

Matilda Sanders

From: Keating, Beth [beth.keating@akerman.com]
Sent: Monday, April 16, 2007 3:52 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 070127 - Petition of Neutral Tandem, Inc. for Interconnection with Level 3 Communications and Request for Expedited Resolution
Attachments: 20070416164343507.pdf

ORIGINAL

Good afternoon. Please find the attached document, which is submitted for filing in the referenced Docket. If you have any questions, please do not hesitate to contact me.

Sincerely,
Beth Keating

A. Filed by:
 Beth Keating
 Akerman Senterfitt
 106 East College Ave., Suite 1200
 Tallahassee, FL 32301
 (850) 224-9634
 (850) 521-8002 (direct)
 (850) 222-0103 (fax)
 beth.keating@akerman.com

B. Filed in:
 Docket No. 070127-TP - Petition of Neutral Tandem, Inc. for Interconnection with Level 3 Communications and Request for Expedited Resolution

C. Filed on behalf of:
 Neutral Tandem, Inc.

D. Total pages: 3

E. Description: Proposed List of Issues for Hearing



www.akerman.com | Bio | V Card

CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential information, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments to this e-mail, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.

4/16/2007

DOCUMENT NUMBER-DATE

03235 APR 16 5

FILED-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition of Neutral Tandem, Inc.)
for Interconnection with Level 3)
Communications and Request for Expedited)
Resolution)
_____)

Docket No. 070127-TX

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).


DOCUMENT NUMBER-DATE

03235 APR 16 5

FPSC-COMMISSION CLERK

Respectfully submitted,

NEUTRAL TANDEM, INC.

By: 
Beth Keating, Esquire
Akerman Senterfitt
106 East College Avenue, Suite 1200
P.O. Box 1877 (32302)
Tallahassee, Florida 32301
(850) 521-8002
beth.keating@akerman.com

Attorney for Neutral Tandem, Inc.

Ronald Gavillet
Executive Vice President &
General Counsel
Neutral Tandem, Inc.
One South Wacker, Suite 200
Chicago, IL 60606
(312) 384-8000
rongavillet@neutraltandem.com

John R. Harrington
Jenner & Block LLP
330 N. Wabash Ave.
Suite 4700
Chicago, IL 60611
(312) 222-9350
jharrington@jenner.com

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:

Gregg Strumberger, Esquire
Level 3 Communications, Inc.
1025 El Dorado Boulevard
Broomfield, CO 80021
Gregg.Strumberger@level3.com

Adam Teitzman, Staff Counsel
Florida Public Service Commission,
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us

Beth Salak, Director/Division of Competitive Markets and Enforcement
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
bsalak@psc.state.fl.us

By:



Beth Keating
Akerman Senterfitt
106 East College Avenue, Suite 1200
P.O. Box 1877 (32302)
Tallahassee, Florida 32301
(850) 521-8002
Fax: (850) 222-0103
beth.keating@akerman.com