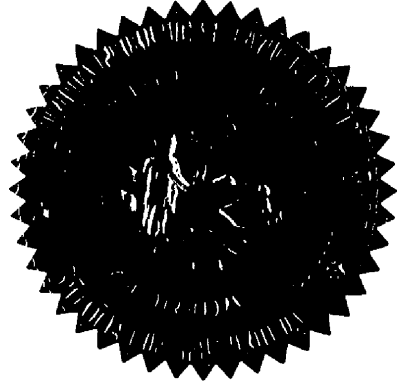


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 001097-TP

In the Matter of

REQUEST FOR ARBITRATION
CONCERNING COMPLAINT OF
BELLSOUTH TELECOMMUNICATIONS,
INC. AGAINST SUPRA TELECOM-
MUNICATIONS AND INFORMATION
SYSTEMS, INC. FOR RESOLUTION
OF BILLING DISPUTES.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER LILA A. JABER
Prehearing Officer

DATE: Friday, April 6, 2001

TIME: Commenced at 9:35 a.m.
Concluded at 9:55 a.m.

PLACE: Betty Easley Conference Center
Room 152
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR
FPSC Division of Records & Reporting
Chief, Bureau of Reporting

DOCUMENT NUMBER-DATE

04393 APR 10 2001

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1 **APPEARANCES:**

2 NANCY B. WHITE, BellSouth Telecommunications, Inc.,
3 C/o Nancy Sims, 150 South Monroe Street, Suite 400,
4 Tallahassee, Florida 32301, appearing on behalf of BellSouth
5 Telecommunications, Inc.

6 PAUL TURNER, 2620 Southwest 27th Avenue, Miami,
7 Florida 33133, appearing on behalf of Supra Telecommunications
8 and Information Systems, Inc.

9 C. LEE FORDHAM, FPSC Legal Division, 2540 Shumard Oak
10 Boulevard, Tallahassee, Florida 32399-0850, appearing on behalf
11 of the Commission Staff.

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P R O C E E D I N G S

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COMMISSIONER JABER: Good morning.

MR. FORDHAM: Good morning, Commissioner.

MS. WHITE: Good morning.

COMMISSIONER JABER: Mr. Fordham, go ahead and read the notice.

MR. FORDHAM: Pursuant to notice published March 30, 2001, and Order Number PSC-01-0699-PCO-TP, this time and place has been set for a prehearing in Docket Number 001097 for purposes set forth in the notice and order.

COMMISSIONER JABER: I understand we have counsel for Supra appearing by phone.

MR. TURNER: Yes. Paul Turner for Supra Telecom.

COMMISSIONER JABER: What is your name again?

MR. TURNER: I'm sorry, we have not the greatest connection. Could you repeat that, please?

COMMISSIONER JABER: What is your name?

MR. TURNER: Paul Turner, T-U-R-N-E-R.

COMMISSIONER JABER: Thank you, Mr. Turner. And you are appearing on behalf of Supra?

MR. TURNER: Yes, I am.

COMMISSIONER JABER: Ms. White.

MS. WHITE: Nancy White for BellSouth Telecommunications.

MR. FORDHAM: Lee Fordham, PSC staff, Legal.

1 COMMISSIONER JABER: Mr. Turner, this is Lila Jaber.
2 I am the Commissioner who is the prehearing officer in this
3 case.

4 MR. TURNER: Hi, Lila.

5 COMMISSIONER JABER: That would be Commissioner Jaber.

6 MR. TURNER: I'm sorry.

7 COMMISSIONER JABER: Tell me why you are appearing by
8 phone?

9 MR. TURNER: The reason we are appearing by phone is
10 we filed awhile back -- unfortunately I don't have the complete
11 file in front of me -- a motion to be able to be heard by
12 telephonic conference and that was granted.

13 Most recently we tried to have the April 16th
14 prehearing moved back to May because of scheduling conflicts.
15 Unfortunately, it was moved forward to today. And in that
16 order it was written that BellSouth had no issue with us
17 appearing telephonically. And based on a prior order, that is
18 the reason we are doing so.

19 COMMISSIONER JABER: Mr. Turner, let me explain
20 something to you. BellSouth stated in their response to your
21 motion that they didn't have any objection to your appearing by
22 telephone. As the Commissioner that issued that order, I did
23 not give you permission to appear by telephone. As a matter of
24 fact the order establishing procedure in this docket very, very
25 clearly states that parties are to appear at a prehearing and at

1 a hearing unless excused by the prehearing officer. Now, I will
2 let this prehearing go forward. I suggest to you, though, that
3 you become really familiar with the PSC practices and procedures
4 before we go forward with the hearing.

