

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for alleged violation of Section 364.16(3)(a), F.S., by Sprint-Florida, Incorporated.	DOCKET NO. 041144-TP JUNE 6, 2005
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STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-05-0125-PCO-TP, issued January 31, 2005, and modified by Order No. PSC-05-0402-PCO-TP, issued April 18, 2005, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

None.

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:      WHAT IS THE FLORIDA PUBLIC SERVICE COMMISSION'S JURISDICTION TO ADDRESS ALL OR PART OF THIS COMPLAINT?**

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

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DOCKET NO. 041144-TP

PAGE 2

**ISSUE 2:** ARE KMC DATA LLC AND KMC TELECOM V, INC. PROPERLY INCLUDED AS PARTIES TO THIS COMPLAINT?

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

**ISSUE 3:** UNDER THE INTERCONNECTION AGREEMENTS WITH KMC OR SPRINT'S TARIFFS, IS SPRINT REQUIRED TO CONDUCT AN AUDIT AS A CONDITION PRECEDENT TO BRINGING ITS CLAIMS AGAINST KMC OR FOR KMC TO BE FOUND LIABLE?

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

**ISSUE 4:** WHAT IS THE APPROPRIATE METHOD TO DETERMINE THE JURISDICTIONAL NATURE AND COMPENSATION OF TRAFFIC?

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

**ISSUE 5:** DID KMC KNOWINGLY DELIVER INTEREXCHANGE TRAFFIC TO SPRINT OVER LOCAL INTERCONNECTION TRUNKS IN VIOLATION OF SECTION 364.16(3)(A), FLORIDA STATUTES? IF YES, WHAT IS THE APPROPRIATE COMPENSATION AND AMOUNT, IF ANY, DUE TO SPRINT FOR SUCH TRAFFIC?

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

**ISSUE 6:** WAS ANY OF THE TRAFFIC THAT IS THE SUBJECT OF SPRINT'S COMPLAINT ENHANCED SERVICES TRAFFIC? IF YES, HOW IS ENHANCED SERVICES TRAFFIC DELIVERED TO SPRINT FROM KMC TO BE TREATED UNDER THE INTERCONNECTION AGREEMENTS, SPRINT'S TARIFFS, AND APPLICABLE LAW?

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

**ISSUE 7:** WAS KMC REQUIRED TO PAY SPRINT ITS TARIFFED ACCESS CHARGES FOR THE TRAFFIC THAT IS THE SUBJECT OF THIS COMPLAINT? IF YES, WHAT IS THE APPROPRIATE AMOUNT, IF ANY, DUE TO SPRINT FOR SUCH TRAFFIC?

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

**ISSUE 8:** DID KMC DELIVER INTEREXCHANGE TRAFFIC TO SPRINT OVER LOCAL INTERCONNECTION TRUNKS IN VIOLATION OF THE TERMS OF THE INTERCONNECTION AGREEMENTS WITH SPRINT? IF YES, WHAT IS THE APPROPRIATE AMOUNT, IF ANY, DUE TO SPRINT FOR SUCH TRAFFIC?

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

**ISSUE 9:** TO WHAT EXTENT, IF ANY, IS SPRINT'S BACKBILLING LIMITED BY ITS INTERCONNECTION AGREEMENTS WITH KMC, SPRINT'S TARIFFS, OR OTHER APPLICABLE LAW?

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

**ISSUE 10:** DID SPRINT OVERPAY RECIPROCAL COMPENSATION TO KMC? IF YES, WHAT IS THE APPROPRIATE REFUND, IF ANY, DUE TO SPRINT?

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

**ISSUE 11:** IF THE COMMISSION DETERMINES THAT KMC OWES SPRINT COMPENSATION FOR ANY TRAFFIC DELIVERED BY KMC TO SPRINT THAT IS THE SUBJECT OF THIS COMPLAINT OR REFUNDS FOR OVERPAYMENT OF RECIPROCAL COMPENSATION, WHAT ARE THE APPROPRIATE PAYMENT ARRANGEMENTS?

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

e. Pending Motions

Staff has no pending motions.

f. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests.

g. Compliance with Order Nos. PSC-05-0125-PCO-TP and PSC-05-0402-PCO-TP

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

Respectfully submitted this 6<sup>TH</sup> day of June, 2005.

A handwritten signature in cursive script that reads "Beth Keating". The signature is written in black ink and is positioned above a horizontal line.

BETH KEATING  
LEE FORDHAM  
Staff Counsel

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DATED: JUNE 6, 2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one true correct copy of STAFF'S PREHEARING STATEMENT has been furnished to the following by U. S. mail this 6<sup>TH</sup> day of June, 2005:

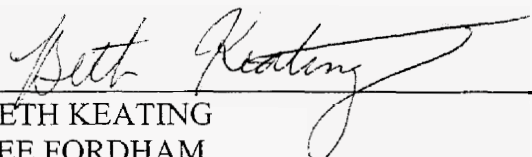
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