

Ruth Nettles

090135-TP

From: Lynette Tenace [ltenace@kagmlaw.com]
Sent: Monday, August 24, 2009 4:17 PM
To: Filings@psc.state.fl.us
Cc: Charles Murphy; Tracy Hatch; ke2722@att.com; gene.watkins@cbeyond.net
Subject: Docket No. 090135-TP
Attachments: Cbeyond Preliminary Issue List 08.24.09.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and email for the person responsible for the filing is:

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b. This filing is made in Docket No. 090135-TP, In re Complaint of Cbeyond Communications, LLC Against AT&T Florida For Anticompetitive Behavior And Violation of Interconnection Agreement.

c. The document is filed on behalf of Cbeyond Communications, LLC.

d. The total pages in the document is 3 pages.

e. The attached document is Cbeyond's Preliminary Issue List.

Lynette Tenace

NOTE: New E-Mail Address

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DOCUMENT NUMBER-DATE

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8/24/2009

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Cbeyond
Communications, LLC
Against AT&T Florida
For Anticompetitive Behavior
And Violation of Interconnection
Agreement

DOCKET No. 090135-TP

FILED: August 24, 2009

CBEYOND'S PRELIMINARY ISSUE LIST

Cbeyond Communications, LLC, (Cbeyond) pursuant to the Commission Notice entered in this docket on August 5, 2009, provides its Preliminary Issue list.

PRELIMINARY ISSUES

1. Has AT&T engaged in anticompetitive behavior by continuing to bill customers who have transferred their service to Cbeyond?
2. Has AT&T promptly updated switch translations which enable customers to receive in bound calls from a new carrier? If not, has AT&T engaged in anticompetitive behavior by failing to do so?
3. Has AT&T adequately staffed its service centers so as to enable it to timely process customer change requests?
4. Does AT&T's behavior in regard to the manner in which it ports the telephone numbers of customers leaving AT&T violate rule 25-4.082(1), Florida Administrative Code, which requires AT&T to facilitate the porting of telephone numbers?
5. Does AT&T's behavior in continuing to bill customers who have left it violate section 364.10(1), Florida Statutes, which prohibits AT&T from giving itself an undue preference?
6. If AT&T has failed to timely update its switch translations, does such failure violate section 364.10(1), Florida Statutes, which prohibits AT&T from giving itself an undue preference?
7. Does AT&T's behavior in continuing to bill customers who have left it violate the interconnection agreement between AT&T and Cbeyond?
8. If AT&T has failed to timely update its switch translations, does such failure violate the interconnection agreement between AT&T and Cbeyond?

9. Does AT&T's behavior in continuing to bill customers who have left it for a competing carrier violate section 364.602(2), Florida Statutes, and rule 25-4.110(10), Florida Administrative Code, which prohibit cramming?

10. What action should the Commission take if it finds that AT&T has engaged in the behavior alleged in Cbeyond's Complaint?

11. Were the problems Cbeyond's customers encountered also encountered by other Florida consumers?

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- a. If so, did AT&T timely credit those customers;
 - b. What did AT&T require for a refund to be processed?

12. What action should the Commission take if it finds that the behavior alleged in Cbeyond's complaint was encountered by other Florida consumers?

s/ Vicki Gordon Kaufman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Complaint of Cbeyond's Preliminary Issue List was served via Electronic Mail and U.S. Mail this 24th day of August, 2009 to the following:

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