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**Matilda Sanders**

**From:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM]  
**Sent:** Tuesday, December 06, 2005 2:56 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** 050863-TP dPi Teleconnect v. BellSouth Telecommunications (BellSouth's Response to dPi's Complaint)  
**Attachments:** 050863-T.pdf

- A. Vicki Fatool  
 Legal Secretary to Nancy B. White and Manuel A. Gurdian  
 BellSouth Telecommunications, Inc.  
 150 South Monroe Street  
 Suite 400  
 Tallahassee, Florida 32301  
 (305) 347-5560  
[vicki.fatool@bellsouth.com](mailto:vicki.fatool@bellsouth.com)
- B. Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.  
 on behalf of Manuel A. Gurdian
- D. 5 pages total (includes Bayo Letter, certificate of service and pleading)
- E. BellSouth Telecommunications, Inc.'s Response to dPi's Complaint

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 <<050863-T.pdf>>

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12/6/2005

DOCUMENT NUMBER-DATE

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Legal Department

**MANUEL A. GURDIAN**

Attorney  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
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(305) 347-5561

December 6, 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

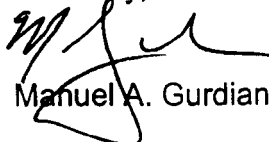
Re: Docket No. 050863-TP: dPi Teleconnect, L.L.C. v. BellSouth  
Telecommunications, Inc.

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Response to dPi Teleconnect L.L.C.'s Complaint, which we ask that you file in the captioned docket.

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

Sincerely,



Manuel A. Gurdian

Enclosures

cc: All Parties of Record  
Jerry Hendrix  
R. Douglas Lackey  
Nancy B. White

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**CERTIFICATE OF SERVICE  
DOCKET NO. 050683-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

(\*) Federal Express, First Class U. S. Mail and Electronic Mail Mail this 6th day of

December, 2005 to the following:

Beth Keating  
Staff Counsel  
Florida Public Service  
Commission  
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Counsel for dPi

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Mandel A. Gurdian

**ORIGINAL**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: dPi Teleconnect, L.L.C. v. )  
BellSouth Telecommunications, Inc. )  
\_\_\_\_\_ )

Docket No. 050863-TP

Filed: December 6, 2005

**BELLSOUTH'S RESPONSE TO DPI'S COMPLAINT**

BellSouth Telecommunications, Inc. ("BellSouth"), responds to the complaint filed by dPi Teleconnect, L.L.C. ("dPi"), and states as follows:

1. Paragraph 1 of dPi's complaint is an introduction and, accordingly, no response is required.

2. BellSouth admits the allegation in paragraph 2 on information and belief.

3. BellSouth admits the allegations in paragraph 3 of dPi's complaint.

4. BellSouth admits that it and dPi are parties to an interconnection agreement and that dPi resells BellSouth's telecommunications services. BellSouth denies that dPi is entitled to additional credits from BellSouth as a result of dPi reselling BellSouth services subject to promotional discounts. BellSouth has issued credits to dPi where dPi's end-user customers meet the qualifications for the promotion. dPi is wrongfully claiming, however, that it is entitled to such credits for all end-user customers, including those who do not qualify for the promotion.

5. Paragraph 5 of the complaint served on BellSouth seems to be missing in substantial part, including a number denominating a paragraph 5. BellSouth is, therefore, unable to respond to any allegations in paragraph 5 of the complaint. BellSouth reserves its right to do so if it receives a version of the complaint that includes a paragraph numbered 5.

6. BellSouth admits that it sells retail services under various promotions offered for greater than 90 days.

DOCUMENT NUMBER-DATE

11468 DEC-6 05

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7. BellSouth denies the allegations in paragraph 7 of dPi's complaint. dPi is not entitled to resell services offered under promotions at the *promotional* rate less the wholesale discount unless the end-user customer qualifies for the promotion. dPi is wrongfully claiming that it is entitled to such promotions for all customers.

8. BellSouth admits that the process for dPi and other resellers to receive any promotional discounts to which they may be entitled involves the submission of promotion credit requests, and that BellSouth has issued such credits to dPi. BellSouth specifically denies that dPi is entitled to such credits for end-user customers who do not qualify for a given promotion. Except as specifically admitted, BellSouth denies the allegations in paragraph 8.

9. BellSouth admits that dPi claims that it is entitled to hundreds of thousands of dollars in promotional credits. Except as specifically admitted, BellSouth denies the allegations in paragraph 9.

10. BellSouth admits that dPi requested credits from BellSouth totaling approximately \$479,000. BellSouth denies that dPi is entitled to such credits.

11. BellSouth admits that it may have mistakenly issued credits in limited circumstances to reseller customers in the past. BellSouth has instituted safeguards to ensure that it does not issue promotional credits in instances where they are not properly due, such as in this case with dPi. BellSouth treats all of its reseller customers at parity. BellSouth denies that it "now refuses to communicate with dPi on this issue." BellSouth has communicated with dPi on this issue, and will continue to do so as appropriate. Except as specifically admitted, the allegations in paragraph 11 are denied.

12. BellSouth denies that Exhibit A to dPi's complaint shows amounts that BellSouth owes to dPi. dPi is not entitled to promotional discounts above and beyond the wholesale discount unless its end-user customer meets the qualifications for the promotion. BellSouth has issued credits to dPi for such customers. It owes dPi no additional credits.

13. BellSouth denies the allegations in paragraph 13.

BellSouth denies each and every allegation in the complaint not expressly admitted herein, and demands strict proof thereof.

WHEREFORE, BellSouth respectfully requests the Commission to enter an Order in BellSouth's favor, deny dPi the relief sought, and grant BellSouth such other relief as the Commission deems just and proper.

Respectfully submitted this 6th day of December, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.



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