

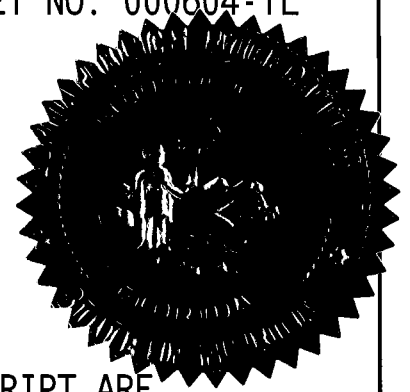
BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 000604-TL

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In the Matter of:

REQUEST FOR REVIEW OF
PROPOSED NUMBERING PLAN
RELIEF FOR THE 941 AREA
CODE.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER MICHAEL A. PALECKI

DATE: MONDAY, JULY 23, 2001

TIME: Commenced at 1:45 p.m.
Concluded at 2:00 p.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: KORETTA E. STANFORD, RPR
Official FPSC Reporter
(850) 413-6734

FLORIDA PUBLIC SERVICE COMMISSION

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

1 APPEARANCES:

2 CHARLES J. BECK, Deputy Public Counsel, Office of
3 Public Counsel, 111 W. Madison, Suite 812, Tallahassee, Florida
4 32399, appearing on behalf of the Citizens of Florida.

5 SUSAN MASTERTON, 1313 Blairstone, Tallahassee,
6 Florida 32316, appearing on behalf of Sprint.

7 PATRICK WIGGINS and NATALIE FUTCH, Katz, Kutter,
8 Haigler, Alderman, Bryant & Yon, P.A., 106 East College Avenue,
9 Tallahassee, Florida 32301, appearing on behalf of Verizon
10 Wireless.

11 DAVID E. RAMBA, Lewis, Longman & Walker, P.A., 125
12 South Gadsden Street, Suite 300, Tallahassee, Florida 32301 and
13 SUSAN ISRAEL, 5565 Glenridge Connector, Room 1784F, Atlanta, GA
14 30342-4756, appearing on behalf of Cingular Wireless.

15 ROBERT H. BERNTSSON, City Attorney, 326 West Marion
16 Avenue, Punta Gorda, Florida 33950-4492, appearing on behalf of
17 the City of Punta Gorda.

18 MARTHA BURTON, Assistant County Attorney, 18500
19 Murdock Circle, Port Charlotte, Florida 33948-1094, appearing
20 on behalf of Charlotte County, Manatee County, and Sarasota
21 County.

22 KIMBERLY CASWELL, P.O. Box 110, FLTC0007, appearing
23 on behalf of Verizon Florida, Incorporated.

24 JIM WIGGINS, 3301 E. Tamiami Trail, Naples, Florida
25 33962, appearing on behalf of Collier County.

1 APPEARANCES (Continued)

2 C. LEE FORDHAM, Florida Public Service Commission,
3 Division of Legal Services, 2540 Shumard Oak Boulevard,
4 Tallahassee, Florida 32399-0870, appearing on behalf of the
5 Commission Staff.

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1 P R O C E E D I N G S

2 COMMISSIONER PALECKI: We'll call this prehearing to
3 order. Will counsel please read the notice?

4 MR. FORDHAM: Commissioner, they're apparently not
5 ready with the call-in number, and it should be just
6 momentarily, if we could suggest that we might wait until the
7 call-in number's ready.

8 COMMISSIONER PALECKI: All right we'll just adjourn
9 the prehearing conference for several minutes until we get that
10 taken care of, and then we'll call the prehearing conference to
11 order again.

12 (Brief recess.)

13 COMMISSIONER PALECKI: We'll call the prehearing
14 conference to order. Will counsel please read the notice.

15 MR. FORDHAM: Pursuant to notice published on July
16 17th, 2001, this time and place has been set for a prehearing
17 conference in docket number 000604-TL for purposes set forth in
18 the notice.

