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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION RECEIVED-FPSC

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In re: Complaint of IDS Long Distance, Inc.)
n/k/a IDS Telcom, L.L.C., Against)
BellSouth Telecommunications, Inc., and)
Request for Emergency Relief.)

COMMISSION CLERK
Docket No. 010740-TP
Filed August 31, 2001

IDS TELCOM, LLC's PREHEARING STATEMENT

Pursuant to Order No. PSC-01-1501-PCO-TP, issued July 18, 2001, IDS Long Distance, Inc. n/k/a IDS Telcom, LLC ("IDS") hereby files its Prehearing Statement in the above-referenced docket as follows:

A. Known Witnesses

IDS intends to call the following witnesses to testify to the following issues as indicated. At this time, IDS does not intend to call any other witnesses, but reserves the right to call BellSouth's employees as adverse party witnesses after review of BellSouth's production of discovery that has been propounded by IDS and which IDS has not yet received, after any depositions of BellSouth employees that have not yet taken place, and after review of any supplemental rebuttal testimony filed by BellSouth in the event BellSouth is permitted to file such testimony.

1. Keith Kramer, Senior Vice President of IDS – All Issues
2. Becky Wellman, IDS – All Issues
3. William Gulas, IDS – All Issues
4. Angel Leiro, IDS Director of Regulatory Affairs – Issues 3 and 4
5. Bradford Hamilton, IDS – Issues 3 and 4

APP _____
CAF _____
CMP _____
COM 5 _____
CTR _____
ECR _____
LEG 1 _____
OPC _____
PAI _____
RGO _____
SEC 1 _____
SER _____
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[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

B. Known Exhibits

IDS intends to introduce into evidence the following exhibits:

<u>Exhibit Identification</u>	<u>Exhibit Description</u>
	<u>Keith Kramer Direct Prefiled</u>
KK-1	Resume of Keith Kramer
KK-2	November 2, 1999, amendment to Interconnection Agreement between IDS and BellSouth signed January 29, 1999
KK-3	April 17, 2000, letter from Ms. Petra Pryor
KK-4	May 17, 2000 letter from Glenn Estell
KK-5	May 12, 2000, letter to Duane Ackerman
KK-6	May 19, 2000 letter to Petra Pryor
KK-7	June 8, 2000 letter from Petra Pryor
KK-8	August 1, 2000, letter to FPSC requesting permission to participate in the staff workshop in Docket No. 000121-TP
KK-9	August 30, 2000 letter from Petra Pryor to Joe Millstone
KK-10	September 19, 2000, letter from Rick Hemby
KK-11	October 4, 2000 letter to Mr. Gulas
KK-12	November 28, 2000 letter from Petra Pryor
KK-13	January 8, 2001, letter from Claude Morton
KK-14	Affidavit of Keith Kramer

(Wellman)

6/19/00 E-Mail from Issam Sayegh (IDS) to Freddie Oquendo (IDS) (Wellman)

5/8/00 letter from Bud Higdon (IDS) sent via E-Mail to Petra Pryor (BST) from Marilyn Nichols (IDS) (Kramer)

5/17/00 letter from Glen Estell (BST) to Joe Millstone (IDS) (Kramer)

6/8/0- letter from Petra Pryor (BST) to Keith Kramer (IDS) (Kramer)

Missed appointment Notifications (Leiro)

This document was compiled using the loss notification provided on BellSouth's website for the month of December 2000. IDS calculated the days between active date and BellSouth loss date and pulled only those lines lost with a difference of between five (5) and zero (0) days.

12/27/00 E-Mail from Nancy Matson (IDS) to Robbie Clements (BST) (Kramer)

Fax cover sheet to Robbie Clements with attached BellSouth PON list (Kramer)

Documents pertaining to the Full Circle Program and Full Circle 2001 (Hamilton)

IDS Customer Support Call Record and Customer Maintenance Notes Re: Jerry Moellenkamp (Wellman)

4/27/01 E-Mail to Angel Leiro (IDS) from Elio Santana (IDS) Re: Lena Vladimirsky d/b/a Top Daytona (Leiro)

3/19/01 Letter from Beverlee DeMello, Dir Div. Of Consumer Affairs FPSC to Brad Hamilton (IDS) Re: Complaint with attached BellSouth response to complaint.
(Hamilton)

2/27/01 E-Mail from Telocity to IDS Customer Cotton's All Lines Insurance (Leiro)

