

Ruth Nettles

090258-TP

From: WOODS, VICKIE (Legal) [vf1979@att.com]
Sent: Thursday, December 17, 2009 3:53 PM
To: Filings@psc.state.fl.us
Subject: 090258-TP AT&T's Notice of Supplemental Authority in Support of its Motion to Compel
Importance: High
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
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B. Docket No.: 090258-TP
Complaint of dPi Teleconnect, L.L.C. with BellSouth Telecommunications,
Ind. d/b/a AT&T Florida regarding BellSouth's failure to extend Cash
Back promotions to dPi

C. AT&T Florida
on behalf of Manuel A. Gurdian

D. 5 pages total in PDF format (includes letter, certificate, pleading and Exhibit A)

E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Notice of Supplemental Authority in Support of its Motion to
Compel

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December 17, 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 Notice of Filing Supplemental Authority in Support of its Motion to Compel, 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 17th day of December, 2009 to the following:

Theresa Tan
Jamie Morrow
Staff Counsels
Florida Public Service
Commission
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Manuel A. Gurdian

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of dPi Teleconnect, L.L.C.) Docket No. 090258-TP
against BellSouth Telecommunications, Inc.)
d/b/a AT&T Florida for dispute arising under)
interconnection agreement) Filed: December 17, 2009


**AT&T FLORIDA'S NOTICE OF FILING SUPPLEMENTAL AUTHORITY IN
SUPPORT OF ITS MOTION TO COMPEL**

BellSouth Telecommunications, Inc. d/b/a AT&T Florida hereby files the
attached supplemental authority in support of its Motion to Compel.

1. North Carolina Utilities Commission's *Order Requiring Answers to
Interrogatories*, dated December 15, 2009, attached hereto as Exhibit "A."

Respectfully submitted this 17th day of December, 2009.

AT&T FLORIDA



E. EARL EDENFIELD JR.
TRACY W. HATCH
MANUEL A. GURDIAN
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763854

DOCUMENT NUMBER / DATE

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FPSC-COMMISSION CLERK

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-55, SUB 1744

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
dPi Teleconnect, L.L.C.)	
Complainant)	
v.)	ORDER REQUIRING ANSWERS
)	TO INTERROGATORIES
BellSouth Telecommunications, Inc.,)	
d/b/a AT&T North Carolina)	
Respondent)	

BY THE PRESIDING COMMISSIONER: On December 7, 2009, BellSouth Telecommunications, Inc., d/b/a AT&T North (AT&T) filed a Reply to dPi Teleconnect, Inc.'s (dPi's) November 12, 2009, Response to AT&T's Motion to Compel dated November 6, 2009.

AT&T stated that during the evidentiary hearing on November 12, 2009, the Commission had overruled dPi's relevance objections and allowed AT&T to cross-examine dPi's witness regarding much of the information that is the subject of AT&T's Motion. The Commission also admitted AT&T's cross-examination Exhibit 2 (the page from dPi's website containing pricing information). As a result of the above, much of AT&T's Motion became moot.

Accordingly, AT&T has voluntarily narrowed its Motion, in North Carolina only, by withdrawing the pending requests with the exception of Interrogatories No. 6 and 12 as follows:

6. With regard to Attachment A and to pages 30-31 of the August 25, 2009 deposition of Thomas O'Roark, please explain what the \$1.69 USOC Order Charge is and how dPi determined the amount of that charge.
12. Please provide the answer to the following question on page 141 of the August 25, 2009 deposition of Thomas O'Roark: "Do you have a policy that tells your service representatives how far back to go in resolving customer billing issues?"

Exhibit "A"

WHEREUPON, the Presiding Commissioner, after careful consideration of the filings in this docket, concludes that good cause exists to require dPi to answer AT&T's Interrogatories No. 6 and 12 above by no later than Monday, January 4, 2010.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of December, 2009.

NORTH CAROLINA UTILITIES COMMISSION

Gail L. Mount

Gail L. Mount, Deputy Clerk

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