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August 26, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director  
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COMMISSION  
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Re: Docket Nos.: 020119-TP and 020578-TP

Dear Ms. Bayo:

On behalf of the Florida Competitive Carriers Association (FCCA) and Mpower Communications Corp (Mpower), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ The Florida Competitive Carriers Association and Mpower Communications Corp.'s Proposed Issue List

Please acknowledge receipt of the above on the extra copy and return the stamped copy to me. Thank you for your assistance.

Sincerely,

Joseph A. McGlothlin

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for expedited review  
and cancellation of BellSouth  
Telecommunications, Inc.'s  
Key Customer promotional tariffs  
and for investigation of BellSouth's  
promotional pricing and marketing  
practices, by Florida Digital Network, Inc .

Docket No. 020119-TP

In re: Petition of the Florida Competitive  
Carriers Association for Expedited Review and  
Cancellation of BellSouth Telecommunications  
Inc.'s Key Customer Promotional Tariffs

Docket No. 020578-TP

Filed: August 26, 2002

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**THE FLORIDA COMPETITIVE CARRIERS ASSOCIATION'S  
AND MPOWER COMMUNICATIONS, CORP.'S  
PROPOSED ISSUES LIST**

Enclosed please find The Florida Competitive Carriers Association ("FCCA") and Mpower Communications Corp.'s ("Mpower"), proposed issue list. This list is preliminary; FCCA and Mpower reserve the right to supplement or amend the list.

1. What criteria should be applied to determine whether a promotional tariff, such as the "Key Customer" tariffs that are the subjects of the consolidated dockets, is compensatory?
2. Is the "Key Customer" tariff that is the subject of Docket No. 020119-TP compensatory?
3. Is the "Key Customer" tariff that is the subject of Docket No. 020578-TP compensatory?
4. What guidelines should the Commission establish with which to gauge whether a proposed tariff is anticompetitive in its effect at the outset?
5. Is the "Key Customer" tariff that is the subject of Docket No. 020119-TP anticompetitive?

- (a) Is the duration of contracts anticompetitive?
- (b) Is the ongoing succession of “replacement” tariffs anticompetitive?
- (c) Are the terms of termination provisions anticompetitive?

6. Is the “Key Customer” tariff that is the subject of Docket No. 020578-TP anticompetitive?

- (a) Is the duration of contracts anticompetitive?
- (b) Is the ongoing succession of “replacement tariffs anticompetitive?
- (c) Are the terms of termination provisions anticompetitive?

7. Should the Commission establish restrictions on BellSouth’s ability to market these and other promotional tariffs to customers who leave BellSouth for a competitive carrier or who indicate an intent to do so? If so, what restrictions should the Commission impose?



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Attorneys for the Florida Competitive Carriers Association  
and Mpower Communications

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Competitive Carriers Association and Mpower Communications Corp.'s Proposed Issue List has been furnished by (\*) Hand Delivery, Fax, Email and U. S. Mail on this 26th day of August 2002 to the following:

(\*)Felicia Banks  
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Tallahassee, Florida 32399  
[fbanks@psc.state.fl.us](mailto:fbanks@psc.state.fl.us)

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