

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of ALEC, Inc.
for enforcement of
interconnection agreement with
Sprint-Florida, Incorporated and
request for relief.

DOCKET NO. 020099-TP
FILED: JULY 8, 2002

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-02-0594-PCO-TP, 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 Commission's jurisdiction in this matter?

Position: Pursuant to Section 252(e) of the Telecommunications Act of 1996, the Commission approved the agreement between ALEC, Inc. and Sprint-Florida, Incorporated. As such, the Commission has jurisdiction to resolve this dispute pursuant to Sections 251 and 252

DOCUMENT NUMBER-DATE

06962 JUL-8 2002

FPSC-COMMISSION CLERK

of the Telecommunications Act of 1996. See Iowa Utilities Bd. v. FCC, 120 F. 3d 753, 804 (8th Cir. 1937) (state commissions' authority under the Act to approve agreements carries with it the authority to enforce agreements. But see BellSouth Telecommunications, Inc. v. MCImetro Access Transmission Services, Inc., 2002 U.S. App. LEXIS 373 (11th Cir. Jan. 10, 2002) (finding state commission did not have jurisdiction to resolve complaint arising out of interconnection agreement. The Commission also has authority in this matter pursuant to Section 364.162, Florida Statutes.

ISSUE 2: Under the terms of the Parties' Interconnection Agreement, what are the appropriate dedicated transport charges for transport facilities used to transport Sprint-originated traffic from the POI to ALEC's switch?

a) Has ALEC applied the correct methodology to calculate the appropriate recurring and nonrecurring dedicated transport charges to Sprint for such facilities?

b) Has ALEC applied the correct rate to calculate the appropriate recurring and nonrecurring dedicated transport charges to Sprint for such facilities?

Position: Staff has no position at this time.

ISSUE 3: Under the terms of the Parties' Interconnection Agreement, what minute-of-use charges are applicable for the transport of Sprint-originated traffic from the POI to ALEC's switch?

Position: Staff has no position at this time.

ISSUE 4: Has Sprint paid ALEC the appropriate charges pursuant to the terms of the Parties' Interconnection Agreement?

Position: Staff has no position at this time.

ISSUE 5: Did Sprint waive its right to dispute charges because it did not properly follow applicable procedures outlined in the Parties' Interconnection Agreement?

Position: Staff has no position at this time.

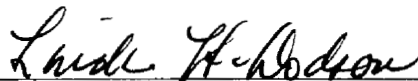
e. Pending Motions

None

g. Compliance with Order No. PSC-02-0594-PCO-TP

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

Respectfully submitted this 8th day of July, 2002.



LINDA H. DODSON, Attorney

FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0863
(850) 413-6216

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of ALEC, Inc.
for enforcement of
interconnection agreement with
Sprint-Florida, Incorporated and
request for relief.

DOCKET NO. 020099-TP
FILED: JULY 8, 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of STAFF'S PREHEARING STATEMENT
has been furnished by U.S. Mail this 8th day of July, 2002, to the
following:

Cole, Raywid & Braverman, L.L.P.
John C. Dodge/David N. Tobenkin
1919 Pennsylvania Avenue, N.W., #200
Washington, DC 20006

Valoris Telecom
Ms. Judy B. Tinsley
Duro Communications, Inc.
3640 Valley Hill Rd, NW
Kennesaw, GA 30152-3238

Sprint-Florida, Incorporated
Mr. F. B. (Ben) Poag
(MC FLTLHO0107)
P. O. Box 2214
Tallahassee, FL 32316-2214

Moyle Law Firm (Tall)
Jon Moyle/Cathy Sellers
118 North Gadsden Street
Tallahassee, FL 32301



LINDA H. DODSON, Attorney

FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(850) 413-6216