

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of 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 NewPhone, Inc. by Express Phone Service, Inc.

DOCKET NO. 110087-TP

DATED: April 4, 2012

COMMISSION  
CLERK

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COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-12-0031-PCO-TP, filed January 19, 2012, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Staff has no known witnesses at this time.

b. All Known Exhibits

Staff has no known exhibits at this time.

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:** Is Express Phone's Notice of Adoption or AT&T Florida's denial of the adoption barred by the doctrines of equitable relief, including laches, estoppel and waiver?

**POSITION:** Staff has no position at this time.

**ISSUE 2:** Is Express Phone permitted, under the applicable laws, to adopt the New Phone Interconnection Agreement during the term of its existing agreement with AT&T Florida?

**POSITION:** Staff has no position at this time.

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**ISSUE 3:** Is Express Phone permitted under the terms of the interconnection agreement with AT&T Florida to adopt the New Phone Interconnection Agreement?

**POSITION:** Staff has no position at this time.

**ISSUE 4:** If the New Phone Interconnection Agreement is available for adoption by Express Phone, what is the effective date of the adoption?

**POSITION:** Staff has no position at this time.

e. Stipulated Issues

Staff is not aware of any stipulated issues at this time.

f. Pending Motions

There are no pending motions at this time.

g. Pending Confidentiality Claims or Requests

There are three pending requests for confidentiality by AT&T.

1) AT&T Florida's Request for Specified Confidential Classification of DN 01297-12.

2) AT&T Florida's Request for Specified Confidential Classification of DN 00998-12.

3) AT&T Florida's Request for Specified Confidential Classification of DN 01319-12 [x-ref. DN 00863-12].

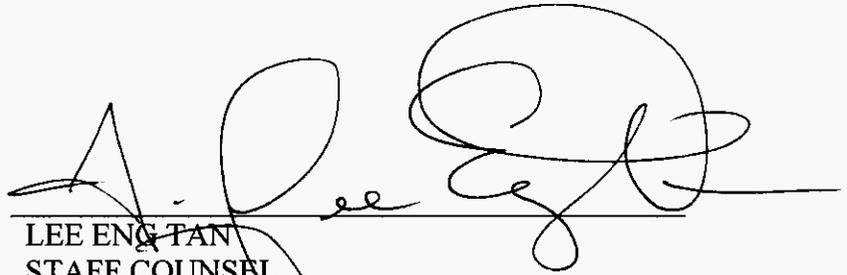
h. Objections to Witness Qualifications as an Expert

Staff has no objections to any witness' qualifications as an expert in this proceeding.

i. Compliance with Order No. PSC-12-0031-PCO-TP

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 4th day of April, 2012.

A handwritten signature in black ink, appearing to read 'Lee Eng Tan', is written over a horizontal line. The signature is stylized and cursive.

LEE ENG TAN  
STAFF COUNSEL  
FLORIDA PUBLIC SERVICE COMMISSION  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
Telephone: (850) 413-6185

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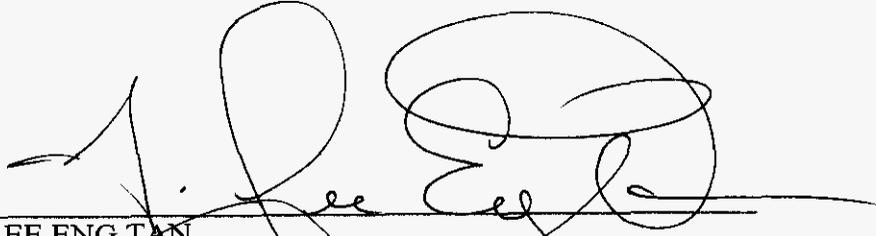
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of 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, on this 4th day of April, 2012:

AT&T Florida  
(f/k/a Bellsouth Telecommunications)  
Jerry D. Hendrix  
c/o Greg Follensbee  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32303

Express Phone Service, Inc  
Mr. Tom Armstrong  
1803 West Fairfield Drive  
Unit 1  
Pensacola, FL 32501-1040

Keefe Law Firm  
Vicki Gordon Kaufman  
118 North Gadsden Street  
Tallahassee, FL 32301



LEE ENG TAN  
STAFF COUNSEL  
FLORIDA PUBLIC SERVICE COMMISSION  
Gerald L. Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
Telephone: (850) 413-6185