

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against BellSouth Telecommunications, Inc. for alleged overbilling and discontinuance of service, and petition for emergency order restoring service, by IDS Telecom LLC.	DOCKET NO. 031125-TP AUGUST 16, 2004
--	---

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-04-0472-PCO-TP, issued May 6, 2004; as modified by Order No. PSC-04-0625-PCO-TP, issued June 23, 2004, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Kathy L. Welch of the Florida Public Service Commission Division of Regulatory Compliance and Consumer Assistance. She will testify to the results of her audit report regarding the dispute between BellSouth and IDS in Issues 1(a), 1(b), and 1(c).

b. All Known Exhibits

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Welch	<u>Direct</u>		
	Staff	<u>(KWL - 1)</u>	List of cases in which Welch testified before Commission.
	Staff	<u>(KWL-2)</u>	Audit Report (public and confidential version filed)
	Staff	<u>(KWL-3)</u>	Non-confidential work papers from BST
	Staff	<u>(KWL-4)</u>	Confidential work papers from BST

DOCUMENT NUMBER-DATE
08887 AUG 16 3
FPSC-COMMISSION CLERK

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Welch	Staff	<u>(KWL-5)</u>	Non-confidential work papers from IDS
	Staff	<u>(KWL-6)</u>	Confidential work papers from IDS

Staff reserves the right to identify additional exhibits at the Prehearing Conference and at hearing for purposes of cross-examination.

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: WAS THERE A FURTHER AGREEMENT TO INCLUDE ADDITIONAL BILLED AMOUNTS INTO THE SETTLEMENT AGREEMENT AND SETTLEMENT AMENDMENT Q ACCOUNT?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 1A: WHAT ARE THE AMOUNTS OWED UNDER THE ORIGINAL SETTLEMENT AGREEMENT AND SETTLEMENT AMENDMENT?

POSITION: Ms. Welch will testify to the results of the audit report regarding the amounts in dispute between BellSouth and IDS. Non-testifying staff has no position at this time.

ISSUE 1B: WHAT ARE THE AMOUNTS OWED UNDER ANY OTHER AGREEMENT OR AMENDMENT?

POSITION: Ms. Welch will testify to the results of the audit report regarding the amounts in dispute between BellSouth and IDS. Non-testifying staff has no position at this time.

ISSUE 1C: HAVE THOSE AMOUNTS BEEN PAID?

POSITION: Ms. Welch will testify to the results of the audit report regarding the amounts in dispute between BellSouth and IDS. Non-testifying staff has no position at this time.

ISSUE 2: DID BELLSOUTH PROPERLY TERMINATE IDS'S ACCESS TO LENS IN DECEMBER 2003 PURSUANT TO THE INTERCONNECTION AGREEMENT?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 3: IF BELLSOUTH IMPROPERLY TERMINATED IDS'S ACCESS TO LENS IN DECEMBER 2003, THEN WOULD SUCH ACTION CONSTITUTE ANTICOMPETITIVE BEHAVIOR IN VIOLATION OF CHAPTER 364, FLORIDA STATUTES?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 4(A): DID BELLSOUTH ASSESS THE CORRECT DAILY USAGE FILE (DUF) CHARGES FOR SERVICES PROVIDED TO IDS IN FLORIDA?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 4(B): DOES IDS OWE BELLSOUTH FOR DUF CHARGES, IF SO, HOW MUCH IS OWED?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 5(A): DID BELLSOUTH CORRECTLY ASSESS MARKET-BASED RATES FOR SERVICES PROVIDED TO IDS IN FLORIDA IN THE APPLICABLE MSAS?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 5(B): DID BELLSOUTH CORRECTLY CALCULATE AND BILL IDS THE APPROPRIATE AMOUNT?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 5(C): DID IDS PROPERLY DISPUTE THE AMOUNTS IN SUBPART 5(B) IN ACCORD WITH THE PROVISIONS OF THE PARTIES' INTERCONNECTION AGREEMENT? IF NOT, HAS IDS VIOLATED THE INTERCONNECTION AGREEMENT?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 5(D): BASED ON SUBPARTS (A) AND (B) ABOVE, HOW MUCH DOES IDS OWE BELLSOUTH, IF ANY?

POSITION: Testifying and non-testifying staff have no position at this time.

ISSUE 6: WHEN SHOULD ANY CREDIT OR PAYMENT BE SUBMITTED?

POSITION: Testifying and non-testifying staff have no position at this time.

e. Pending Motions

Staff has no pending motions.

f. Pending Confidentiality Claims or Requests

Staff has a pending confidentiality claim for the testimony of Kathy Welch filed July 22, 2004.

g. Compliance with Order No. PSC-04-0472-PCO-TP and Order No. PSC-04-0625-PCO-TP

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

STAFF'S PREHEARING ORDER
DOCKET NO. 031125-TP
PAGE 5

Respectfully submitted this 16th day of August, 2004.



PATRICIA A. CHRISTENSEN
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Gerald L. Gunter Building - Room 370
Tallahassee, Florida 32399-0863
(850)413-6199

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against BellSouth
Telecommunications, Inc. for alleged
overbilling and discontinuance of service, and
petition for emergency order restoring service,
by IDS Telecom LLC.

DOCKET NO. 031125-TP

AUGUST 16, 2004

I HEREBY CERTIFY that one copy of Staff's Prehearing Statement has been furnished
by U.S. Mail, this 16th day of August, 2004, to the following:

IDS Telecom LLC
Mr. Angel Leiro
1525 N.W. 167th Street
Suite 200
Miami, FL 33169-5131

BellSouth Telecommunications, Inc.
Nancy White c/o Nancy H. Sims
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301-1556

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin
117 S. Gadsden Street
Tallahassee, FL 32301


PATRICIA A. CHRISTENSEN
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(850) 413-6199