

Ruth Nettles

From: Woods, Vickie [vf1979@att.com]
Sent: Monday, May 05, 2008 3:58 PM
To: Filings@psc.state.fl.us
Subject: 000475-TP AT&T Florida's Prehearing Statement
Attachments: 000475-T.pdf; LEGAL-#710220-v1-000475-TP_AT&T's_Prehearing_Statement.DOC

- A. Vickie Woods
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and Manuel A. Gurdian
AT&T Florida
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- B. Docket No.: 000475-TP – Complaint Against Thrifty Call, Inc. Regarding Practices in Reporting PIU for Compensation For Jurisdictional Access Services
- C. AT&T Florida
on behalf of Manuel A. Gurdian
- D. 8 pages total (.pdf) (including letter, certificate of service and pleading)
6 pages total (.word) (includes pleading)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Prehearing Statement

.pdf .word

<<000475-T.pdf>> <<LEGAL-#710220-v1-000475-TP_AT&T's_Prehearing_Statement.DOC>>

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5/6/2008

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May 5, 2008

Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
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Tallahassee, FL 32399-0850

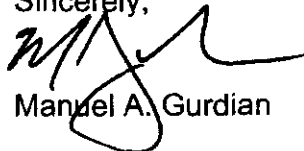
Re: **FL Docket 000475-TP - Complaint Against Thrifty Call, Inc.
Regarding Practices in Reporting PIU for Compensation
For Jurisdictional Access Services**

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 D. Hendrix
Gregory R. Follensbee
E. Earl Edenfield, Jr.
Lisa S. Foshee

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CERTIFICATE OF SERVICE
Docket No. 000475-TP

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

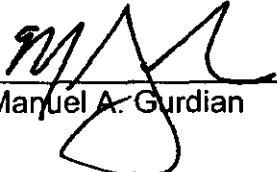
Electronic Mail and First Class U.S. Mail this 5th day of May, 2008 to the following:

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Manuel A. Gurdian

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:)
) Docket No. 000475-TP
Complaint by BellSouth Telecommunications, Inc.)
against Thrifty Call, Inc. regarding practices)
in the reporting of percent interstate usage for)
compensation for jurisdictional access services)
) Filed: May 5, 2008

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-01-1749-PCO-TP) issued August 28, 2001 and the *Order Modifying Procedure* (Order No. PSC-07-1027-PCO-TP) issued December 28, 2007, its Prehearing Statement.

A. Witnesses

AT&T Florida proposes to call the following witness to offer direct and rebuttal testimony on the issues in this proceeding:

<u>Witness</u>	<u>Issues</u>
Marc Potteiger (Direct and Rebuttal)	1, 2, 3 and 4

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 May 19, 2008, and to issues raised in any testimony by witnesses for Thrifty Call, Inc. ("Thrifty Call") that has not yet been filed.

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B. Exhibits

*Marc Potteiger	MP-1	Calculation of Amount Owed by Thrifty Call to AT&T Florida
	MP-2	Relevant Portions of AT&T Florida's Access Services Tariff
	MP-3	Commission Staff's Audit Report
	MP-4	Switched Access-Terminating MOU Chart
	MP-5	North Carolina Utilities Commission Recommended Order Ruling on Complaint
	MP-6	FCC Declaratory Ruling
	MP-7	North Carolina Utilities Commission Order Denying Motion and Setting Hearing

*AT&T Florida's Responses to all Interrogatories and Requests for Production issued by Staff or Thrifty Call.

*Thrifty Call's Responses to all Interrogatories and Requests for Production issued by AT&T Florida or Staff.

*Staff's Responses to any discovery issued by AT&T Florida, Staff or Thrifty Call.

*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

In this matter, the Commission should find that Thrifty Call misrepresented its Terminating Percent Interstate Usage ("TPIU") factor to AT&T Florida in violation of AT&T Florida's Access Services Tariff. For the time period relevant to the complaint,

Thrifty Call reported that 98% of its terminating traffic was interstate when, in fact 80.49% of its traffic was intrastate, while only 19.51% of the traffic was interstate in nature. The misreported TPIU was a clear violation of AT&T Florida's tariff and caused AT&T Florida financial harm by allowing Thrifty Call to avoid payment of the proper, tariffed terminating switched access rates, totaling \$2,383,220 over the twenty-six month period of misreporting. Additionally, in accordance with AT&T Florida's Intrastate Access Tariff, as of December 31, 2007, Thrifty Call owes AT&T Florida late payment penalties of \$11,426,632.

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

Issue 1: What are the terms and conditions of the tariff associated with correcting and backbilling misreported PIU?

Position: There is no time limitation contained in the tariff as to how far back AT&T Florida may go to collect from Thrifty Call unbilled revenues represented by the misreported TPIU factors. AT&T Florida is required to bill and collect the charges contained in its tariff from Thrifty Call for the misreported PIU. The language of the tariff does not preclude the Commission from awarding AT&T Florida backbilled intrastate access charge payments and AT&T Florida is seeking a Commission order that would require Thrifty Call to compensate AT&T Florida for unbilled revenues represented by the misreported TPIU factors.

Issue 2: Has AT&T complied with its tariff provisions?

Position: Yes.

Issue 3: Has Thrifty Call misreported its PIU to AT&T?

Position: Yes. The Commission Staff conducted an audit of Thrifty Call. The audit studied traffic routed over AT&T Florida's network by Thrifty Call, to ascertain whether or not the classification of the traffic for billing purposes was consistent with the specific type of traffic actually transmitted. The Commission's audit team found that the actual traffic routed over AT&T Florida's interconnection facilities was different than what was indicated by Thrifty Call for billing purposes. Although Thrifty Call reported that during the period of July, 1999 through December, 1999, 98% of the traffic it sent over AT&T Florida's interconnection facilities was interstate traffic, the staff audit indicates that during that period 80.49% of the traffic was actually intrastate and only 19.51% of the traffic was actually interstate in nature.

Issue 4: If Thrifty Call has misreported its PIU to AT&T, what amount, if any, does Thrifty Call owe AT&T and when should this amount be paid?

Position: The misreported TPIU factors caused AT&T Florida financial harm by allowing Thrifty Call to avoid payment of the proper, tariffed terminating switched access rates, totaling over \$2,383,220 over the twenty-six month period of misreporting. Additionally, in accordance with AT&T Florida's Intrastate Access Tariff, as of December 31, 2007, Thrifty Call owes AT&T Florida late payment penalties of \$11,426,632.

E. Stipulations

The parties have entered into no stipulations at this time.

F. Pending Motions

AT&T Florida intends to file a Motion to Compel Thrifty Call's responses to certain discovery.

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 Thrifty Call, 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 Thrifty Call's Second Request for Production No. 14.


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

H. Other Requirements

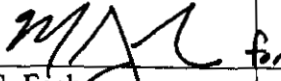
AT&T Florida knows of no requirements set forth in any Prehearing Order with which it cannot comply.

Respectfully submitted this 5th day of May, 2008.

AT&T FLORIDA



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