4/30/01 Letter from Maury Enterprises to FCC with attached BellSouth Customer

Authorization Form (Leiro)

7/11/01 E-Mail to Angel Leiro (IDS) from Manuel Marti (IDS) Re: Power Code Inc. (Leiro)

7/17/01 E-Mail to Angel Leiro (IDS) from Marilyn Nichols (IDS) Re: Frank Comer (Leiro)

1/16/01 E-Mail to Angel Leiro (IDS) from Shenyetta Garner (Leiro)

4/21/00 E-Mail from Brad Hamilton to Freddie Oquendo w/attached customer list (Hamilton)

7/13/01 - 2 Wire Voice Grade UNE Loop/Port Switched Combination (Business, Residential and Line Side PBX Service) **CLEC Information Package** (Wellman)

Page 119 of the LENS Section 6.1 (Conversion "as is") (Wellman)

IDS refers BellSouth to its own Detailed Ordering Guidelines provided in documents on the BellSouth Interconnection Web site as referred to on page 3 of the CLEC Information package attached hereto (Wellman).

6/21/00 E-Mail from Jean Smith to Freddy Oquendo (Wellman)

6/21/00 E-Mail from Freddy Oquendo to Linda Tate; Michael Lepkowski; Jimmy Patrick; Petra Pryor; Rick Hemby (Wellman)

67 pages of documents from an anonymous source delivered to Rebecca Wellman at the Birmingham Sheraton on 8/14/01 during IDS' depositions of BellSouth employees in Birmingham, Alabama (Wellman)

See attached EDI Testing Operational Rules for IDS Long Distance, Supplement to EDI Testing Guidelines and Agreement (Hamilton)

Email to Jimmy Patrick from Freddy Oquendo (Kramer)

EDI Testing Agreement Signature Page (Kramer)

Email from Brad Hamilton to Bud Higdon and attachments (Hamilton)

Letter to Keith Kramer from Cornelius White with Quote sheet (Kramer)

Letter from Jim Brinkley regarding Harbinger to discontinue EDI-PC Updates (Kramer)

Email from Change Control regarding Joining the BellSouth Change Control Process with attachments (Wellman)

Letter from Gary Smart to Keith Kramer regarding ADSL (Kramer)

Email from Brad Hamilton to Freddy Oquendo regarding Clarifications (Hamilton)

04/17/00 – Letter from Petra Pryor to Bud Higdon (Kramer)

04/24/00 – Email from Brad Hamilton to Bud Higdon with attachments (Hamilton)

04/27/00 – Email from Michael Lepkowski to Bud Higdon and Freddy Oquendo (Kramer)

05/03/00 – Email from Michael Lepkowski to Bud Higdon (Kramer)

05/08/00 – Letter from Bud Higdon to Petra Pryor (Kramer)

05/12/01 – Letter from Keith Kramer to Duane Ackerman (Kramer)

05/12/00 – Addendum for Beta Testing Agreement (Kramer)

05/12/00 – Email from Michael Lepkowski to Bud Higdon with attached Beta Testing Agreement (Kramer)

05/15/00 – Email from Arabella Romano to Michael Lepkowski with attachments (Kramer)

05/17/00 – Letter from Glen Estell to Joe Millstone (Kramer)

05/19/00 – Letter from Keith Kramer to Petra Pryor (Kramer)

06/01/00 – Email from Bud Higdon to Eileen Turpin (Kramer)

06/08/00 – Letter from Petra Pryor to Keith Kramer (Kramer)

08/30/00 – Letter from Petra Pryor to Joe Millstone (Kramer)

10/23/00 – Letter from Leon Nowalsky to Keith Kramer with attachments (Kramer)

10/24/00 - Letter from Keith Kramer to Petra Pryor with attachments (Kramer)

List of 84 orders used to Test the LENS Bulk Ordering System (Hamilton)

Letter dated 6/14/00 from Petra Pryor to Keith Kramer (Kramer)

Document depicting orders submitted manually, through LENS, and through TAG with the corresponding IDS' Service Order Analysis; Service Order Request Type and Clarification Analysis provided by BellSouth from December 2000 through July 2001 attached thereto (Leiro)

05/19/00 – Letter from Keith Kramer to Petra Pryor.

10/24/00 - Letter from Keith Kramer to Petra Pryor with attachment.

