

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Commission to intervene,  
investigate and mediate dispute between DSL  
Internet Corporation d/b/a DSLi and BellSouth  
Telecommunications, Inc.

DOCKET NO. 080631-TP

DATED: JANUARY 8, 2010

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COMMISSION  
CLERK

COMMISSION STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-09-0585-PCO-TP, issued August 31, 2009, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

None.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

**ISSUE 1: WHAT DOCUMENT(S) AND/OR APPLICABLE LAW GOVERNS THE PARTIES' RELATIONSHIP AS IT RELATES TO AT&T'S "TRUE-UP" BILLING FOR \$188,820.59 PLUS LATE PAYMENT CHARGES AS APPLICABLE?**

Position: Staff has no position at this time.

**ISSUE 2: WAS THE "TRUE-UP" AMOUNT AT&T SEEKS TO COLLECT FROM DSLI (\$188,820.59 PLUS LATE PAYMENT CHARGES AS APPLICABLE) CALCULATED IN ACCORDANCE WITH THE DOCUMENT(S) AND/OR APPLICABLE LAW IDENTIFIED IN ISSUE 1?**

Position: Staff has no position at this time.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**ISSUE 3: WAS THE "TRUE-UP" AMOUNT AT&T FLORIDA SEEKS TO COLLECT FROM DSLI (\$188,820.59 PLUS LATE PAYMENT CHARGES AS APPLICABLE) BILLED IN ACCORDANCE WITH THE DOCUMENT(S) AND/OR APPLICABLE LAW IDENTIFIED IN ISSUE 1?**

Position: Staff has no position at this time.

**ISSUE 4: (A) BASED ON THE DOCUMENT(S) AND/OR APPLICABLE LAW IDENTIFIED IN ISSUE 1, AND ANY AFFIRMATIVE DEFENSES, WHAT AMOUNT, IF ANY, DOES DSLI OWE FOR AT&T'S "TRUE-UP" BILLING OF \$188,820.59 PLUS LATE PAYMENT CHARGES AS APPLICABLE?**

**(B) WHEN SHOULD ANY SUCH OWED AMOUNT BE DUE?**

Position: Staff has no position at this time.

e. Pending Motions

Staff has no pending motions.

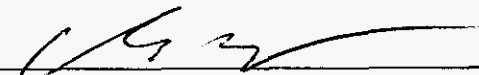
f. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests.

g. Compliance with Order No. PSC-09-0585-PCO-TP

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 8<sup>th</sup> day of January, 2010.

  
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CHARLES W. MURPHY  
Staff Counsel

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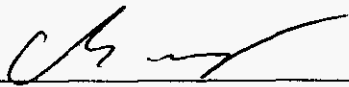
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of COMMISSION STAFF'S PREHEARING STATEMENT has been filed with Office of Commission Clerk and one copy has been furnished to the following by electronic and U. S. mail this 8<sup>th</sup> day of January, 2010:

AT&T Florida  
Mr. Gregory Follensbee  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301-1561

DSL Internet Corporation d/b/a DSLi  
Eduardo E. Maldonado, MBA  
815 N.W. 57<sup>th</sup> Avenue, Suite 300  
Miami, Florida 33126-2042

Mark E. Buechele Law Firm  
P. O. Box 398555  
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\_\_\_\_\_  
CHARLES W. MURPHY  
Staff Counsel

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