19 COMMISSIONER PALECKI: At this time, we'll take
20 appearances, and we'll start with Staff counsel. We'll move
21 then to the people who are actually present today at the
22 prehearing conference and finally we will take appearances from
23 the four people that are on the telephone.

24 MR. FORDHAM: Lee Fordham, Legal Staff, Florida
25 Public Service Commission.

FLORIDA PUBLIC SERVICE COMMISSION

1 MR. BECK: Charlie Beck, Office of the Public Counsel
2 appearing on behalf of Florida citizens.

3 MS. MASTERTON: Susan Masterton on behalf of Sprint.

4 MR. WIGGINS: Patrick Wiggins and Natalie Futch on
5 behalf of Verizon Wireless.

6 MR. RAMBA: David Ramba and Susan Israel on behalf of
7 Cingular Wireless.

8 COMMISSIONER PALECKI: All right. That takes care of
9 all of the persons that are actually present here at the
10 prehearing conference. Could those on the telephone please
11 identify themselves for purposes of the court reporter.

12 MR. BERNTSSON: This is Rob Berntsson. I'm city
13 attorney for the City of Punta Gorda.

14 MS. BURTON: This is Marty Burton. I'm assistant
15 county attorney with Charlotte County, and I'm also here
16 appearing for Sarasota County as Kathleen Schneider is out of
17 town and also for Manatee County, because Mr. Minix is in
18 trial.

19 MS. CASWELL: This is Kim Caswell for Verizon
20 Florida, Incorporated.

21 MR. WIGGINS: This is Jim Wiggins. I'm representing
22 Collier County.

23 COMMISSIONER PALECKI: Thank you.

24 At this time, are there any preliminary matters?

25 MR. FORDHAM: Commissioner, Staff has one. The draft

1 of the prehearing order which was faxed to the parties last
2 week reflected that Charlotte County had no position on the
3 major issues. That was due to an error in scanning in the
4 prehearing statement that Charlotte County provided and only
5 every other page got scanned in and, therefore, the pages,
6 coincidentally that were not scanned in contain their responses
7 to the issues. That has been corrected on the copy that you
8 have, and on the copies that we have here today that has been
9 corrected and now reflects the position of Charlotte County
10 exactly as it appeared on their prehearing statement.

11 COMMISSIONER PALECKI: The copy I have does contain
12 the corrected language?

13 MR. FORDHAM: That's correct, sir.

14 COMMISSIONER PALECKI: And, Ms. Burton, --

15 MS. BURTON: Yes.

16 COMMISSIONER PALECKI: -- do you have a copy of the
17 prehearing order, the draft prehearing order?

18 MS. BURTON: Yes, I do. And I do have a copy, as it
19 was corrected, that does have all of our positions included.

20 COMMISSIONER PALECKI: Have you had a chance to
21 review those to make sure that they accurately reflect your
22 positions?

23 MS. BURTON: Yes, I have, and they do.

24 COMMISSIONER PALECKI: Thank you.

25 MR. FORDHAM: Thank you, Commissioner. Staff has no

1 further preliminary matters.

2 COMMISSIONER PALECKI: Okay. I believe that there
3 were some other preliminary matters that were brought up
4 earlier regarding intervention at this time.

5 MR. RAMBA: Thank you. Commissioner, on behalf of
6 Cingular Wireless, LLC, I'd like to have -- move to intervene
7 for the limited purposes of filing a post-hearing brief on the
8 matters before you on this docket. That would be we would not
9 ask for full-party status, simply to brief the issue before
10 you.

11 COMMISSIONER PALECKI: So, you don't intend to file
12 testimony or participate in the hearing through cross
13 examination?

14 MR. RAMBA: That is correct.

15 COMMISSIONER PALECKI: Does anyone have any objection
16 to Cingular Wireless filing a brief in this proceeding?

17 Hearing no objection, I will grant the motion to
18 intervene for the sole purpose of allowing Cingular Wireless
19 the opportunity to file post-hearing briefs.

