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From: Woods, Vickie [vf1979@att.com]
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Subject: 050863-TP AT&T Florida's Prehearing Statement
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- 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. 7 pages total (.pdf.) (includes letter, certificate of service and pleading)
 5 pages total (.word doc.)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Prehearing Statement

.pdf .word

<<050863-T.pdf>> <<LEGAL-#689551-v1-050863-TP_AT&T's_Prehearing_Statement.DOC>>

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September 4, 2007


Ms. Ann Cole
Commission Clerk
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. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's
Prehearing Statement, 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

cc: All parties of record
Jerry Hendrix
E. Earl Edenfield, Jr.
James Meza III

**CERTIFICATE OF SERVICE
DOCKET NO. 050863-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 4th day of September, 2007 to the
following:

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Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: dPi Teleconnect, L.L.C. v.) Docket No. 050863-TP
BellSouth Telecommunications, Inc.)
_____) Filed: September 4, 2007

AT&T FLORIDA'S PREHEARING STATEMENT

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida"), hereby submits, in compliance with the *Order Establishing Procedure* (Order No. PSC-07-0322-PCO-TP) issued April 13, 2007, and the *Order Modifying Procedure* (Order No. PSC-07-0571-PCO-TP), issued July 9, 2007, its Prehearing Statement.

A. Witnesses

BellSouth proposes to call the following witness to offer direct and rebuttal testimony on the issues in this proceeding:

<u>Witness</u>	<u>Issues</u>
Pam Tipton (Direct and Rebuttal)	1 and 2

AT&T Florida's witness presents both facts and policy considerations that support AT&T Florida's positions on these issues. AT&T Florida reserves the right to call additional witnesses, including witnesses to address or respond to inquiries from the Florida Public Service Commission ("Commission"), to address issues not presently designated that may be designated by the Prehearing Officer at the Prehearing Conference to be held on September 18, 2007, and to issues raised in any testimony by witnesses for dPi Teleconnect, L.L.C. ("dPi") that has not yet been filed.

B. Exhibits

*Pam Tipton PAT-1 Exhibit A to Part 1 of the Interconnection Agreement between AT&T Florida and dPi

- PAT-2 AT&T Florida Tariff (GSST, Section A.2.10(A)) which describes the promotions at issue in this proceeding
- PAT-3 Examples of Accounts for which dPi submitted Promotional credit requests (PROPRIETARY)
- PAT-4 Order of the North Carolina Utilities Commission
- PAT-5 AT&T Florida Tariff (G.S.S.T., Section A.13.19.4), which relates to rates and charges for TouchStar services.

*AT&T Florida’s Responses to all Interrogatories and Requests for Production issued by Staff or dPi.

*dPi’s Responses to all Interrogatories and Requests for Production issued by AT&T Florida or dPi.

*Staff’s Responses to any discovery issued by AT&T Florida or dPi.

*All transcripts of any depositions that may take place prior to the discovery cut-off date.

AT&T Florida reserves the right to file exhibits to any testimony that may be filed under the circumstances identified in Section “A” above. AT&T Florida also reserves the right to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and the Rules of the Commission.

C. AT&T Florida’s Statement of General Position

Both issues in this proceeding turn on the question of whether dPi (or, more accurately, dPi’s end users) qualify for credit under three promotions. AT&T Florida makes its retail promotions available to carriers (such as dPi) that resell AT&T Florida’s service, and to the end users of these carriers. However, dPi and its end users must qualify under a standard that is expressly set forth in the Interconnection Agreement between dPi and AT&T Florida. Specifically, “where available for resale, promotions

will be made available only to end users who would have qualified for the promotion had it been provided by BellSouth directly.” (Interconnection Agreement, Exhibit 1 to Attachment). As to each of the promotions at issue, dPi has failed to meet this standard.

D. AT&T Florida’s Position on the Issues

Issue 1(a): Is dPi entitled to credits for the AT&T Florida line connection charge waiver promotion when dPi orders free blocks on resale lines?

Position: No. An end user/customer qualifies for the Line Connection Charge Waiver (“LCCW”) when the end user/customer purchases basic service and two (2) custom calling (or Touchstar service) local features. Free call blocking added by dPi to its end users lines does not qualify for at least three reasons: One, call blocking is not a feature. Instead, call blocking is a service that AT&T makes available to its customers free of charge, which can be used by the customer to block the availability of features (such as call return) on a per call basis. Two, the LCCW promotion requires the customer to purchase local service and two custom calling or touchstar features. Since call blocks are available free of charge, they cannot be purchased. Therefore, a customer (either an AT&T retailer or dPi end user) cannot qualify for this promotion by selecting call blocks. Three, under the Interconnection Agreement between the parties, AT&T’s obligation is to make promotions that are available to AT&T retail customers equally available to dPi end users. In this instance, however, dPi end users are not attempting to order anything, either a feature or a block. Instead, dPi has placed call blocks on its end users’ lines, and in most if not all cases, has done so without a request from the end user, and without the end user’s consent or knowledge.

Issue 1(b): If so, in what amount?

Position: For the reasons set forth above, dPi is not entitled to any credit.

Issue 2(a): Is dPi entitled to any other promotional resell credits from AT&T Florida?

Position: No. There are two other promotions at issue in this proceeding. One, Secondary Service Charge Waiver (“SSCW”), which applies only to existing customers. In almost every instance in which dPi failed to qualify, it submitted credit requests for customers that were not existing customers. Two, dPi’s request for credit under the two Features for Free Promotion did not qualify for two reasons: 1) Some requests extended beyond the terms of the promotion; 2) dPi also submitted credit requests for existing dPi customers, even though the promotion only applies to new customers.

Issue 2(b): If so, in what amount?

Position: For the reasons set forth above, dPi is not entitled to any credit.

E. Stipulations

The parties have entered into no stipulations at this time.

F. Pending Motions

AT&T Florida has filed a Motion to Strike that is currently pending.

G. AT&T Florida’s Notice of Intent to Use Confidential Information at Hearing

AT&T Florida was requested to provide and has provided confidential information to Commission Staff in response to discovery requests by Staff and dPi, and may provide additional confidential information in response to future discovery. AT&T Florida has requested or intends to request confidentiality for the following:

1. AT&T Florida’s Response to dPi’s Request for Information Nos. 1-3, 1-16, 1-17 and 1-22;
2. Direct Testimony of Pam Tipton – Exhibit PAT-3; and

3. AT&T Florida's Response to Staff's First Request for Production of Document Request Nos. 3 and 6.

AT&T Florida reserves the right to use any such information at hearing, subject to appropriate measures to protect its confidentiality.

H. Other Requirements

AT&T Florida knows of no requirements set forth in any Prehearing Order with which it cannot comply.

Respectfully submitted this 4th day of September 2007.

AT&T FLORIDA



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