

ORIGINAL

Matilda Sanders

From: Fatool, Vicki [Vicki.Fatool@BellSouth.COM]
Sent: Monday, May 02, 2005 11:01 AM
To: Filings@psc.state.fl.us
Subject: 040028-TP/040527-TP BellSouth's Proposed Issues
Importance: High
Attachments: 040028\_0.pdf

A. Vicki Fatool
Legal Secretary to Nancy B. White
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301
(305) 347-5560
vicki.fatool@bellsouth.com

B. 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.

C. BellSouth Telecommunications, Inc.
on behalf of Nancy B. White and Theodore C. Marcus

D. 4 pages total (including letter, certificate of service and pleading)

E. BellSouth Telecommunications, Inc.'s Proposed Issues

.pdf version attached

<<040028\_0.pdf>>

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OM \*\*\*\*\*

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Legal Department

NANCY B. WHITE  
General Counsel - Florida  
BellSouth Telecommunications, Inc.  
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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

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

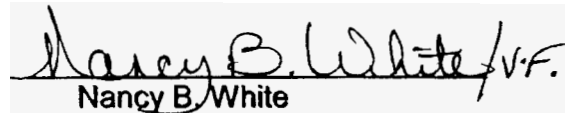
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Electronic Mail and First Class U. S. Mail this 2nd day of May, 2005 to the following:

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Jason Rojas  
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Nancy B. White

**ORIGINAL**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Complaint and Request for Summary Disposition )  
to Enforce Contract Audit Provisions in )  
Interconnection Agreement with NewSouth )  
Communications Corporation by BellSouth )  
Telecommunications, Inc. )

Docket No. 040028-TP

Complaint to Enforce Interconnection Agreement )  
with Nuvox Communications, Inc. by BellSouth )  
Telecommunications, Inc. )

Docket No. 040527-TP

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?

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Respectfully submitted this 2nd day of May, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.

 VF.

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c/o Nancy H. Sims  
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 VF.

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