BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint of Florida Digital Network, Inc. d/b/a FDN Communications against BellSouth Telecommunications, Inc. for resolution of certain billing disputes and enforcement of unbundled network element (UNE) orders and interconnection agreements.	DOCKET NO. 030829-TP SEPTEMBER 8, 2004

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-04-0121-PCO-TP, issued February 4, 2004; modified by Order No. PSC-04-0638-PCO-TP, issued on July 2, 2004, modified by Order No. PSC-04-0864-PCO-TP, issued on September 3, 2004, 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:   IN CONSIDERATION OF COST-CAUSER, ECONOMIC, AND COMPETITIVE PRINCIPLES, UNDER WHAT CIRCUMSTANCES SHOULD BELLSOUTH BE ALLOWED TO ASSESS A DISCONNECT CHARGE TO FDN.

Position: Staff has no position at this time.

ISSUE 2: IN LIGHT OF ORDER NOS. PSC-01-1181-FOF-TP AND PSC 02-1311-FOF-TP AND THE PARTIES' INTERCONNECTION AGREEMENTS, DOES BELLSOUTH APPROPRIATELY ASSESS DISCONNECT CHARGES WHEN BELLSOUTH ISSUES AN ORDER FOR AN FDN CUSTOMER TO PORT OUT?

Position: Staff has no position at this time.

ISSUE 3: IN ORDER TO IMPLEMENT CHANGES IN RATE ZONE DESIGNATIONS, IS IT NECESSARY FOR THE PARTIES TO NEGOTIATE AN AMENDMENT TO THEIR INTERCONNECTION AGREEMENT?

Position: Staff has no position at this time.

ISSUE 4: IN LIGHT OF POLICY CONSIDERATIONS, THE PARTIES' INTERCONNECTION AGREEMENTS, ORDER NOS. PSC-01-1181-FOF-TP AND PSC 02-1311-FOF-TP, AND ANY OTHER APPLICABLE REGULATORY REQUIREMENTS, CAN BELLSOUTH IMPLEMENT CHANGES IN RATE ZONE DESIGNATIONS WITHOUT IMPLEMENTING ANY ASSOCIATED CHANGED RATES?

Position: Staff has no position at this time.

ISSUE 5: GIVEN THE RESOLUTION OF ISSUES 1, 2, AND 3 ABOVE, WHAT REMEDIES ARE APPROPRIATE?

Position: Staff has no position at this time.

ISSUE 6: SHOULD ALL OR ANY PORTION OF THE PARTIES' CLAIMS OR COUNTERCLAIMS BE BARRED BY THE DOCTRINES OF RES JUDICATA OR COLLATERAL ESTOPPEL?

Position: Staff has no position at this time.

e. Pending Motions

Staff has no pending motions.

f.   Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests.

g.   Compliance with Order No. **ORDER ESTABLISHING PROCEDURE**

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

Respectfully submitted this 8th Day of September, 2004

LEE FORDHAM
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Gerald L. Gunter Building - Room 370
Tallahassee, Florida 32399-0863
(850)413-6199

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CERTIFICATE OF SERVICE

       I HEREBY CERTIFY that one true and correct copy of Staff's Prehearing Statement has been furnished by U.S. Mail this 8th day of September, 2004, to the following:

BellSouth Telecommunications, Inc.
Meredith Mays, Nancy White & James Meza
c/o Nancy Sims
150 S. Monroe Street, Suite 400
Tallahassee, FL 32301

FDN Communications
Matthew Feil, Scott Kassman
2301 Lucien Way, Suite 200
Maitland, FL 32751

LEE FORDHAM
Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(850) 413-6199