

Diamond Williams

From: WOODS, VICKIE (Legal) [vf1979@att.com]
Sent: Tuesday, October 25, 2011 3:05 PM
To: Filings@psc.state.fl.us
Subject: 110071-TP/110087-TP AT&T Florida's Proposed Issues List
Importance: High
Attachments: Document.pdf

A. Vickie Woods

BellSouth Telecommunications, LLC d/b/a AT&T Florida

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B. Docket No.: 110071-TP: Emergency Complaint of Express Phone Service, Inc. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida Regarding Interpretation of the Parties' Interconnection Agreement

Docket No. 110087-TP: Notice of the Adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT& T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a New Phone, Inc. by Express Phone Service, Inc.

C. BellSouth Telecommunications, LLC d/b/a AT&T Florida

on behalf of Manuel A. Gurdian

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

E. BellSouth Telecommunications, LLC d/b/a AT&T Florida's Proposed Issues List

.pdf

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10/25/2011

DOCUMENT NUMBER-DATE

07832 OCT 25 =

FPSC-COMMISSION CLERK



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October 25, 2011

Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No.: 110071-TP: Emergency Complaint of Express Phone Service, Inc. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida Regarding Interpretation of the Parties' Interconnection Agreement

Docket No. 110087-TP: Notice of the Adoption of existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT& T Florida d/b/a AT&T Southeast and Image Access, Inc. d/b/a New Phone, Inc. by Express Phone Service, Inc.

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Proposed Issues List, which we ask that you file in the captioned dockets.

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

Sincerely,



Manuel A. Gurdian

cc: All Parties of Record
Jerry D. Hendrix
Gregory R. Follensbee
Suzanne L. Montgomery

909733

CERTIFICATE OF SERVICE
Docket Nos. 110071-TP and 110087-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 25th day of October, 2011 to the following:

Theresa Tan
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
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ltan@psc.state.fl.us

Express Phone Service
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Mahuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency Complaint of) Docket No. 110071-TP
Express Phone Service, Inc.)
against BellSouth Telecommunications,)
Inc. d/b/a AT&T Florida regarding)
Interpretation of the Parties')
Interconnection Agreement)

In re: Notice of the Adoption of existing) Docket No. 110087-TP
interconnection, unbundling, resale, and)
collocation agreement between BellSouth)
Telecommunications, Inc. d/b/a AT& T)
Florida d/b/a AT&T Southeast and Image)
Access, Inc. d/b/a New Phone, Inc. by Express))
Phone Service, Inc.)
_____) Filed: October 25, 2011

AT&T FLORIDA'S PROPOSED ISSUES LIST

Pursuant to the Notice of Issue Identification Meeting, BellSouth Telecommunications, LLC d/b/a AT&T Florida ("AT&T Florida") hereby files the following Proposed Issues:

Docket No. 110071-TP

1. How much does Express Phone owe AT&T Florida for services provided to Express Phone?
2. Are Express Phone Service, Inc.'s claims barred for any reason, including without limitation the applicable statute of limitations, the terms of the parties' interconnection agreement, failure to meet the applicable conditions for eligibility or application of equitable doctrines such as laches, estoppel or waiver?
3. Which specific AT&T Florida promotional offerings is Express Phone asserting entitle it to credits from AT&T Florida?
4. Of the AT&T Florida promotional offerings identified in Issue No. 3, are any available for resale to Express Phone?

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5. If the AT&T promotional offerings are available for resale, is Express Phone entitled to credits from AT&T Florida?

(a) If so, how should the credits be calculated for each promotional offering?

(b) If so, what is the amount of credits, if any?

Docket No. 110087-TP

1. Is Express Phone permitted to unilaterally opt out of a Commission-approved interconnection agreement during the unexpired term of that agreement?

2. Is Express Phone permitted to unilaterally adopt another interconnection agreement in order to avoid payment to AT&T Florida for all amounts due under its current and effective interconnection agreement where there is a material breach of the existing interconnection agreement and whether such action is (a) in the public interest and (b) consistent with the language and intent of Section 252(i) of the federal Act?

3. Is Express Phone's Notice of Adoption barred by the doctrines of laches, estoppel, unclean hands, and waiver?

Respectfully submitted this 25th day of October, 2011.

AT&T FLORIDA



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