20 MR. BERNTSSON: This is Rob Berntsson on behalf of
21 the City of Punta Gorda. We did have a motion pending. I've
22 been out of town. I don't know if any action was taken on it
23 since last Wednesday. We filed our prehearing statement late,
24 and we filed a motion to have our prehearing statement accepted
25 as being late-filed.

1 COMMISSIONER PALECKI: Mr. Fordham, could you update
2 me on that, please.

3 MR. FORDHAM: Commissioner, Staff does not have a
4 copy yet, as we speak, but certainly it's within your
5 discretion to allow that late filed, and Staff would have no
6 objection to it.

7 MR. BERNTSSON: If I might respond to that,
8 Commissioner. We did file it, and it is on the Internet as a
9 filed document, so I -- and we sent it out to all the parties
10 as well, and that was on the -- I believe, the 11th of July.
11 And I apologize, Mr. Fordham, if you don't have it. I assumed
12 since it was on the Internet as a listed document that had been
13 received that it was --

14 COMMISSIONER PALECKI: Could you just briefly give us
15 the fundamentals of your motion, please?

16 MR. BERNTSSON: The motion is based on an oversight
17 on my part. I was on vacation on the deadline that was due.
18 When I returned to the office at the end of that week, I
19 realized that we had missed the deadline. I filed the
20 prehearing statement which basically is the same as the
21 testimony we provided at the hearings that were held in
22 Charlotte County, and that would be the basics.

23 COMMISSIONER PALECKI: And that motion was filed on
24 behalf of who?

25 MR. BERNTSSON: The City of Punta Gorda.

1 COMMISSIONER PALECKI: The City of Punta Gorda? And
2 that, basically, would have provided positions for each of the
3 issues?

4 MR. BERNTSSON: It was based on the issues and also
5 the witness that was going to testify on behalf of the City of
6 Punta Gorda and the city's position.

7 COMMISSIONER PALECKI: Because I note in the
8 prehearing order we do have a position for the City of Punta
9 Gorda on the issues.

10 MR. BERNTSSON: Maybe -- like I said, I've been out
11 of town, so I haven't had a chance to see if any action was
12 taken. Maybe the motion was granted already. I'm just
13 bringing it up, because I'm not aware of the status at this
14 point.

15 MR. FORDHAM: Commissioner, I've been provided with a
16 copy of the motion, and certainly Staff has no objection to the
17 motion being granted.

18 COMMISSIONER PALECKI: And I have a copy of the
19 motion in front of me at this time. The motion is entitled, "A
20 Motion to Accept Late-Filed Prehearing Statement," basically
21 outlines the facts and asks that the city be given the
22 opportunity to file a late prehearing statement and basically
23 reiterating the position it has taken throughout these
24 proceedings and also the position that's taken in their direct
25 testimony.

1 Do any of the parties have any objection to the
2 motion to accept the late-filed prehearing statement filed by
3 the City of Punta Gorda? Hearing no objection, I will grant
4 the motion, and we will accept the late-filed prehearing
5 statement from the City of Punta Gorda.

6 MR. BERNTSSON: Thank you.

7 COMMISSIONER PALECKI: Are there any other
8 preliminary matters? With no other preliminary matters I will
9 go through the draft prehearing order at this time. Does
10 everyone have a copy of the draft prehearing order?

11 MR. FORDHAM: There are a few left over here, if
12 anyone needs a copy.

13 COMMISSIONER PALECKI: And we'll walk through the
14 draft prehearing order by section. Let's just go directly
15 Sections 1 through 5, does anyone have any corrections or
16 changes they would like to see?

17 Section 6 is the Order of Witnesses and the issues to
18 be addressed by each witness. Are there any changes or
19 corrections?

20 MS. BURTON: Commissioner Palecki, this is Marty
21 Burton with Charlotte County.

22 COMMISSIONER PALECKI: Yes.

23 MS. BURTON: I do have one request. It is that one
24 of our witnesses, Elliott Kampert for Charlotte County and also
25 the one witness for Manatee County, Joe McClash, this is also

1 from Manatee County, if it is at all possible if both of those
2 witnesses be allowed to testify on the first day of the hearing
3 which, I believe, is Thursday, August 16th, because they both
4 have other matters going on on Friday that they would like to
5 return to their respective locations for.

