

NANCY B. WHITE  
General Counsel - Florida  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5558

May 2, 2005

Mrs. Blanca S. Bayó  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**RE: Docket No. 040028-TP: Complaint and Request for Summary  
Disposition to Enforce Contract Audit Provisions in Interconnection  
Agreement with NewSouth Communications Corporation by  
BellSouth Telecommunications, Inc.**

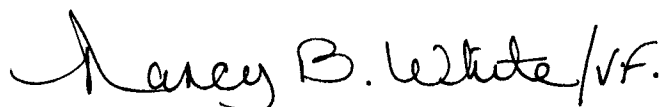
**Docket No. 040527-TP: Complaint to Enforce Interconnection  
Agreement with Nuvox Communications, Inc. by BellSouth  
Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Proposed Issues, which we ask that you file in the captioned dockets.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

  
Nancy B. White

Enclosures

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey

**CERTIFICATE OF SERVICE**  
**Docket Nos. 040028-TP and 040527-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and First Class U. S. Mail this 2nd day of May, 2005 to the following:

Jeremy Susac  
Jason Rojas  
Staff Counsels  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
(850) 413-6236  
[jsusac@psc.state.fl.us](mailto:jsusac@psc.state.fl.us)  
[irojas@psc.state.fl.us](mailto:irojas@psc.state.fl.us)

Mary Campbell/Jake Jennings  
New South Center  
Two North Main Street  
Greenville, South Carolina 29601-2719  
Tel. No.: (864) 672-5877  
Fax. No.: (864) 672-5313  
[mcampbell@nuvox.com](mailto:mcampbell@nuvox.com)  
[jejennings@newsouth.com](mailto:jejennings@newsouth.com)

John J. Heitmann, Esq.  
Jennifer M. Kashatus  
Kelley Drye & Warren, LLP  
1200 19<sup>th</sup> Street, N.W.  
Suite 500  
Washington, D.C. 20036  
Tel. No. (202) 955-9888  
Fax. No. (202) 955-9792  
[jheitmann@kelleydrye.com](mailto:jheitmann@kelleydrye.com)  
[jkashatus@kelleydrye.com](mailto:jkashatus@kelleydrye.com)

Jon C. Moyle, Jr.  
Cathy M. Sellers/Diana Shumans  
Vicki Kaufman  
Moyle, Flanigan, Katz, Raymond  
& Sheehan, P.A.  
118 North Gadsden Street  
Tallahassee, FL 32301  
Tel. No. (850) 681-3828  
Fax. No. (850) 681-8788  
Attys. for NewSouth  
[jmoylejr@moylelaw.com](mailto:jmoylejr@moylelaw.com)  
[vkaufman@moylelaw.com](mailto:vkaufman@moylelaw.com)  
[dshumans@moylelaw.com](mailto:dshumans@moylelaw.com)  
[csellers@moylelaw.com](mailto:csellers@moylelaw.com)

  
Nancy B. White

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

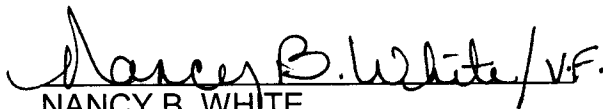
Complaint and Request for Summary Disposition )	Docket No. 040028-TP
to Enforce Contract Audit Provisions in )	
Interconnection Agreement with NewSouth )	
Communications Corporation by BellSouth )	
Telecommunications, Inc. )	
_____ )	
Complaint to Enforce Interconnection Agreement )	Docket No. 040527-TP
with Nuvox Communications, Inc. by BellSouth )	
Telecommunications, Inc. )	
_____ )	Filed: May 2, 2005

**BELLSOUTH TELECOMMUNICATIONS, INC.'S PROPOSED ISSUES**

1. Whether, under Section 10.5.4 of Attachment 2 of the Parties' Florida Interconnection Agreement, BellSouth is required to "demonstrate concern" as to NuVox's compliance with its self-certification that circuits converted from SPAs to EELs were to be used, or were being used "to provide a significant amount of local exchange service," as a pre-condition to BellSouth's ability to audit NuVox's Florida EELs?
2. Whether, under Section 10.5.4 of Attachment 2 of the Parties' Florida Interconnection Agreement, BellSouth is allowed to engage an auditor of its own choosing for the audit of NuVox's Florida EELs, or whether that selection must first be approved by NuVox, or the FPSC, prior to the conduct of the audit, if NuVox raises a challenge to the auditor's independence?
3. Whether an evidentiary hearing is necessary for the determination of either or both of the foregoing issues?
4. Whether fact discovery is appropriate as to either Issues 1 or 2 above, prior to the Commission's determination of those issues?

Respectfully submitted this 2nd day of May, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

Handwritten signature of Nancy B. White in black ink, written over a horizontal line.

NANCY B. WHITE  
c/o Nancy H. Sims  
150 So. Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5558

Handwritten signature of R. Douglas Lackey in black ink, written over a horizontal line.

R. DOUGLAS LACKEY  
E. EARL EDENFIELD, JR.  
THEODORE C. MARCUS  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0722

583799