BellSouth Interconnection Billing Adjustment Request Forms, as follows:

06/15/00 - \$610, 202.57

06/15/00 - \$328,897.09

10/20/00 - \$486,192.00

10/20/00 - \$268,273.80

10/20/00 - \$175,434.28 (Kramer)

Graph of Employee Headcount for Customer Service and Provisioning Departments (Leiro)

Letter to Calderon from BellSouth received by the customer on 8/17/00 (Leiro)

8/3/00 LENS Conversion As Is Acknowledgement (Wellman)

8/22/00 LENS Customer Service Record depicting customer still being with BellSouth (Wellman)

Affidavit of Kimberley Lawler (Leiro)

List of approximately 600 IDS customers for which IDS had a valid LOA that BellSouth switched back to their service without a valid LOA. That document may be relevant to this request (Leiro/Kramer)

IDS is not prepared to identify its rebuttal exhibits at this time as IDS' rebuttal testimony is not due until September 5, 2001. IDS reserves the right to identify and introduce additional exhibits during cross-examination of other parties' witnesses and re-direct of its own and, to the extent permitted by Commission rules and the Florida Rules of Civil Procedure, to identify and introduce transcripts of depositions of BellSouth personnel.

C. Statement of Basic Position

BellSouth has breached its Interconnection Agreement with IDS by failing to provide IDS OSS and UNEs and UNE-Ps at parity. BellSouth has engaged in anticompetitive activities in violation of Chapter 364, Florida Statutes, and the Telecommunications Act

of 1996. BellSouth has inappropriately utilized IDS' CPNI data in violation of the Telecommunications Act of 1996 by permitting its retail unit to have access to IDS' proprietary information, obtained by BellSouth's wholesale unit, for the purpose of winning back customers that have switched to IDS. The Florida Public Service Commission should order BellSouth to refund to IDS 40% of the monies paid to BellSouth during the last two years for the sub-parity OSS and access to UNEs and UNE-Ps that BellSouth has provided IDS. The Florida Public Service Commission should order BellSouth to provide IDS direct access to its DOE and SONGS systems so IDS will not be at BellSouth's mercy in the processing of IDS' orders. The Florida Public Service Commission should sanction BellSouth for its anticompetitive activities and place a moratorium on all BellSouth win back activities for twelve months after the point at which BellSouth proves on an evidentiary record that it is providing IDS OSS and UNEs and UNE-Ps at parity.

D - F. Statement of Issues and Positions

The following are the issues identified in IDS' Complaint and established by the Prehearing Officer in the Order Establishing Procedure in this docket and IDS' positions on these issues.

Issue 1: Has BellSouth breached its Interconnection Agreement with IDS by failing to provide IDS OSS at parity?

IDS: Yes. The Commission should find that BellSouth has breached its Interconnection Agreement with IDS by failing to provide IDS OSS and UNEs and UNE-Ps at parity. BellSouth's OSS systems are inherently flawed and permit an unreasonably high level of processing delays and inaccuracies that results in IDS' customers having to wait much longer to get service and having to endure disconnections and loss of features and other errors to a much more frequent and serious degree than occurs with BellSouth's retail customers. (IDS' Witnesses Kramer, Wellman, and Gulas)

Issue 2: Has BellSouth breached its Interconnection Agreement with IDS by failing to provide IDS UNEs and UNE-Ps at parity?

IDS: Yes. The Commission should find that BellSouth has breached its Interconnection Agreement with IDS by failing to provide IDS with UNEs and UNE-Ps at parity. BellSouth refused to provide IDS UNEs and UNE-Ps for a substantial period of time. When BellSouth has provided UNE-Ps for IDS, it has taken an unreasonable amount of time to process orders, and BellSouth's performance failures have caused IDS' customers to suffer disconnections, loss of features, etc. BellSouth's failure to provide IDS UNEs and UNE-Ps at parity have caused IDS substantial damages in terms of economic damages and reputation damages. (IDS' Witnesses Kramer, Wellman, and Gulas)

Issue 3: Has BellSouth engaged in anticompetitive activities against IDS in violation of Chapter 364, Florida Statutes, and the Telecommunications Act of 1996?

IDS: Yes. BellSouth has engaged in a consistent, intentional effort to win back IDS' customers, utilizing win back tariffs such as the Full Circle Program, especially since January 2001. In these win back efforts, BellSouth has capitalized on BellSouth's own OSS and UNE-P failures to lure customers back to BellSouth, blaming IDS for disconnections and loss of features and unreasonable delays when IDS had no part in causing them. BellSouth's telemarketers have made misrepresentations regarding IDS going into bankruptcy and having financial problems and otherwise disparaging IDS to IDS' customers and potential customers. (IDS' Witnesses Kramer, Wellman, Gulas, Leiro, and Hamilton)

Issue 4: Has BellSouth inappropriately utilized IDS' CPNI data in violation of the Telecommunications Act of 1996?

