

State of Florida



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COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: March 6, 2008
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Frank Trueblood, Regulatory Analyst II, Division of Competitive Markets & Enforcement
RE: Docket No. 050863-TP, dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.

I request that your office add the attached correspondence to the above-referenced docket. A copy of these documents were sent electronically to staff counsel but not filed with your office.

- October 30, 2007 letter from Christopher Malish, Foster Malish and Blair, L.L.P., to J. Phillip Carver, AT&T Florida.
- November 8, 2007 letter from J. Phillip Carver, AT&T Florida, to Christopher Malish, Foster Malish and Blair, L.L.P.
- November 12, 2007 letter from Christopher Malish, Foster Malish and Blair, L.L.P., to J. Phillip Carver, AT&T Florida.

Should you have any questions, please contact me at (850) 413-7019 or frueblo@psc.state.fl.us

/ft

cc: Lee Eng Tan, Senior Attorney, Office of the General Counsel

Attachments

DOCUMENT NUMBER-DATE
01695 MAR-6 8
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FOSTER MALISH & BLAIR, L.L.P.

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CHRISTOPHER MALISH

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WRITERS EMAIL:

chrismalish@fostermalish.com

October 30, 2007

via First Class mail, and via electronic mail: pc0755@att.com
J. Phillip Carver, Sr. Attorney
AT&T Southeast
675 West Peachtree Street, Suite 4300
Atlanta, Georgia 30375

Re: Docket No. 050863-TP; *dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.* before the Florida Public Service Commission

Dear Mr. Carver:

Thank you for your letter of October 29, in which you provided some useful clarification concerning AT&T's response to dPi's RFI 1-19. However, there is one issue that might bear further clarification.

You will recall that in its October 8 letter, dPi asked "in general, what AT&T contends the spreadsheet is showing (e.g., 'every one of these orders shows an instance *where a retail customer* orders new basic service with two or more of the blocks')"[emphasis added];

In relevant part, AT&T responded to this request simply: "The spreadsheet ... identifies each new order AT&T received...." AT&T's response to this inquiry suggests that the information provided is for ALL orders, and does not differentiate between retail and wholesale customers.

dPi has reason to believe that, as implied, the data pulled by AT&T is for ALL new service orders – that is, it does not differentiate between orders submitted by AT&T's retail customers and those submitted by wholesale customers, like dPi, and that the data provided covers both AT&T's retail AND wholesale customers.

If AT&T did not wish to make such a representation, please let us know: does the data cover only AT&T retail orders? If so, how was it possible to segregate retail from wholesale orders in the data search?

Very truly yours,



Christopher Malish

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J. Phillip Carver
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November 8, 2007

VIA U.S. MAIL AND ELECTRONIC MAIL

Christopher Malish, Esq.
Foster Malish & Blair, L.L.P.
1403 West Sixth Street
Austin, TX 78703

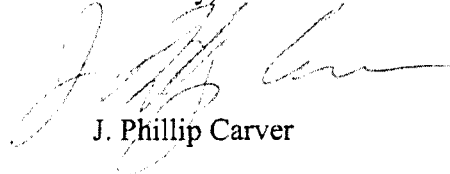
Re: Docket No. 050863-TP: dPi Teleconnect , L.L.C. v. BellSouth
Telecommunications, Inc. before the Florida Public Service Commission

Dear Mr. Malish

This letter is in response to your letter of October 29, 2007. AT&T Florida's response to dPi's RFI 1-19 includes **only** orders for retail customers. The information produced does not contain any wholesale customer accounts. Nothing in my previous correspondence implied, or was intended to imply, that the information produced included both retail and wholesale accounts.

In your letter of October 29, you state that "dPi has reason to believe that, as implied, the data pulled by AT&T is for ALL new service orders—that is, it does not differentiate between orders submitted by AT&T's retail customers and those submitted by wholesale customers like dPi, . . .". Again, this assertion is incorrect. Nevertheless, I am curious as to why you think dPi "has reason to believe" to the contrary. If dPi has some actual information as the basis for a belief that the information produced includes wholesale accounts, then please provide me with this information at your earliest convenience.

Sincerely,



J. Phillip Carver

cc: Lee Eng Tan (via electronic mail)

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November 12, 2007

via First Class mail, and via electronic mail: pc0755@att.com
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675 West Peachtree Street, Suite 4300
Atlanta, Georgia 30375

Re: Docket No. 050863-TP; *dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.* before the
Florida Public Service Commission

Dear Mr. Carver:

Thank you for your recent supplemental response to dPi's RFI 1-19. This new table is arranged differently from your first, however, with different columns, etc. Would you please provide an explanation (similar to what you provided before) of what information is supposed to be captured in the chart and what the columns mean? For example, this time there is no column for "Account Waiver Code," but there is a column for "Non-Recurring Charges Billed." Is it correct to assume that if there is no entry under this column, the non-recurring charges (such as line connection) were waived?

Very truly yours,



Christopher Malish

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