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November 25, 2002

Ms. Blanca Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

HAND DELIVERY

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COMMISSION CLERK

Re: Docket Nos. 020119-TP and 020578-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of US LEC of Florida Inc., XO Florida, Inc. and Time Warner Telecom of Florida, L.P. ("Joint ALECs") are the following documents:

1. Original and fifteen copies of the Joint ALECs' Prehearing Statement; and
2. A disk in Word Perfect 6.0 containing a copy of the Prehearing Statement.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Respectfully submitted,

Martin P. McDonnell

Martin P. McDonnell

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Digital Network,)
Inc., for Expedited Review and Cancellation)
of BellSouth's Telecommunications, Inc.'s)
Key Customer Promotional Tariffs)
and For an Investigation of BellSouth)
Telecommunications, Inc.'s Promotional)
Pricing and Marketing Practices.)

Docket No. 020119-TP

In re: Petition of the Florida Competitive Carriers)
Association for Expedited Review and Cancellation)
of BellSouth Telecommunications, Inc.'s Key)
Customer Promotional Tariffs.)

Docket No. 020578-TP

Filed: November 25, 2002

**JOINT PREHEARING STATEMENT OF
US LEC OF FLORIDA INC.,
TIME WARNER TELECOM OF FLORIDA, L.P. AND
XO FLORIDA, INC.**

Come Now US LEC of Florida Inc. ("US LEC"), Time Warner Telecom of Florida, L.P. ("Time Warner") and XO Florida, Inc. ("XO") (hereinafter referred to as "Joint ALECs"), and pursuant to Order Establishing Procedure issued September 23, 2002, hereby file their Joint Prehearing Statement.

APPEARANCES

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On behalf of US LEC, Time Warner & XO

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DOCUMENT NUMBER DATE

12962 NOV 25 02

FPSC-COMMISSION CLERK

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On behalf of Time Warner

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On behalf of Time Warner

A. WITNESSES

Direct None

Rebuttal None

B. EXHIBITS

None

C. STATEMENT OF BASIC POSITION

BellSouth's key customer promotion targets only existing ALEC customers and potential ALEC customers. Through this promotional pricing program, BellSouth has used, and intends to continue to use, its dominant market status to selectively eliminate its business market competitors, causing substantial and irreparable harm to Florida's ALECs and Florida's customers. BellSouth's key customer promotional tariff is unlawful and anticompetitive and should be cancelled by the Commission.

D. STATEMENT OF ISSUES AND POSITIONS

A. What is the Commission's jurisdiction in this matter?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ISSUE 1: How should Section 364.01, Florida Statutes, be interpreted in evaluating a BellSouth promotional tariff for compliance with Chapter 364, Florida Statutes?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ISSUE 2: What criteria, if any, should be established to determine whether the pricing of a BellSouth promotional tariff offering is unfair, anticompetitive, or discriminatory?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

i) Pursuant to the cost standard identified in Sections 364.051(5) and 364.3381, Florida Statutes.

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ii) Pursuant to any other provisions of Chapter 364, Florida Statutes.

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

iii) How should the appropriate criteria identified in Issues 2(i) and 2(ii) be applied to a tariff under which varying customer configurations are possible?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

iv) Is the BellSouth Key Customer tariff filing (Tariff Number T-020035) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to Issues 2(i), 2(ii) and 2(iii)?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

v) Is the BellSouth Key Customer tariff filing (Tariff Number T-020595 or a subsequent tariff filing that extends the expiration date thereof) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to Issues 2(i), 2(ii) and 2 (iii)?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ISSUE 3A: What criteria, if any, should be established to determine whether the termination liability terms and conditions of a BellSouth promotional tariff offering are unfair, anticompetitive, or discriminatory?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

i) Is the BellSouth Key Customer tariff filing (Tariff Number T-020035) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Yes. Because of this tariff's impact on customers, competitors, and competition, its early termination liability should not exceed BellSouth's retail line installation rates.

ii) Is the BellSouth Key Customer tariff filing (Tariff Number T-020595 or a subsequent tariff filing that extends the expiration date thereof) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Yes. Because of this tariff's impact on customers, competitors, and competition, its early termination liability should not exceed BellSouth's retail line installation rates.

