

ORIGINAL

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Subject: Docket No. 040028-TP
Attachments: NewSouth Issues FINAL 05.02.05.pdf

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Pursuant to the Commission's procedures for e-filing, NewSouth Communications Corp. provides the following information:

A. The attorney responsible for filing is:

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B. The document is to be filed in Docket No. 040028-TP.

C. The document is filed on behalf of NewSouth Communications Corp..

D. The document is 3 pages long.

E. The document is Preliminary Issue Lists of NewSouth Communications Corp.

CJ Cratty

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FILED COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaint and Request for Summary Disposition
BellSouth Telecommunications, Inc. Against
NewSouth Communications Corp. to Enforce
Contract Audit Provisions.

Docket No. 040028-TP
Filed May 2, 2005

PRELIMINARY ISSUE LISTS OF NEWSOUTH COMMUNICATIONS CORP.

NewSouth Communications Corp. (NewSouth), by and through its undersigned counsel, pursuant to Staff's Issue Identification Notice issued on April 13, 2005, submits its Preliminary List of Issues.

1. Did the parties agree to incorporate the concern requirement of the *Supplemental Order Clarification* into their Interconnection Agreement?
2. Has BellSouth demonstrated a sufficient concern to audit any of NewSouth's converted EEL circuits?
3. For which NewSouth converted EEL circuits, if any, has BellSouth demonstrated a sufficient concern to warrant an audit for any of those specific circuits?
4. Is BellSouth seeking to audit NewSouth circuits that were converted after it provided its notice of audit?
 - a. If so, which circuits?
 - b. If so, is this request appropriate for consideration in this proceeding?
5. Is BellSouth permitted to conduct an audit of new (as opposed to converted) EELs?

6. Did the parties agree to incorporate the independent auditor requirement of the *Supplemental Order Clarification* into their Interconnection Agreement?

7. Does the independent auditor requirement require that the auditor be capable of performing an AICPA-compliant audit?

8. May KPMG serve as an independent auditor for the purpose of auditing any of NewSouth's EEL circuits?

9. If any audit is permitted, should the audit be limited to NewSouth's records?

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NewSouth Preliminary Issue list has been furnished by electronic mail and U.S. Mail to the following this 2nd day of May, 2005:

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s/ Vicki Gordon Kaufman
Vicki Gordon Kaufman