

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of XO Florida, Inc.  
Against BellSouth Telecommunications,  
Inc. for Refusal to Convert Circuits to  
UNEs and for Expedited Processing

Docket No. 041114-TP

Filed: April 21, 2005

**XO COMMUNICATIONS SERVICES, INC.'S  
SUPPLEMENTAL PREHEARING STATEMENT**

XO Communications Services, Inc. (XO), pursuant to Order No. PSC-05-0337-PCO-TP, files its Supplemental Prehearing Statement regarding Issue 4. This filing is a supplement to XO's original Prehearing Statement filed on January 24, 2005.

**B. WITNESSES:**

**Supplemental Direct**

| <u>Witness</u> | <u>Proffered by</u> | <u>Issues</u> |
|----------------|---------------------|---------------|
| Gary Case      | XO                  | 4             |

**Supplemental Rebuttal**

|           |    |   |
|-----------|----|---|
| Gary Case | XO | 4 |
|-----------|----|---|

**C. EXHIBITS:**

| <u>Exhibit</u>          | <u>Witness</u> | <u>Description</u>                       |
|-------------------------|----------------|--|
| Exhibit No. ____ (GC-3) | Gary Case      | Current Circuits Eligible for Conversion |
| Exhibit No. ____ (GC-4) | Gary Case      | Disconnected Circuits                    |
| Exhibit No. ____ (GC-5) | Gary Case      | Total Credits Due to XO                  |
| Exhibit No. ____ (GC-6) | Gary Case      | March 2003 Conversion Request            |
| Exhibit No. ____ (GC-7) | Gary Case      | December 2004 Conversion Request         |

DOCUMENT NUMBER-DATE

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|-------------------------|-----------|----------------------------------|
| Exhibit No. ___ (GC-8)  | Gary Case | December 2002 ICA Rate Amendment |
| Exhibit No. ___ (GC-9)  | Gary Case | Attachment 12 to ICA             |
| Exhibit No. ___ (GC-10) | Gary Case | Response to SWP-2                |
| Exhibit No. ___ (GC-11) | Gary Case | Response to SWP-3                |
| Exhibit No. ___ (GC-12) | Gary Case | Response to SWP-4                |
| Exhibit No. ___ (GC-13) | Gary Case | Response to SWP-5                |
| Exhibit No. ___ (GC-14) | Gary Case | Response to SWP-6                |

**D. STATEMENT OF BASIC POSITION<sup>1</sup>:**

The credits which the Commission should require BellSouth to give to XO due to BellSouth's refusal to process XO's special access conversion requests are those amounts delineated in Exhibit No. \_\_\_ (GC-5), attached to the Supplemental Direct Testimony of XO witness, Gary Case. These credits include amounts for currently active circuits that BellSouth should have been converted as well as credits for disconnected circuits which BellSouth failed to convert. The credit amount for current circuits would need to be updated to account for the continued overbilling between the time the amounts in Exhibit No. \_\_\_ (GC-5) were calculated and the date of actual conversion pursuant to Commission Order.

**E. STATEMENT OF ISSUES AND POSITIONS:**

**ISSUE 4:** If the Commission finds in favor of XO on Issue 1:

a. Which circuits are eligible for conversion?

**XO:** All of the circuits shown on Exhibit No. \_\_\_ (GC-3) are eligible for current conversion. Because the circuit list is not static, it will have to be updated at the conclusion of this proceeding.

b. What is the appropriate effective date of conversion for each eligible circuit?

**XO:** The appropriate effective date for the current circuits, Exhibit No. \_\_\_ (GC-3), and for disconnected circuits eligible at the time of request, Exhibit No. \_\_\_ (GC-4), is one billing cycle after the receipt of request by BellSouth.

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<sup>1</sup> This should be added to the end of XO's Basic Position contained in its January 24, 2005 Prehearing Statement.

For those current and disconnected circuits for which XO seeks relief that were on XO's March 2003 conversion request, Exhibit No. \_\_\_ (GC-6), that effective date is April 2003, which is one billing cycle after the request was made. The appropriate effective date for the current and disconnected circuits for which XO seeks relief that were listed for the first time on XO's December 2004 conversion request, Exhibit No. \_\_\_ (GC-7), is January 2005, which is one billing cycle after the request was made.

- c. Is XO entitled to any billing credits as a result of such conversion, and if so, what is the amount of such credit(s)?

**XO:** Yes. XO is entitled to the amounts shown on Exhibit No. \_\_\_ (GC-5), as well as any continued overbilling between the time this amount was calculated and the ultimate conversion of circuits pursuant to Commission Order in this docket. In order to account for such continued overbilling, this amount will have to be updated at the conclusion of the proceeding due to the passage of time. The amount stated in Exhibit \_\_\_ (GC-5) includes credits for overbilling of currently active circuits and credits for past overbilling of circuits that should have been converted one billing cycle after request but have been disconnected in the many months this dispute has been pending.

**H. PENDING CONFIDENTIALITY REQUESTS:**

1. On April 8, 2005, BellSouth filed the Supplemental Direct Testimony of Shelley W. Padgett. This testimony included confidential Exhibits SWP-1 through 6 and SWP-8 and 9. These exhibits contain confidential proprietary XO information. BellSouth filed a Notice of Intent on April 8, 2005. XO will file a Request for Confidential Classification on April 29, 2005.

2. On April 21, 2005, XO filed the Supplemental Rebuttal Testimony and Exhibits of Gary Case. The testimony and exhibits contain confidential proprietary business information. XO simultaneously filed a Notice of Intent to Request Confidential Classification and will file its Request for Confidential Classification within the appropriate timeframe.

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing XO Communications Services, Inc.'s Supplemental Prehearing Statement was served on the following parties by hand delivery this 21<sup>st</sup> day of April 2005:

Jason Rojas  
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