

**Marguerite McLean**

---

**From:** Woods, Vickie [vf1979@att.com]  
**Sent:** Monday, June 29, 2009 11:48 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** 090258-TP AT&T Florida's Proposed Issues  
**Attachments:** Document.pdf

- A. Vickie Woods  
Legal Secretary to E. Earl Edenfield, Jr., Tracy W. Hatch,  
and Manuel A. Gurdian,  
BellSouth Telecommunications, Inc. d/b/a AT&T Florida  
150 South Monroe Street, Rm. 400  
Tallahassee, FL 32301-1558  
(305) 347-5560  
[vf1979@att.com](mailto:vf1979@att.com)
- B. Docket No.: 090258-TP  
Complaint of dPi Teleconnect, L.L.C. against BellSouth Telecommunications,  
Inc. d/b/a AT&T Florida for dispute arising under Interconnection Agreement
- C. AT&T Florida  
on behalf of Manuel A. Gurdian
- D. 4 pages total in PDF format (includes letter, certificate and pleading)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's *Proposed* Issues  
.pdf

<<Document.pdf>>

\*\*\*\*\*

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers. GA623

6/29/2009

DOCUMENT NUMBER-DATE

06481 JUN 29 8

FPSC-COMMISSION CLERK



Manuel A. Gurdian  
General Attorney

AT&T Florida  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301

T: (305) 347-5561  
F: (305) 577-4491  
manuel.gurdian@att.com

June 29, 2009

Ms. Ann Cole, Commission Clerk  
Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 090258-TP: Complaint of dPi Teleconnect, L.L.C. against  
BellSouth Telecommunications, Inc. d/b/a AT&T Florida for dispute  
arising under interconnection agreement**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's  
Proposed Issues, 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  
Gregory R. Follensbee  
E. Earl Edenfield, Jr.

**CERTIFICATE OF SERVICE**  
**Docket No. 090258-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 29th day of June, 2009 to the following:

Theresa Tan  
Jamie Morrow  
Staff Counsels  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[ltan@psc.state.fl.us](mailto:ltan@psc.state.fl.us)  
[jmorrow@psc.state.fl.us](mailto:jmorrow@psc.state.fl.us)

Christopher Malish  
Malish & Cowan, PLLC  
1403 West Sixth Street  
Austin, Texas 78703  
Tel. No. (512) 476-8591  
[cmalish@malishcowan.com](mailto:cmalish@malishcowan.com)

Norman H. Horton, Jr.  
Messer, Capareello & Self, P.A.  
2618 Centennial Place  
Tallahassee, FL 32308  
Tel. No. (850) 222-0720  
[nhorton@lawfla.com](mailto:nhorton@lawfla.com)



---

Manuel A. Gurdian

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re : Complaint of dPi Teleconnect, L.L.C. )  
against BellSouth Telecommunications, Inc. )  
d/b/a AT&T Florida for dispute arising under )  
interconnection agreement )

Docket No. 090258-TP

Filed: June 29, 2009

**AT&T FLORIDA'S PROPOSED ISSUES**

Pursuant to the Notice of Issue Identification Meeting issued on June 24, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") files the following proposed issues list.

1. As a threshold matter, are dPi's claims time-barred for any reason, including without limitation the applicable statute of limitations, the terms of the parties' interconnection agreement, or application of equitable doctrines such as laches, estoppel, or waiver?
2. When AT&T Florida makes the telecommunications services that are subject to a promotion available to CLECs like dPi for resale, is AT&T Florida generally required to also provide the CLEC any portion of the cashback component of the promotion?
3. If so, was AT&T Florida's decision not to provide any portion of the cashback component of the three promotions at issue<sup>1</sup> to dPi a reasonable and nondiscriminatory condition or limitation on the resale of the telecommunications services to which the promotions applied?
4. Is dPi entitled to credits for the three promotions at issue from AT&T Florida?
5. If so, in what amount?

---

<sup>1</sup> dPi references the following promotions in its complaint: "Cash Back \$100 Two Features (C2TF)", "Cash Back \$100 Discount Complete Choice \$100", and "Cash Back \$50 2 Pack Plan (PAMA)-CBP6."

DOCUMENT NUMBER-DATE

06481 JUN 29 8

FPSC-COMMISSION CLERK

Respectfully submitted this 29th day of June, 2009.

AT&T FLORIDA



---

E. EARL BOENFIELD JR.

TRACY W. HATCH

MANUEL A. GURDIAN

c/o Gregory R. Follensbee

150 South Monroe Street, Ste. 400

Tallahassee, FL 32301

(305) 347-5558

738266