

Ruth Nettles

080631-TP

From: Mark Buechele [markbuechele@msn.com]
Sent: Thursday, August 13, 2009 7:39 PM
To: Filings@psc.state.fl.us
Cc: Charles Murphy; emaldonado@dslr.net; 'Greer, Stan L'; 'Greene, Reginald A'; 'HATCH, TRACY W (Legal)'; 'Edenfield, Kip'; 'Gurdian, Manuel'
Subject: RE: 080631-TP Petitioner DSL Internet Corporation's Proposed Issues
Attachments: DSLI_Proposed_Issues_Docket_080631-TP.pdf

- A. Mark E. Buechele, Esq.
P.O. Box 398555
Miami Beach, Florida 33239-8555
(305) 531-5286
MarkBuechele@msn.com
- B. Re: Docket No. 080631-TP: Petition for Commission to intervene, investigate and mediate dispute between DSL Internet Corporation d/b/a DSLi and BellSouth Telecommunications, Inc.
- C. DSL Internet Corporation
- D. 4 pages total (includes letter, certificate of service and pleading)
- E. Petitioner DSLI's Proposed Issues List

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August 13, 2009

MS. ANN COLE
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: **Docket No. 080631-TP: Petition for Commission to intervene, investigate and mediate dispute between DSL Internet Corporation d/b/a DSLi and BellSouth Telecommunications, Inc.**

Dear Ms. Cole:

Please find enclosed the Petitioner DSL Internet Corporation's Proposed Issues, which I ask that you file in the above referenced docket.

If you have any questions or comments, please feel free to contact me at your convenience.

Sincerely,



Mark E. Buechele, Esq.

Cc: All parties of record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Commission to intervene,)
investigate and mediate dispute between) Docket No. 080631-TP
DSL Internet Corporation d/b/a DSLI and)
BellSouth Telecommunications, Inc.) Filed: August 13, 2009
_____)

PETITIONER DSLI'S PROPOSED ISSUES

PETITIONER DSL INTERNET CORPORATION ("DSL I"), by and through its undersigned counsel and pursuant to the Notice of Issue Identification Meeting issued on July 31, 2009, hereby files and serves its proposed issues list:

Issue 1: Is any part of the \$188,820.59 AT&T back-billed "true-ups" alleged in the petition ("hereafter referred to as "Back-Billing") governed by the parties' prior Interconnection Agreement (dated 11-05-03) ("Prior IA")? If so, what portion of the Back-Billing dispute and what provisions of the Prior IA apply to the dispute?

Issue 2: Is any part of the \$188,820.59 Back-Billing dispute governed by the parties' current Interconnection Agreement (dated 2-12-07) ("Current IA")? If so, what portion of the Back-Billing dispute and what provisions of the Current IA apply to the dispute?

Issue 3: Is any part of the \$188,820.59 Back-Billing dispute governed by the parties' prior Market-Based Rate Agreement (dated 7/12/05) ("Prior MBRA")? If so, what portion of the Back-Billing dispute and what provisions of the Prior MBRA apply to the dispute?

Issue 4: Is any part of the \$188,820.59 Back-Billing dispute governed by the parties' current Market-Based Rate Agreement (dated 8/30/06) ("Current MBRA")? If so, what portion of the Back-Billing dispute and what provisions of the Current MBRA apply to the dispute?

Issue 5: Is any part of the \$188,820.59 Back-Billing dispute governed by any other agreement between the parties' (i.e. other than the Prior IA, Current IA, Prior MBRA and/or Current MBRA), or is any part of the dispute governed by any tariff? If so, what portion of the Back-Billing dispute is governed by such other agreement and/or tariff, and what provisions of that agreement and/or tariff applies to the dispute?

Issue 6: Does the Florida Public Service Commission ("FPSC") lack jurisdiction over any part of the \$188,820.59 Back-Billing dispute, and if so, what portion(s) of the dispute does the FPSC lack jurisdiction over?

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- Issue 7: Considering the applicable agreement(s) and/or tariff, did AT&T apply the proper rates for sums billed in the Back-Billing?
- Issue 8: Considering the applicable agreement(s) and/or tariff, was the Back-Billing correctly calculated or are there any errors in the Back-Billing?
- Issue 9: Was any portion of the Back-Billing untimely under either the applicable agreement(s) and/or applicable law? If so, which portion of the Back-Billing was untimely?
- Issue 10: Does any provision of any agreement which applies to all and/or any part of the Back-Billing dispute, bar, prohibit or prevent any portion of the Back-Billing? If so, what portion of the Back-Billing is prohibited, barred and/or prevented by the applicable agreement(s)?
- Issue 11: Does any statute of limitations or laches (state or federal) bar any portion of the Back-Billing? If so, what portion of the Back-Billing is barred from recovery?
- Issue 12: Is any part of the Back-Billing an unjust or unreasonable charge or practice under federal law? If so, what portion of the Back-Billing is barred from recovery as unjust or unreasonable charge or practice?
- Issue 13: Does DSLI owe AT&T any part of the Back-Billing? If so, how much (if any) does DSLI owe AT&T?

WHEREFORE, Petitioner **DSL INTERNET CORPORATION**, hereby files and serves this Petitioner DSLI's Proposed Issues.

Respectfully Submitted,

MARK E. BUECHELE, ESQ.
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Facsimile: (305) 531-5287

By: 
MARK E. BUECHELE
Florida Bar No. 906700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and U.S. Mail this 13th day of August, 2009 to the following:

Florida Public Service Commission
Charles Murphy, Staff Counsel
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
cmurphy@PSC.STATE.FL.US

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