (Malish) - Request for reconsideration of preliminary

08890-07	AT&T Florida (Gurdian, Edenfield, Carver) – Response in opposition to [dPi's] motion for continuance
08910-07	Order PSC-07-0791-PCO-TP denying dPi's motion for continuance
08916-07	AT&T/dPi (Carver) – Emergency joint motion for continuance [of 10/1007 hearing]
08943-07	AT&T Florida (Meza, Gurdian, Carver) – (CONFIDENTIAL) Response to dPi's request for information (Nos. 1-19), as required by ruling on dPi's motion to compel, included in prehearing order. [x.ref. DN 08866-07] [CLK note: This document is the paper version of confidential DN 08866-07.]
09093-07	AT&T Florida (Gurdian, Edenfield, Carver) – Response in opposition to request for reconsideration [of preliminary decision on dPi's motion to compel]
09273-07	Order PSC-07-0814-PCO-TP granting AT&T Florida and dPi's joint emergency joint motion for continuance; and second order modifying procedure; all other aspects of Order PSC-07-0571-PCO-TP are reaffirmed
10621-07	Third Order PSC-07-0959-PCO-TP modifying procedure; Order PSC-07-0814-PCO-TP is reaffirmed in all other respects
00329-08	dPi (Malish) - Motion for additional discovery
00486-08	AT&T Florida (Edenfield, Gurdian, Carver) – Response in objection to dPi's motion for additional discovery
00590-08	dPi (Malish) – Motion to modify procedural schedule [to] move hearing date
00983-08	dPi (Malish) - Notice [that] dPi's motion to modify procedural schedule/move hearing date is unopposed
01000-08	dPi (Malish) - Reply to AT&T's objection to additional discovery
01427-08	Order PSC-08-0122-PCO-TP denying dPi's motion for additional discovery; granting motion to modify procedural schedule/move hearing date; fourth order modifying

	procedure; Order PSC-07-0959-PCO-TP if reaffirmed in all other respects
01741-08	dPi (Horton) – Motion for leave to file supplemental testimony and additional direct testimony
017423-08	dPi (Horton) – Direct testimony of Steven Pepera; with attached affidavit of Steven Tepera explaining the methodology of calculations for Exh 6 to dPi's direct testimony; and Exhs 7 (A) through 7(E); includes redacted version of confidential DN 0173-08
01743-08	dPi (Horton) - (CONFIDENTIAL) Exh 7C [to direct testimony of Steven Tepera, DN 01742-08]. [CLK note: Document contains 1 CD]
01744-08	dPi (Horton) – Supplemental testimony of Brian Bolinger and Exh 9
01914-08	AT&T (Edenfield, Carver) – Response in opposition to dPi's motion for leave to file supplementary testimony and additional direct testimony. [CLK note: See DN 01921-08 for amended certificate of service]
01955-08	AT&T Florida (Edenfield, Hatch, Gurdian, Carver) – Notice of filing corrected page [pg 6 of response in opposition to dPi's motion for leave to file supplemental testimony and additional direct testimony filed 3/14/08]
02414-08	Order PSC-08-0209-PCO-TP denying dPi's motion for leave to file supplemental testimony and additional direct testimony
02454-08	dPi (Horton) – Motion for reconsideration [of a ruling by prehearing officer]
02455-08	dPi (Horton) – Request for oral argument [on motion for reconsideration of a ruling by prehearing officer]
02555-08	AT&T Florida (Gurdian, Foshee, Carver) – Response in opposition to [dPi's] request for oral argument
02556-08	AT&T Florida (Gurdian, Foshee, Carver) – Response in opposition to [dPi's] motion for reconsideration

02659-08	dPi (Horton) – Copy of letter dated 4/7/08 to CLK/Faurot with attached late-filed Hearing Exhs 28, 29, 31 and 32 to be added to record of hearing held 4/3/07; advises Exh 27 was distributed at hearing
02704-08	AT&T Florida (Gurdian) – Letter dated 4/7/08 with attached late-filed Hearing Exh 30; advises Exh 30 contains IURC agreement with dPi, dated 2/28/03. [CLK note: CD forwarded to GCL]
02855-08	TRANSCRIPT – Vol 1, pgs 1-149 of 4/3/08 hearing in Tallahassee before MM AG SK
02856-08	TRANSCRIPT – Vol 2, pgs 150-342 of 4/3/08 hearing in Tallahassee before MM AG SK
03506-08	AT&T Florida (Edenfield, Hatch, Gurdian, Carver) – Posthearing brief
03523-08	dPi (Malish) - Post-hearing statement
03646-08	AT&T Florida (Edenfield, Hatch, Gurdian, Carver) – Motion to strike appendices to dPi's post-hearing brief
03651-08	AT&T Florida (Edenfield, Hatch, Gurdian, Carver) – Motion to strike appendices to dPi's post-hearing brief; attached letter dated 5/2/08 advises motion is a corrected version; motion previously filed included an incorrect date on first page; this version corrects that error
03871-08	dPi (Malish) - Response to BellSouth's motion to strike dPi's post-hearing statement
06131-08	Order PSC-08-0457-PCO-TP granting AT&T's motion to strike
06918-08	RECOM for 8/19/08 agenda from GCL/Tan; RCP/Trueblood – Recommend dPi is entitled to credits for line connection waiver promotion only when a dPi reacquisition or win-over customer purchases basic service and two features; if Issue 1A approved, dPi is not entitled to any credits, if denied, dPi is entitled to credits of \$59,210 for line connection charge waiver promotion; dPi is not entitled to any other promotional credits from AT&T docket should be closed 32 days after issuance of order

08170-08	Vote sheet from 9/4/08 agenda, Item 29 - staff approved
	(MM AG SK)

08424-08

08663-08

TRANSCRIPT - 9/4/08 agenda, Item 29, before MM AG SK

Final Order PSC-08-0598-FOF-TP; dPi is entitled to credits fro the line connection charge waiver promotion only when a dPi reacquisition or win-over customer purchases basic service and two features; dPi is not entitled to any credits in the instant docket; dPi is not entitled to any other promotional credits from AT&T; docket to be closed after time for filing and appeal has run

Respectfully submitted,

s/Robert J. Telfer III

Norman H. Horton, Jr., Esq.
Florida Bar No. 156386

nhorton@lawfla.com

Robert J. Telfer III

Florida Bar No. 128694

rtelfer@lawfla.com

MESSER, CAPARELLO & SELF, P.A.
2618 Centennial Place

Tallahassee, Florida 32308
(850) 222-0720 (voice)
(850) 224-4359 (facsimile)

s/Christopher Malish
Christoper Malish
Texas Bar No. 00792264
cmalish@fostermalish.com
FOSTER MALISH & COWAN, L.L.P.
1403 West Sixth Street
Austin, Texas 78703
(512) 476-8591 (voice)
(512) 477-8657 (facsimile)

Attorneys for Plaintiff

7

CERTIFICATE OF SERVICE

I HEREBY CERTFIY that the foregoing has been furnished by CM/ECF this <u>26th</u> day of March, 2009, to: Richard C. Bellak, Associate General Counsel, and Roseann Gervasi, Staff Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL, 32399-0862; and Manuel A. Gurdian, AT&T Florida Legal Department, 150 W. Flagler Street, Suite 1910, Miami, FL 33130.

s/Robert J. Telfer III
Robert J. Telfer III