

Diamond Williams

From: GURDIAN, MANNY (Legal) [mg2708@att.com]
Sent: Monday, October 31, 2011 11:49 AM
To: Filings@psc.state.fl.us
Cc: Feil, Matthew; Charles Murphy; Larry Harris; eheard@lifeconnex.net; tom@telecomgroup.com; legal@telecomgroup.com; jimdry@razorline.com; paul.guarisco@phelps.com; WOODS, VICKIE (Legal)
Subject: 100210TP/100022-TP BellSouth Telecommunications, LLC d/b/a AT&T Florida, LifeConnex Telecom, LLC f/k/a Swiftel, LLC and Image Access, Inc. d/b/a New Phone's Joint Status Report - October 31, 2011

Attachments: Document.pdf

A. Manuel A. Gurdian

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

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B. Docket No.: 100021-TP: Complaint of BellSouth Telecommunications,

Inc. d/b/a AT&T Florida Against LifeConnex Telecom, LLC f/k/a Swiftel, LLC

Docket No. 100022-TP: Complaint of BellSouth Telecommunications,

Inc. d/b/a AT&T Florida Against Image Access, Inc. d/b/a New Phone

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

on behalf of Manuel A. Gurdian

D. 6 pages total (includes letter, pleading and certificate of service)

E. BellSouth Telecommunications, LLC d/b/a AT&T Florida, LifeConnex Telecom, LLC f/k/a Swiftel LLC and Image Access, Inc. d/b/a New Phone's Joint Status Report – October 31, 2011

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October 31, 2011

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

Docket No. 100021-TP: Complaint of BellSouth Telecommunications, Inc. d/b/a AT&T Florida Against LifeConnex Telecom, LLC f/k/a Swiftel, LLC

Docket No. 100022-TP: Complaint of BellSouth Telecommunications, Inc. d/b/a AT&T Florida Against Image Access, Inc. d/b/a New Phone

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, LLC d/b/a AT&T Florida, LifeConnex Telecom, LLC f/k/a Swiftel, LLC and Image Access, Inc. d/b/a New Phone's Joint Status Report - October 31, 2011, 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
Gregory R. Follensbee
Jerry D. Hendrix
Suzanne L. Montgomery

CERTIFICATE OF SERVICE
Docket Nos. 100021-TP/100022-TP

I HEREBY CERTIFY that a true and correct copy was served via Electronic Mail and First Class U. S. Mail this 31st day of October, 2011 to the following:

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d/b/a New Phone

A handwritten signature in black ink, appearing to read 'Manuel A. Gurdian', written over a horizontal line.

Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BellSouth)
Telecommunications, Inc. d/b/a AT&T) Docket No. 100021-TP
Florida Against LifeConnex Telecom, LLC)
f/k/a Swiftel, LLC)
_____)

In re: Complaint of BellSouth)
Telecommunications, Inc. d/b/a AT&T) Docket No. 100022-TP
Florida Against Image Access, Inc. d/b/a New)
Phone) Filed: October 31, 2011
_____)

JOINT STATUS REPORT OCTOBER 31, 2011

Pursuant to Commission Staff's request, BellSouth Telecommunications, LLC d/b/a ("AT&T Florida"), LifeConnex Telecom, LLC f/k/a Swiftel, LLC ("LifeConnex") and Image Access, Inc. d/b/a New Phone ("New Phone") (collectively "the Parties") hereby file the following Joint Status Report.

The Consolidated Phase proceedings address three issues: (a) how cashback credits to resellers should be calculated; (b) whether the word-of-mouth promotion is available for resale and, if so, how the credits to the resellers should be calculated; and (c) how credits to resellers for waiver of the line connection charge should be calculated. The Consolidated Phase is being held in abeyance in five states (Georgia, Florida, Kentucky, Mississippi, and Tennessee), and it has proceeded to a hearing on the merits in four states (Alabama, Louisiana, South Carolina, and North Carolina). The status of the proceedings in these four states is as follows:

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Alabama. An administrative law judge presided over an evidentiary hearing on January 21, 2011, and the parties have submitted initial and reply post-hearing briefs. The matter is ripe for a decision on the merits by the Alabama Commission.

Louisiana. An administrative law judge (ALJ) presided over an evidentiary hearing on November 4-5, 2010, and on August 18, 2011 the judge issued a final recommendation adopting AT&T's position on each of the three issues in the proceeding. Following oral argument by the parties and Commission Staff before the full Commission, on September 28, 2011, the Louisiana Commission issued an Order remanding this matter to the ALJ "for further consideration of the calculation methodology to be applied to cash back promotions." The matter is currently pending before the ALJ on remand.

North Carolina. On September 22, 2011, the North Carolina Commission entered an order adopting AT&T's position on each of the three issues in the proceeding. On or about October 20, 2011, dPi Teleconnect, LLC, Image Access, Inc. d/b/a NewPhone, Affordable Phone Services, Inc. and BLC Management, LLC d/b/a Angles Communications Solutions filed a Complaint and Request for Declaratory and Injunctive Relief in the United States District Court for the Eastern District of North Carolina, Case No. 5:11-cv-576-FL.

South Carolina. The South Carolina Commission presided over an evidentiary hearing on December 15, 2010, and the parties have submitted post-hearing briefs and proposed orders. The South Carolina Office of Regulatory Staff subsequently submitted a recommendation to the Commission. The Commission heard oral argument on August 24, 2011, and the matter is ripe for a decision on the merits by the South Carolina Commission.

The instant dockets are in abeyance "pending either resolution of the cases in the states set forth above or the filing of a persuasive motion to resume the dockets". See Order No. PSC-0402-PCO-TP (Issued June 18, 2010). At the present time, the Parties do not anticipate any activity in the instant dockets until the cases in the above listed states have been resolved.

Respectfully submitted this 31st day of October, 2011.



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