

Diamond Williams

From: Kim Hancock [khancock@kagmlaw.com]
Sent: Tuesday, October 25, 2011 4:15 PM
To: Filings@psc.state.fl.us
Cc: Lee Eng Tan; manuel.gurdian@att.com; Vicki Gordon Kaufman
Subject: Docket No. 110087-TP
Attachments: Express Phone Preliminary Issue List 10.25.11.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:

Vicki Gordon Kaufman
Keefe Anchors Gordon & Moyle
118 North Gadsden Street
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b. This filing is made in Docket No. 110087-TP.

c. The document is filed on behalf of EXPRESS PHONE SERVICE, INC.

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

e. The attached document is EXPRESS PHONE SERVICE, INC.'S PRELIMINARY ISSUE LIST.

Kim Hancock
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DOCUMENT NUMBER-DATE

07865 OCT 25 =

FPSC-COMMISSION CLERK

10/26/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Notice of adoption of existing interconnection,
unbundling, resale, and collocation agreement
between BellSouth Telecommunications, Inc.
d/b/a AT&T Florida d/b/a AT&T Southeast
and Image Access, Inc. d/b/a NewPhone, Inc.
by Express Phone Service, Inc.

Docket No. 110087-TP

Filed: October 25, 2011

EXPRESS PHONE SERVICE, INC.'S PRELIMINARY ISSUE LIST

Pursuant to Staff's request, Express Phone Service, Inc. files its Preliminary Issue List
attached hereto as Exhibit A.

s/ Vicki Gordon Kaufman

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Attorneys for Express Phone Service, Inc.

DOCUMENT NUMBER-DATE

07865 OCT 25 =

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Express Phone Service, Inc.'s Preliminary Issue List been furnished by Electronic Mail and U.S. Mail this 25th day of October, 2011, to the following:

Lee Eng Tan
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
ltan@psc.state.fl.us

Manuel Gurdian
150 South Monroe Street, Suite 400
Tallahassee, FL 32301
manuel.gurdian@att.com

s/ Vicki Gordon Kaufman

Vicki Gordon Kaufman

Express Phone Service, Inc.'s Proposed Issues
Docket No. 110087-TP

1. Whether Express Phone is permitted under federal law to adopt the NewPhone ICA.
2. Whether Express Phone is permitted under Florida law to adopt the NewPhone ICA.
3. Whether Express Phone is permitted under the terms of its ICA with AT&T to adopt the NewPhone ICA.
4. Whether the Commission may consider matters outside the applicable federal law to determine if Express Phone's adoption of the NewPhone ICA is valid.
5. Whether Express Phone is entitled to adopt the NewPhone ICA during the term of a current ICA.
6. Whether AT&T may unilaterally impose conditions outside of those set forth in federal law on Express Phone's adoption request.
7. Assuming a valid adoption, what is the date of Express Phone's adoption of the New Phone ICA.
8. Whether AT&T had notified Express Phone of its alleged breach of the ICA at the time Express Phone adopted the New Phone ICA.
9. What was the date on which AT&T notified Express Phone regarding an alleged breach of its ICA with AT&T.
10. Whether Express Phone's ICA with AT&T requires AT&T to file Express Phone's Notice of Adoption.

Exhibit A