6 COMMISSIONER PALECKI: What we'll do with Mr. Kampert
7 and Mr. McClash is we'll leave them where they are on the
8 witness list, but at this time if there is no objection I will
9 agree to take them on the first day, we'll see where we are
10 after lunch and take them sometime that afternoon before we
11 adjourn at the end of the day, unless somebody has an objection
12 to that procedure. Do any of the parties have a problem there?
13 I'd rather not take them and change the order on the witness
14 list. I think, it's a more orderly method to allow all four
15 companies to go first.

16 Another option is that I could take them as the first
17 two witnesses directly after the company witnesses. Maybe that
18 would be a better way to do this. Why don't we do that.
19 Mr. Fordham, on the prehearing order we'll move Elliott Kampert
20 to appear as the fifth witness directly after Dana Smith, and
21 Joe McClash for Manatee County will appear as the sixth witness
22 directly after Mr. Kampert and, I think, as the fifth and sixth
23 witnesses they'll be pretty much assured of appearing on that
24 first day.

25 MS. BURTON: Thank you very much, Commissioner.

1 COMMISSIONER PALECKI: That might be wishful
2 thinking. We'll reevaluate, as I said, after lunch on the
3 first day of the hearing. If at that time we've only heard
4 from one or two of the witnesses, we may want to move them up
5 further, but I believe that as the fifth and sixth witnesses
6 we'll be able to take them up on the first day.

7 Paragraph number 7, Basic Positions. Do any of the
8 parties have any corrections or changes to the basic positions
9 as they're stated on the draft prehearing order?

10 Paragraph number 8 is Issues and Positions. Any
11 corrections or changes at this time?

12 MR. WIGGINS: Yes, sir, Commissioner Palecki.
13 Patrick Wiggins for Verizon Wireless.

14 COMMISSIONER PALECKI: Mr. Wiggins.

15 MR. WIGGINS: Yes, sir. On Issue 1 for Verizon
16 Wireless, the substantive position is exactly the same, but we
17 have edited the position down, truncated it, to eliminate some
18 of the explication, and I have provided Staff with the disk
19 with this new language in place so it can be inserted.

20 COMMISSIONER PALECKI: Have you provided the court
21 reporter with a copy?

22 MR. WIGGINS: No, sir. All I brought today was the
23 floppy to be inserted.

24 MR. FORDHAM: We'll be happy to do that,
25 Commissioner.

1 MR. WIGGINS: I'd like to emphasize it doesn't change
2 the substantive position, it just eliminates some of the words.

3 COMMISSIONER PALECKI: Thank you, Mr. Wiggins.

4 MR. WIGGINS: Thank you.

5 COMMISSIONER PALECKI: Any other changes on any of
6 the other positions?

7 MS. BURTON: Oh, Commissioner, yes. This is Marty
8 Burton with Charlotte County again. This comment is for
9 Sarasota County. On Page 11 under the question having to do
10 with jurisdiction --

11 COMMISSIONER PALECKI: Yes.

12 MS. BURTON: -- I believe that that was just an
13 oversight on Sarasota's part and would ask that Charlotte's
14 position on jurisdiction be inserted or be adopted by Sarasota.

15 COMMISSIONER PALECKI: And that is on Page 11?

16 MS. BURTON: Yes, right before Issue 1. It's
17 actually answering the question about jurisdiction.

18 COMMISSIONER PALECKI: Oh, and it says, "No position
19 stated," under Sarasota County?

20 MS. BURTON: Yes, that's correct.

21 COMMISSIONER PALECKI: And, in fact, Sarasota County
22 does have a position?

23 MS. BURTON: I think that the most simple way to
24 handle this if that could be changed to say that "Sarasota
25 adopts Charlotte's position."

