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April 12, 2001

Ms. Blanca Bayó, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 960786-TL – Consideration of BellSouth Telecommunications, Inc.'s entry into InterLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996

Dear Ms. Bayó,

Please find enclosed for filing in the above docket an original and seven (7) copies of Florida Digital Network, Inc.'s List of Issues. Also enclosed is a diskette containing a Microsoft Word for Windows 2000 file of the List of Issues text.

If you have any questions regarding the Petition, please call me at 407-835-0460.

Sincerely,

Matthew Feil
Florida Digital Network
General Counsel

C: Mike Sloan (Swidler Berlin et al)

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FPSC-RECORDS/REPORTING

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of BellSouth Telecommunic-)
ations Inc.'s entry into interLATA services pursuant)
to Section 271 of the Federal Telecommunications)
Act of 1996)
_____)

Docket No. 960786-TL

Dated: April 12, 2001

Florida Digital Network, Inc.'s List of Issues

In accordance with the Florida Public Service Commission's March 30, 2001, Notice of Issues Identification Conference in the captioned docket, Florida Digital Network, Inc., ("FDN") hereby submits its list of issues as follows. Though not required, FDN has included herein preliminary positions for some of these issues:

Issue No. 1

Is it consistent with the public interest, convenience and necessity for BellSouth to receive the authorization requested?

FDN Position:

No. BellSouth engages in a pattern and practice of anti-competitive behaviors including, but not limited to, (1) predatory "promotional" pricing targeted at CLEC customers identified through use of customer proprietary network information and (2) the failure to provide CLECs service at parity with the service BellSouth provides itself. Moreover, if UNE prices for voice and data services are set at levels too close to the rates BellSouth charges for retail residential service, there will never be competition in the residential market in Florida, so awarding BellSouth the authorization requested here will only serve to perpetuate BellSouth's monopoly in the residential market. Nor is it in the public interest for BellSouth to be awarded the authorization requested while BellSouth impedes

fair and open competition by not allowing CLEC access to the voice spectrum of UNE loops that provide customers BellSouth xDSL service.

Issue No. 2

Does BellSouth provide or generally offer interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1) of the Act?

FDN Position:

No.

Issue No. 3

Does BellSouth provide or generally offer nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1) of the Act?

FDN Position:

No. BellSouth does not provide or offer service at parity with what it provides itself. Move orders are a prime example of this. BellSouth can move one of its own customers from one location to another in 3 business days, but BellSouth does not even come close to three days' service on CLEC customer move orders. BellSouth's systems do not lift local service preferred carrier freezes even where the customer has followed the FCC requirements for lifting the freeze; this precludes customers from migrating to CLEC service when and how desired. Further, there is no "just and reasonable rate" for network elements if UNE prices for voice and data services are set at levels too close to the rates BellSouth charges for retail residential service, thereby foreclosing local competition.

Issue No. 4

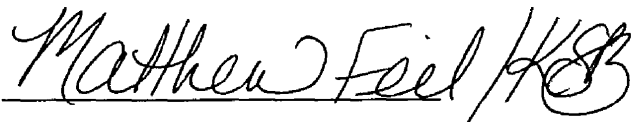
Because BellSouth does not permit CLECs to resell BellSouth-provided xDSL service to end-users that receive CLEC voice service, does BellSouth fail to make telecommunications services available for resale in accordance with sections 251(c)(4) and 252(d)(3) of the Act?

FDN Position:

Yes.

In addition, FDN hereby adopts and incorporates herein the lists of issues submitted by the other competitive local exchange carriers that are parties to this docket.

Respectfully submitted this 12th day of April, 2001.

A handwritten signature in black ink that reads "Matthew Feil" followed by a stylized monogram "KFB".

Matthew Feil
Florida Digital Network, Inc.
390 North Orange Ave
Suite 2000
Orlando, FL 32801
(407) 835-0460
mfeil@floridadigital.net

Michael Sloan
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW
Suite 300
Washington, D.C. 20007-5116
(202) 295-8458
mcsloan@swidlaw.com

CERTIFICATE OF SERVICE
DOCKET NO. 960786-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via U.S. Mail to the following parties of record on this the 12th day of April 2001:

American Communications Services, Inc.
James Falvey
131 National Business Parkway
Annapolis Junction, MD 20701
Represented by: Messer Law Firm

AT&T Communication of the Southern States, Inc.
Ms. Rhonda P. Merritt
101 North Monroe Street, Suite 700
Tallahassee, FL 32301-1549
Phone: (850) 425-6342
Fax: 425-6361