ISSUE 3B: What criteria, if any, should be established to determine whether the duration (term of individual contracts, length and succession of promotions) of a BellSouth promotional tariff offering is unfair, anticompetitive, or discriminatory?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

i) Is the BellSouth Key Customer tariff filing (Tariff Number T-020035) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

ii) Is the BellSouth Key Customer tariff filing (Tariff Number T-020595 or a subsequent tariff filing that extends the expiration date thereof) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

ISSUE 3C: What criteria, if any, should be established to determine whether the billing conditions or restrictions of a BellSouth promotional tariff offering are unfair, anticompetitive, or discriminatory?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

i) Is the BellSouth Key Customer tariff filing (Tariff Number T-020035) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

ii) Is the BellSouth Key Customer tariff filing (Tariff Number T-020595 or a subsequent tariff filing that extends the expiration date thereof) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ISSUE 3D: What criteria, if any, should be established to determine whether geographic targeting in a BellSouth promotional tariff is unfair, anticompetitive or discriminatory?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

i) Pursuant to Section 364.051(5)(a), Florida Statutes, how should “meeting offerings by any competitive provider” be interpreted?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ii) Pursuant to Section 364.051(5)(a), Florida Statutes, how should “specific geographic market” be interpreted?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

iii) Pursuant to Section 364.051(5)(a), and 364.08, Florida Statutes, how should “similarly situated” or “substantially similar” be interpreted?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

iv) Is the BellSouth Key Customer tariff filing (Tariff Number T-020035) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

v) Is the BellSouth Key Customer tariff filing (Tariff Number T-020595 or a subsequent tariff filing that extends the expiration date thereof) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ISSUE 3E: What criteria, if any, should be established to determine whether any other terms or conditions of a BellSouth promotional tariff offering are unfair, anticompetitive, or discriminatory?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

i) Is the BellSouth Key Customer tariff filing (Tariff Number T-020035) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ii) Is the BellSouth Key Customer tariff filing (Tariff Number T-020595 or a subsequent tariff filing that extends the expiration date thereof) unfair, anticompetitive, or discriminatory under the criteria, if any, established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

ISSUE 4A: Under what terms and conditions should BellSouth promotional tariff offerings be made available for ALEC resale?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its Prehearing Statement filed on November 25, 2002.

i) Does the BellSouth Key Customer tariff filing (Tariff Number T-020035) meet the resale terms and conditions established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

ii) Is the BellSouth Key Customer tariff filing (Tariff Number T-020595 or a subsequent tariff filing that extends the expiration date thereof) meet the resale terms and conditions established pursuant to this issue?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

ISSUE 4B: What is the competitive impact, if any, of the resale of BellSouth promotional tariff offerings?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

ISSUE 5A: In the context of marketing promotional tariffs, what waiting period or other restrictions, if any, should be applicable to BellSouth?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

ISSUE 5B: In the context of marketing promotional tariffs, what restrictions, if any, should be placed on the sharing of information between BellSouth's wholesale and retail divisions?

Joint ALECs: Joint ALECs adopt the response of Florida Digital Network in its

Prehearing Statement filed on November 25, 2002.

ISSUE 6: If the Commission determines that a BellSouth promotional tariff is unlawful, what effect, if any, should this decision have on customers who have already contracted for service under the promotional tariff?

E. STIPULATED ISSUES

None.

F. PENDING MOTIONS OF JOINT ALECS

None.

G. PENDING REQUESTS FOR CONFIDENTIALITY BY JOINT ALECS

None.

H. ANY REQUIREMENT SET FORTH IN ORDER NO. PSC-02-1295-FPC-TP THAT CANNOT BE COMPLIED WITH.

None.

I. ANY DECISION OR PENDING DECISION OF THE FCC OR ANY COURT THAT HAS OR MAY EITHER PREEMPT OR OTHERWISE IMPACT THE COMMISSION'S ABILITY TO RESOLVE ANY OF THE ISSUES PRESENTED FOR RELIEF IN THIS MATTER

None.

J. ANY OBJECTIONS TO A WITNESSES' QUALIFICATIONS AS AN EXPERT

Joint ALECs hereby object to any witness sponsored by BellSouth being qualified by this Commission as an expert, pending full voir dire of the witness at the final hearing prior to the Commission decision regarding whether the witness qualifies as an expert.

Respectfully submitted this 25th day of November, 2002.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail to the following this 25th day of November, 2002:

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