

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Complaint by dPi Teleconnect, L.L.C. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida for dispute arising under interconnection agreement. DOCKET NO. 090258-TP

DATED: DECEMBER 16, 2009

COMMISSION
CLERK

COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-09-0499-PCO-TP, issued July 15, 2009, and Order No. PSC-09-0718-PCO-TP, issued October 28, 2009, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

None.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE 1: ARE DPI'S CLAIMS TIME-BARRED FOR ANY REASON, INCLUDING WITHOUT LIMITATION THE APPLICABLE STATUTE OF LIMITATIONS, THE TERMS OF THE PARTIES' INTERCONNECTION AGREEMENTS, OR APPLICATION OF EQUITABLE DOCTRINES SUCH AS LACHES, ESTOPPEL, OR WAIVER?

Position: Staff has no position at this time.

ISSUE 2: (A) IS DPI ENTITLED TO CREDITS FROM AT&T FOR THE THREE PROMOTIONS, CASH BACK \$100 TWO FEATURES (C2TF), CASH BACK \$100 DISCOUNT COMPLETE CHOICE, AND THE CASH BACK \$50 2 PACK PLAN?

(B) IF SO, IN WHAT AMOUNT?

Position: Staff has no position at this time.

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e. Pending Motions

Staff has no pending motions.

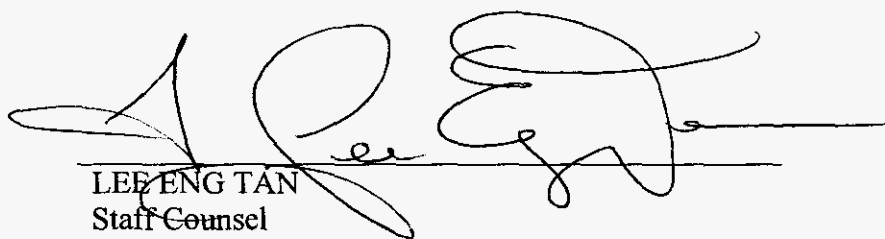
f. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests.

g. Compliance with Order No. PSC-09-0499-PCO-TP and Order No. PSC-09-0718-PCO-TP

Staff has complied with all requirements of the Orders Establishing and Modifying Procedure entered in this docket.

Respectfully submitted this 16th day of December, 2009.



LEE ENG TAN
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
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CERTIFICATE OF SERVICE

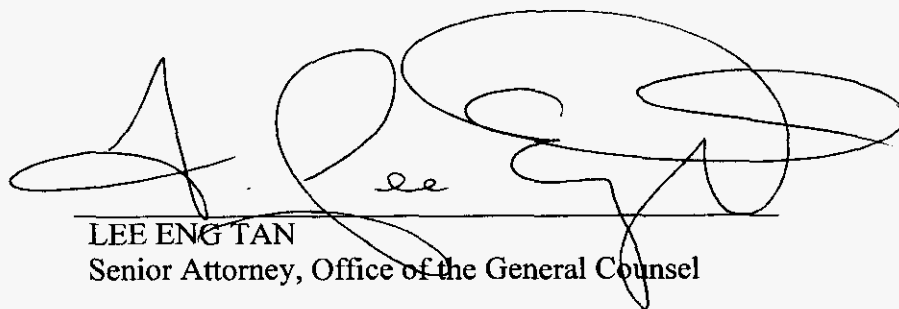
I HEREBY CERTIFY that the original of COMMISSION STAFF'S PREHEARING STATEMENT has been filed with Office of Commission Clerk and one copy has been furnished to the following by electronic and U. S. mail this 16th day of December, 2009:

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