BellSouth Telecommunications, Inc.
Ms. Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1556
Phone: (850) 224-7798
Fax: 222-8640

BellSouth Telecommunications, Inc. (Atl)
Nancy White
675 W. Peachtree St., #4300
Atlanta, GA 30375
Phone: 404-335-0710
Fax: 404-614-4054

Birch
Ms. Rose M. Mulvany
2020 Baltimore Avenue
Kansas City, MO 64108-1914
Phone: (816) 300-3731
Fax: (816) 300-3350
rmulvany@birch.com

CompTel
Terry Monroe/Genevieve Morelli
1900 M Street, NW, Suite 800
Washington, DC 20036

Continental Cablevision
Donald Crosby
7800 Belfort Parkway, #270
Jacksonville, FL 32256-6925
Phone: 904-731-8810
Fax: 904-281-0342

Cox Communications (VA)
Jill Butler
4585 Village Ave.
Norfolk, VA 23502
Phone: 757-369-4524
Fax: 757-369-4500
Represented by: Landers Law Firm

CWA
Alan H. Keith
2180 West State Road 434, Suite 1168
Orange Park, FL 32779
Phone: 407-772-0266
Fax: 407-772-2516

CWA (Orl)
Kenneth Ruth
2180 West State Road 434
Longwood, FL 32779
Phone: 407-772-0266
Fax: 407-772-2516

Davel Communications Group, Inc.
Lisa Bilchik
10120 Windhorst Rd.
Tampa, FL 33619
Phone: 813-628-8000
Fax: 813-740-9406

DeltaCom, Inc.
Nanette Edwards
700 Boulevard South # 101
Huntsville, AL 35802

DES Long Distance
Linda Williams
P. O. Box 1585
Destin, FL 32540-1585
Phone: (850) 837-0077
Fax: (850) 654-1794

Ervin Law Firm
Everett Boyd
P.O. Drawer 1170
Tallahassee, FL 32302
Phone: 850-224-9135
Fax: 222-9164
Represents: Sprint/Sprint-Metro

Executive Office of the Governor
Office of Planning and Budget
General Government Unit
The Capitol, Rm. 1502
Tallahassee, FL 32399-0001

Federal Communications Commission
Janice Miles
1919 M St., NW, #544
Washington, DC 20554

Florida Cable Telecommunications Assoc., Inc.
Michael Gross/Charles Dudley
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303
Phone: 850-681-1990
Fax: 681-9676
mgross@fcta.com

Florida Competitive Carriers Assoc.
c/o McWhirter Law Firm
Vicki Kaufman
117 S. Gadsden St.
Tallahassee, FL 32301
Phone: 850-222-2525
Fax: 222-5606

Florida Electric Cooperatives Association, Inc.
Michelle Hershel
P.O. Box 590
Tallahassee, FL 32302
Phone: 850-877-6166
Fax: 656-5485

Florida Public Telecommunications Assoc.
Angela Green, General Counsel
125 S. Gadsden St., #200
Tallahassee, FL 32301-1525
Phone: 850-222-5050
Fax: 222-1355

Florida Senate Committee on Regulated Industries
John Guthrie
404 S. Monroe Street
Tallahassee, FL 32399-1100
Phone: 850-487-5957
Fax: 410-5120

Hopping Law Firm
Richard Melson
P.O. Box 6526
Tallahassee, FL 32314
Phone: 850-222-7500
Fax: 224-8551
Represents: MCI, Rhythms Links, ITC^DeltaCom

Intermedia Communications, Inc.
Mr. Scott Sapperstein
One Intermedia Way (MC FLT -HQ3)
Tampa, FL 33647-1752
Phone: (813) 829-4093
Fax: (813) 829-4923
sasapperstein@intermedia.com
Represented by: Katz, Kutter Law Firm

ITC^DeltaCom
Ms. Nanette Edwards
700 Boulevard South, Suite 101
Huntsville, AL 35802
Phone: (256) 650-3856
Fax: (256) 650-3936
Represented by: Hopping Law Firm

IXC Communications Services, Inc.
Director of Regulatory Affairs
1122 Capital of Texas Highway South
Austin, TX 78746
Phone: (512) 340-2665
Fax: (512) 328-7902

Katz, Kutter Law Firm
Charles Pellegrini/Patrick Wiggins
12th Floor
106 East College Avenue
Tallahassee, FL 32301
Phone: 850-224-9634
Fax: 222-0103
Represents: Intermedia

Kentucky Public Service Commission
Deborah Eversole, General Counsel
P. O. Box 615
Frankfort, KY 40602