5 It takes an effort from this agency to allow a
6 telephonic connection. It doesn't happen quickly. And we have
7 procedures in place to accommodate parties, but that is upon
8 request by a party and upon approval by the prehearing officer.
9 Do you understand?

10 MR. TURNER: I understand, Commissioner Jaber, and I
11 apologize for my ignorance.

12 COMMISSIONER JABER: Okay. Let's go.

13 MR. FORDHAM: Commissioner, the staff has no
14 preliminary matters. And if the parties don't have preliminary
15 matters, I would suggest that we just go through the draft
16 prehearing order.

17 COMMISSIONER JABER: Ms. White.

18 MS. WHITE: I have no preliminary matters,
19 Commissioner Jaber.

20 COMMISSIONER JABER: Mr. Turner, this is the
21 opportunity that you have to discuss any pending motions or any
22 sort of preliminary matters that you would like to bring up
23 before we go through the prehearing order.

24 MR. TURNER: At this time we do not have any -- Supra
25 does not have anything to go through, Commissioner Jaber.

1 COMMISSIONER JABER: Did you receive a copy of the
2 draft prehearing order?

3 MR. FORDHAM: Commissioner -- this is Lee Fordham,
4 Mr. Turner -- since this was on fairly short notice, we did not
5 get these drafts out. We just got our final approval because of
6 advancing the prehearing, it just gave us a little shorter time
7 frame. He not get a copy.

8 COMMISSIONER JABER: That is another reason to appear
9 in person at a prehearing conference, Mr. Turner. Do you have a
10 fax machine available to you?

11 MR. TURNER: Yes, I do have a fax machine available to
12 me.

13 COMMISSIONER JABER: Here is what we will do. We will
14 go off the record for ten minutes to give our staff an
15 opportunity to fax to you a draft prehearing order. And we will
16 convene the prehearing conference again at ten till.

17 Mr. Turner, we are going to go off the record and you
18 can give Lee Fordham your fax number.

19 MR. TURNER: I appreciate it, Commissioner Jaber.
20 (Off the record.)

21 COMMISSIONER JABER: We will convene the prehearing
22 conference.

23 Mr. Fordham, how would you suggest we go forward?

24 MR. FORDHAM: First, Commissioner, we probably need
25 Mr. Turner's correct address.

1 COMMISSIONER JABER: Let me ask you something,
2 Mr. Turner. Are you entering an appearance in lieu of
3 Mr. Chaiken?

4 MR. TURNER: Yes, I am, Commissioner Jaber.

5 COMMISSIONER JABER: All right. Are you a Florida
6 attorney?

7 MR. TURNER: Yes, I am.

8 COMMISSIONER JABER: Go ahead and give us your address
9 and contact information so we could substitute your name and
10 information in the prehearing order.

11 MR. TURNER: Sure. The mailing address is 2620
12 Southwest 27th Avenue, Miami, Florida 33133. The telephone is
13 305-476-4247. Florida Bar Number 0113743. And I believe you
14 have my fax number. Once again, it is 305-476-4282.

15 COMMISSIONER JABER: Thank you.

16 MS. WHITE: Commissioner Jaber, on another matter, on
17 the appearance list, Mr. Goggin should be removed from
18 BellSouth.

19 COMMISSIONER JABER: Thank you, Ms. White. Any other
20 changes on Page 1 of the prehearing order?

21 MR. FORDHAM: None by staff, Commissioner.

22 COMMISSIONER JABER: Mr. Turner, because you are new
23 to this process, I will actually ask you if you have any changes
24 to each page of the draft prehearing order and if you have any
25 questions along the way you could interrupt. I do want to bring

1 to your attention under the case background section, opening
2 statements at the hearing will be limited to ten minutes per
3 side. And the other thing to make note of on Page 2 is our
4 procedure for handling confidential information.

5 MR. TURNER: Uh-huh.

6 COMMISSIONER JABER: Please make sure you read and
7 understand that. If you have any questions you can call Mr.
8 Fordham back later on. He is our staff counsel.

9 MR. TURNER: That is appreciated, Commissioner Jaber.

10 COMMISSIONER JABER: Ms. White, do you have any
11 changes along the way?

12 MS. WHITE: No, ma'am.

13 COMMISSIONER JABER: All right. I'm on Page 4,
14 post-hearing procedures. After the hearing you may file a brief
15 or a post-hearing document. Total pages, you are limited to 40.
16 I understand that you have filed testimony for one witness,
17 Carol Bentley, is that correct?

18 MR. TURNER: That is correct, Commissioner Jaber.

19 COMMISSIONER JABER: Make note of Page 5 on the top,
20 she may summarize her testimony at the beginning of your case
21 and her summary is limited to five minutes.