IDS: Yes. BellSouth has permitted its retail unit to have inappropriate access to IDS' Customer Proprietary Network Information in the possession of BellSouth's wholesale unit. The purpose of this inappropriate access has been to assist BellSouth in winning back IDS' customers, sometimes even before their conversion to IDS had been completed. (IDS' Witnesses Kramer, Wellman, Gulas, Leiro, and Hamilton)

Issue 5: What remedies, if any, should the Commission order BellSouth to provide IDS in the event IDS proves that BellSouth has breached the Interconnection Agreement or engaged in anticompetitive activities?

IDS: In the event IDS proves that BellSouth has breached the Interconnection Agreement by failing to provide IDS OSS and UNEs and UNE-Ps at parity, the Florida Public Service Commission should order BellSouth to make a 40% refund to IDS of the monies paid to BellSouth over the past two years.

The Commission should order BellSouth to provide IDS direct access to BellSouth's DOE AND SONGS systems. In the event IDS proves that BellSouth has engaged in anticompetitive activities, the Commission should order BellSouth to immediately cease all win back tariffs, promotions, and telemarketing activities targeted at IDS' customers until twelve months after BellSouth proves on an evidentiary record that it is providing IDS OSS and UNEs and UNE-Ps at parity with that provided to its own retail customers.

The Commission should sanction BellSouth for such activities and for the inappropriate use of IDS' CPNI data. The Commission should strongly consider the structural separation of BellSouth's retail unit into a separate corporate entity as requested by AT&T's Petition in Docket No. 010345-TP.

The Commission should not grant BellSouth Section 271 relief as it has requested in Docket No. 960786-TL until it proves on an evidentiary record that it is providing IDS and other CLECs OSS and UNEs and UNE-Ps at parity and that it is not engaging in anticompetitive activities. (IDS' Witnesses Kramer, Wellman, and Gulas)

G. Stipulated Issues

There are no stipulated issues.

H. Pending Motions

1. BellSouth's Motion to Compel and for Continuance - Although the Prehearing Officer granted BellSouth's Motion to Compel on August 2001, it is IDS' understanding that the Prehearing Officer intends to rule on the other part of that motion which was BellSouth's Motion for Continuance, at the September 10, 2001, Prehearing Conference.

2. BellSouth's Motion to Defer OSS Issue to Generic Docket Addressing Third Party Testing of BellSouth's OSS – This Motion was filed by BellSouth on August 27, 2001, and is pending at this time. IDS' response in opposition to that Motion is due to be filed on September 3, 2001 (which is Labor Day). Therefore, IDS' response is due Tuesday, September 4, 2001.

3. BellSouth's Motion for Leave to File Supplemental Rebuttal Testimony

This Motion was filed by BellSouth on August 29, 2001, and is pending at this time.

IDS' response to that Motion is due September 5, 2001.

I. Pending Confidentiality Issues

IDS has filed two Notices of Intent to Request Confidentiality for which IDS will file full requests for confidential treatment.

J. Order Establishing Procedure Requirements

To IDS' knowledge, at the time of serving this Prehearing Statement, there are no requirements of the Order Establishing Procedure that cannot be complied with.

K. Decisions or Pending Decisions

At this time, IDS is not aware of any decisions or pending agency or court decisions that may preempt or otherwise impact the Commission's ability to resolve any of the above issues other than as already stated in IDS' prefiled testimony.

RESPECTFULLY SUBMITTED, this 31st day of August, 2001.



Suzanne Fannon Summerlin
(signed in her absence to avoid delay)
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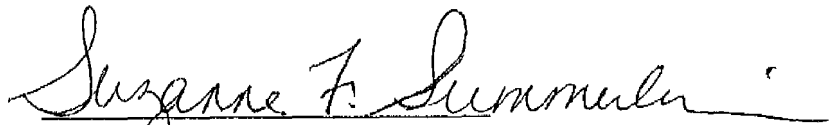
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing IDS Telcom, LLC's Prehearing Statement was furnished by Hand Delivery(*), Facsimile(**), and U.S. Mail this 31st day of August, 2001, to:

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