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October 27, 2003

Ms. Blanca Bayó, Director
Division of the Commission Clerk
& Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

via Overnight Mail

Re: Docket No. 030829-TP Complaint of FDN Communications for Resolution of Certain Billing Disputes and Enforcement of UNE Orders and Interconnection Agreements with BellSouth Telecommunications, Inc.

Dear Ms. Bayó,

Please find enclosed for filing an original and seven (7) copies of FDN's Proposed Issues in the aforementioned docket.

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

Sincerely,

Matthew Feil
FDN Communications
General Counsel

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint of FDN Communications)
for Resolution of Certain Billing Disputes)
and Enforcement of UNE Orders and) Docket No. 030829-TP
Interconnection Agreements with)
BellSouth Telecommunications, Inc.)
_____)

FDN's PROPOSED ISSUES

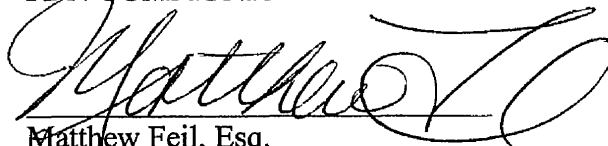
Florida Digital Network, Inc., d/b/a FDN Communications ("FDN") hereby respectfully submits the following list of proposed issues for the captioned docket. The issues are preliminary in nature, and FDN reserves the right to raise additional issues pending the outcome of the Issue Identification Conference and discovery in this proceeding.

- (1) Does Order No. PSC-01-1181-FOF-TP specify the conditions under which a non-recurring disconnect charge should apply?
- (2) Do any of the parties' interconnection agreements specify the conditions under which a non-recurring disconnect charge should apply?
- (3) How does BellSouth recover the cost of disconnecting a customer from its network when that customer ports to a CLEC serving the customer via a UNE loop?
- (4) Which party (BellSouth or FDN) is the cost-causer for loop disconnection when BellSouth submits an order to FDN to port a customer?
- (5) To the extent that neither Order No. PSC-01-1181-FOF-TP nor the parties' interconnection agreements specify the conditions in which the nonrecurring disconnect charge should apply, who should bear the cost of the nonrecurring disconnect charge when BellSouth submits an order to FDN to port a customer and why?

- (6) If Order No. PSC-01-1181-FOF-TP permits BellSouth to charge FDN a disconnect NRC when BellSouth submits a port-out order but the Commission determines in this case that FDN should not bear the disconnect cost for any reason, should the Commission correct the Order and disallow BellSouth's accessing the charge?
- (7) Is it anticompetitive or unfair for BellSouth to charge FDN a disconnect NRCs when BellSouth submits an order to port a customer?
- (8) Does Order No. PSC-02-1311-FOF-TP and/or the parties' interconnection agreements lawfully permit BellSouth to unilaterally implement only part of the Order, *i.e.*, the new zone structure, by separating the zoning portion of the Order from the rates portion?
- (9) If BellSouth unlawfully implemented the Commission's zone structure, has BellSouth breached the parties' interconnection agreement(s)?
- (10) What is FDN's remedy
 - a. in the event that BellSouth is found to have violated the Commission's orders?
 - b. in the event that BellSouth is found to have breached the parties' interconnection agreement(s)?
- (11) Should all or any portion of BellSouth's counterclaim and demand for payment be barred by collateral estoppel or res judicata?

Respectfully submitted this 27th day of October, 2003.

FDN COMMUNICATIONS



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by e-mail and regular mail to the persons listed below, other than those marked with an (*) who have been sent a copy via overnight mail, this 27 day of October, 2003.

BellSouth Telecommunications, Inc.
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C/O Ms. Nancy H. Sims
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