Knowles Law Firm
John Marks, III
215 S. Monroe St., #130
Tallahassee, FL 32301
Phone: 850-222-3768
Fax: 561-0397
Represents: BellSouth

Landers Law Firm
Scheffel Wright
P.O. Box 271
Tallahassee, FL 32302
Phone: 850-681-0311
Fax: 224-5595
Represents: Cox Communications

LDDS Communications, Inc.
Brian Sulmonetti
1515 S. Federal Hwy., #400
Boca Raton, FL 33432-7404
Phone: 561-750-2940
Fax: 561-750-2629
Represented by: Messer Law Firm

MCI WorldCom Network Services, Inc.
Ms. Donna C. McNulty
325 John Knox Road, Suite 105
Tallahassee, FL 32303-4131
Phone: 850-422-1254
Fax: 422-2586
donna.mculty@wcom.com
Represented by: Hopping Law Firm

Messer Law Firm
Floyd Self
P.O. Box 1876
Tallahassee, FL 32302
Phone: 850-222-0720
Fax: 224-4359
Represents: LDDS, ACSI

Metropolitan Fiber Systems of Florida, Inc.
Mr. Brian Sulmonetti
1515 South Federal Highway, Suite 400
Boca Raton, FL 33432-7404
Phone: (561) 750-2040
Fax: (561) 750-2629
brian.sulmonetti@wcom.com
Represented by: Swidler & Berlin

MGC Communications, Inc.
Marilyn H. Ash
3301 North Buffalo Drive
Las Vegas, NV 89129
Phone: 702-310-8461
Fax: 702-310-5689

Network Access Solutions Corporation
100 Carpenter Drive, Suite 206
Sterling, VA 20164
Phone: (703) 742-7700
Fax: (703) 742-7706
Represented by: Shook, Hardy & Bacon LLP

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., #812
Tallahassee, FL 32399-1400
Phone: 850-488-9330

Pennington Law Firm
Peter Dunbar/Karen Camechis
P.O. Box 10095
Tallahassee, FL 32301
Phone: 850-222-3533
Fax: 222-2126
pete@penningtonlawfirm.com
Represents: Time Warner

Qcc Inc.
Janet Cinelli
8829 Bond St.
Overland Park, KS 66214
Phone: 913-492-1230
Fax: 913-492-1684

Rhythms Links Inc.
6933 South Revere Parkway, Suite 100
Englewood, CO 80112
Phone: (303) 476-4200
Represented by: Hopping Law Firm

Rutledge Law Firm
Kenneth Hoffman
P.O. Box 551
Tallahassee, FL 32302
Phone: 850-681-6788
Fax: 681-6515

Shook, Hardy & Bacon LLP
Rodney L. Joyce
600 14th Street, N.W., Suite 800
Washington, DC 20005-2004
Phone: (202) 639-5602
Fax: (202) 783-4211
rjoyce@shb.com
Represents: Network Access Solutions

South Carolina Public Service Commission
Research Dept./Vivian Dowdy
P.O. Drawer 11649
Columbia, SC 29211

Sprint/Sprint-Metro
Mr. Benjamin W. Fincher
3100 Cumberland Circle, #802
Atlanta, GA 30339
Phone: 404-649-5144
Fax: 404-649-5174
Represented by: Ervin Law Firm

Swidler & Berlin
Richard Rindler
3000 K St. NW, #300
Washington, DC 20007-
Phone: 202-424-7771
Fax: 202-424-7645
Represents: Metropolitan Fiber


Time Warner Telecom
Ms. Carolyn Marek
Regulatory Affairs, Southeast Region
233 Bramerton Court
Franklin, TN 37069
Phone: (615) 376-6404
Fax: (615) 376-6405
carolyn.marek@twtelecom.com
Represented by: Pennington Law Firm

Touch 1 Communications
Charlene Perry
P.O. Drawer 10751
Atmore, AL 36504-5751
Phone: 334-368-8600
Fax: 334-368-1314

TransAmerica Communications, Inc.
% Qwest
4250 North Fairfax Drive, 12W002
Arlington, VA 22203
Phone: (703) 363-4321
Fax: (703) 363-4404

U.S. Department of Justice/Telecom Task Force
Anu Seam
Antitrust Division
1401 H Street N.W., Ste 8000
Washington, DC 20530
Phone: 202-514-9848
Fax: 202-514-6381

Utilities and Telecommunications (State House)
Patrick L. "Booter" Imhof
410 House Office Bldg.
Tallahassee, FL 32399


Matthew Feil