22 Ms. White, you have two witnesses, Mr. Finlen and
23 Mr. Morton?

24 MS. WHITE: Yes, ma'am.

25 COMMISSIONER JABER: Mr. Turner, do you have any

1 questions or change so far?

2 MR. TURNER: I do not, Commissioner Jaber.

3 MS. WHITE: Commissioner Jaber, since we are on the
4 order of witnesses, I would suggest that the witnesses put on
5 their direct and rebuttal at the same time for efficiency
6 reasons.

7 COMMISSIONER JABER: Yes, I agree with that.

8 Mr. Turner, what Ms. White has just asked is approval
9 to have the witnesses put on their direct and their rebuttal
10 case at the same time. And we do like to do that at the PSC
11 just for the sake of consistency and efficiency.

12 MR. TURNER: That's understood.

13 COMMISSIONER JABER: Okay. But Ms. Bentley only has
14 direct testimony, is that correct?

15 MR. TURNER: Actually, Commissioner Jaber, it is my
16 understanding that she has filed direct and rebuttal testimony
17 in this matter.

18 MR. FORDHAM: Commissioner, that is correct. The only
19 witness that has direct only is Mr. Morton with BellSouth.

20 COMMISSIONER JABER: Thank you. All right. Any
21 changes to Pages 6, 7, and 8?

22 MS. WHITE: BellSouth has no changes.

23 MR. TURNER: Supra has no changes.

24 MR. FORDHAM: None by staff.

25 COMMISSIONER JABER: Page 9 is the exhibit list. Are

1 there any exhibits that staff has left off of the draft
2 prehearing order?

3 MS. WHITE: Not for BellSouth.

4 MR. TURNER: Not for Supra.

5 COMMISSIONER JABER: All right. Page 11, we are
6 correct that there are no pending motions and no pending
7 requests for confidentiality?

8 MS. WHITE: That is correct for BellSouth.

9 MR. TURNER: Correct for Supra, as well.

10 COMMISSIONER JABER: Mr. Fordham, before we adjourn,
11 why don't you make sure all the parties know when the hearing
12 is.

13 MR. FORDHAM: Yes. The hearing is May 3rd, beginning
14 at 9:30 in Hearing Room 148.

15 And, Mr. Turner, may I ask, sir, for future
16 communications will I be dealing with you or Mr. Chaiken?

17 MR. TURNER: It would be Mr. Chaiken.

18 MR. FORDHAM: Okay. Thank you.

19 COMMISSIONER JABER: So, Mr. Turner, you just entered
20 an appearance only for the prehearing conference?

21 MR. TURNER: That is correct, Commissioner Jaber.
22 Mr. Chaiken is ill and unavailable today.

23 COMMISSIONER JABER: All right. We are having trouble
24 reaching, apparently, Mr. Chaiken. Is there another telephone
25 number you need to give to staff? You can do that after the

1 prehearing conference. But Mr. Fordham was just telling me that
2 they wanted to fax the prehearing order to you all yesterday and
3 they were unable to find a fax number. Will the fax number you
4 gave us today work for both of you?

5 MR. TURNER: Yes, it will, Commissioner Jaber.

6 COMMISSIONER JABER: All right.

7 MR. FORDHAM: Thank you.

8 COMMISSIONER JABER: Anything else that needs to come
9 up today?

10 MR. FORDHAM: Not by staff, Commissioner.

11 COMMISSIONER JABER: All right. This prehearing
12 conference is adjourned. Thank you.

13 MS. WHITE: Thank you.

14 MR. TURNER: Thank you.

15 (The hearing concluded at 9:55 a.m.)
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1 STATE OF FLORIDA)
2 : **CERTIFICATE OF REPORTER**
3 COUNTY OF LEON)


4
5 I, JANE FAUROT, RPR, Chief, FPSC Bureau of Reporting
6 FPSC Commission Reporter, do hereby certify that the
7 Prehearing Conference in Docket No. 001097-TP was heard by the
8 Florida Public Service Commission at the time and place herein
9 stated.

10 It IS FURTHER CERTIFIED that I stenographically
11 reported the said proceedings; that the same has been
12 transcribed under my direct supervision; and that this
13 transcript, consisting of 11 pages, constitutes a true
14 transcription of my notes of said proceedings.

15 I FURTHER CERTIFY that I am not a relative, employee, attorney
16 or counsel of any of the parties, nor am I a relative or
17 employee of any of the parties' attorney or counsel connected
18 with the action, nor am I financially interested in the action.

19 DATED THIS 10THE DAY OF APRIL, 2001.

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JANE FAUROT, RPR
FPSC Division of Records & Reporting
Chief, Bureau of Reporting
(850) 413-6732