1 COMMISSIONER PALECKI: All right. May the prehearing
2 order be amended to reflect that Sarasota adopts Charlotte
3 County's position on that issue.

4 MS. BURTON: Thank you, Commissioner.

5 COMMISSIONER PALECKI: Let's move on to Paragraph 9,
6 Exhibits. Any changes or corrections to any of the exhibits?
7 Well, let me first make sure, are all of the positions
8 accurately stated? Does any party have any other changes on
9 their positions on the issues? Hearing no changes, we will go
10 ahead to the Exhibits List.

11 I think that one of the parties has put their phone
12 on hold and we're getting some music. I guess, we'll just plow
13 through this.

14 MR. FORDHAM: Commissioner, I'm sorry, could we back
15 up to Page 18?

16 COMMISSIONER PALECKI: Yes.

17 MR. FORDHAM: The Sarasota position on Issue number 4
18 is stated as no position and Manatee County adopts Sarasota
19 County's position, which is no position. I am assuming that
20 they would have preferred to have the Charlotte County position
21 there, perhaps, but I don't know. Ms. Burton, are you still
22 on?

23 MS. BURTON: Oh, yes. Thank you very much,
24 Mr. Fordham, for pointing that out. Under Manatee County, if
25 that could also reflect an adoption of Charlotte County's

1 position as well, rather than Sarasota's.

2 COMMISSIONER PALECKI: And under Sarasota County
3 would you like Sarasota County also to adopt the position of
4 Charlotte County?

5 MS. BURTON: Yes, that is correct. Now, this is
6 separately from the juris-- this is a different question from
7 the jurisdiction?

8 MR. FORDHAM: Yes. This is regarding the schedule or
9 the implementation of conservation measures, the timing of
10 them.

11 MS. BURTON: Oh, I see now, on Page 18.

12 MR. FORDHAM: Right.

13 MS. BURTON: Yes, that is correct. If for Sarasota
14 they could also adopt Charlotte's position and Manatee for the
15 question on Page 18 having to do with Issue 4.

16 COMMISSIONER PALECKI: The prehearing order will be
17 amended to so reflect.

18 MS. BURTON: Thank you, Commissioner.

19 COMMISSIONER PALECKI: Now we're up to Paragraph 9,
20 the Exhibit List. Are there any changes or corrections to the
21 Exhibit List? We've heard no changes or corrections as far as
22 the exhibits are concerned. We'll move to Paragraph 10,
23 Proposed Stipulations. Are there any proposed stipulations at
24 this time? None being heard, we'll move to Paragraph 11,
25 Pending Motions. Are there any pending motions at this time?

1 None being heard, move to Paragraph 12, Pending Confidentiality
2 Matters. Are there any confidentiality issues? None being
3 heard under Rulings we have -- and that's Paragraph 13, we have
4 an issue concerning opening statements. Do the parties wish to
5 have opening statements in this proceeding?

6 MS. CASWELL: This is Kim Caswell. I would propose
7 that we don't have opening statements. I don't think we need
8 them.

9 MS. MASTERTON: Sprint would concur with that.

10 COMMISSIONER PALECKI: Public counsel?

11 MR. BECK: We'd agree.

12 COMMISSIONER PALECKI: The Commissioners that will be
13 on this panel have all been to the customer service hearings.
14 I think, they're very well familiar with the arguments that are
15 going to be made and the testimony that they'll be hearing, so
16 I don't believe that opening statements are necessary, and so
17 my ruling on that issue will be there will be no opening
18 statements.

19 Are there any further matters? Hearing no further
20 matters, this prehearing conference is adjourned. Thank you
21 very much.

22 (Prehearing concluded at 2:00 p.m.)

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STATE OF FLORIDA)
 : CERTIFICATE OF REPORTER
COUNTY OF LEON)

I, KORETTA E. STANFORD, RPR, Official Commission Reporter, do hereby certify that a Prehearing Conference was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

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

DATED this Friday, July 27, 2001.


KORETTA E. STANFORD, RPR
FPSC Official Commissioner Reporter
(850) 413-6734