

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Neutral Tandem, Inc.)	
for Interconnection with Level 3)	
Communications and Request for Expedited)	Docket No. 070127-TX
Resolution)	
<hr/>		Filed: April 16, 2007

PROPOSED LIST OF ISSUES

In accordance with Commission staff's requests in its April 12, 2007 Memorandum to the Parties in this case, Petitioner Neutral Tandem, Inc. ("Neutral Tandem") hereby respectfully submits the following Proposed List of Issues, which Neutral Tandem believes are appropriate and necessary for resolution in this proceeding:

1. Does the Commission have jurisdiction over Neutral Tandem's Petition?
2. Assuming the Commission has jurisdiction, should the Commission exercise its authority under Florida law to order interconnection between Level 3 and Neutral Tandem, for the purpose of Neutral Tandem's delivery of transit traffic from originating carriers to Level 3, on nondiscriminatory rates, terms and conditions?
3. Does the "calling party's network pays" principle that the Commission found appropriate in the transiting context in the *TDS Telecom Order*,¹ apply to the delivery of transit traffic by Neutral Tandem to Level 3?
4. Does the federal Telecommunications Act of 1996 preempt this Commission from ordering interconnection between Level 3 and Neutral Tandem, for the purpose of Neutral Tandem's delivery of transit traffic from originating carriers to Level 3, on nondiscriminatory rates, terms and conditions?

¹ *In re Joint Petition by TDS Telecom, et al*, Docket Nos. 050119-TP, D050125-TP; Order No. PSC-06-0776-FOF-TP, 2006 Fla. PUC LEXIS 543, at *36-37 (Sept. 18, 2006).

Respectfully submitted,

NEUTRAL TANDEM, INC.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Hand Delivery to Martin McDonnell, Esquire, and Kenneth Hoffman, Esquire, Rutledge, Ecenia, Purnell, and Hoffman, P.A., 215 South Monroe Street, Suite 420, Tallahassee, FL 32301, and that a copy has also been provided via Electronic Mail to the persons listed below this 16th day of April, 2007:

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