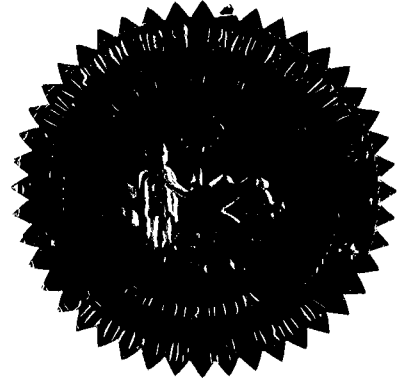


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 001109-TI

In the Matter of

INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST WEBNET
COMMUNICATIONS, INC. FOR APPARENT
VIOLATION OF RULE 25-4.118, F.A.C.,
LOCAL, LOCAL TOLL, AND TOLL
PROVIDER SELECTION.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER BRAULIO L. BAEZ
 Prehearing Officer

DATE: Monday, October 8, 2001

TIME: Commenced at 9:30 a.m.
 Concluded at 9:47 a.m.

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

REPORTED BY: TRICIA DeMARTE
 Official FPSC Reporter
 (850) 413-6736

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION | 2818 OCT-9

FPSC-COMMISSION CLERK

1 APPEARANCES:

2 LOUBNA HADDAD, The Helein Law Group, P.C., 8180
3 Greensboro Drive, Suite 700, Mclean, Virginia 22102, appearing
4 on behalf of WebNet Communications, Inc.

5 WAYNE KNIGHT and MARTHA CARTER BROWN, Florida Public
6 Service Commission, Division of Legal Services, 2540 Shumard
7 Oak Boulevard, Tallahassee, Florida 32399-0870, appearing on
8 behalf of the Commission Staff.

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P R O C E E D I N G S

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COMMISSIONER BAEZ: Call this prehearing to order.
Counsel, can you read the notice?

MR. KNIGHT: Notice was given on September 21, 2001,
in Docket Number 001109-TI, initiation of show cause
proceedings against WebNet Communications, Incorporated for
apparent violation of Rule 25-4.118, F.A.C., local, local toll,
and toll provider selection, that a prehearing would be heard
at this time and place for the purpose set forth in the notice.

COMMISSIONER BAEZ: Thank you. We'll take
appearances.

Ms. Haddad.

MS. HADDAD: Yes. Loubna Haddad with the Helein Law
Group representing WebNet Communications, Incorporated.

MR. KNIGHT: Wayne Knight on behalf of the Commission
and Commission Staff.

MS. BROWN: Martha Carter Brown representing the
Commission.

COMMISSIONER BAEZ: Okay. Thank you. Anyone else?
No.

All right. Preliminary matters. We still haven't
ruled formally on the teleconference motion, but I'll go ahead
and grant that now, if you want to show that motion granted.

MS. HADDAD: Thank you.

MR. KNIGHT: Okay.

1 COMMISSIONER BAEZ: That's all I have for
2 preliminary. Do you have anything else?

3 MR. KNIGHT: No. We had an issue on the issues that
4 I think we should raise at the time.

5 COMMISSIONER BAEZ: You want to raise it now? Okay.

6 MR. KNIGHT: We can or when we get to it, whichever
7 you prefer.

8 COMMISSIONER BAEZ: Ms. Haddad?

9 MS. HADDAD: Yes.

10 COMMISSIONER BAEZ: This should be relatively quick.
11 Do you have a copy of the draft prehearing order?

12 MS. HADDAD: Yes, sir, I do.

13 COMMISSIONER BAEZ: What I want to do is to try and
14 get at least most of the noncontroversial stuff out of the way.
15 So if you have any comments on a section, you know, we can go
16 by section on the order, but I'm assuming what Mr. Knight is
17 referring to is some question with the actual issues. So you
18 tell me if you have any changes leading up to the basic
19 positions.

20 MS. HADDAD: Actually, I'm sorry, I'm looking through
21 my files now. The prehearing order, I believe I do not,
22 unfortunately, have a copy of that. I'm not sure exactly what
23 it is. I had the notice setting the hearing. Is there
24 something else that you're referring to?

25 COMMISSIONER BAEZ: You should have a draft

1 prehearing order and --

2 MR. KNIGHT: I believe we e-mailed a draft prehearing
3 order.

4 COMMISSIONER BAEZ: Did you receive an e-mail
5 recently?

6 MS. HADDAD: No, sir, I did not.

7 COMMISSIONER BAEZ: Fourteen pages.

8 MS. HADDAD: No, I did not.

9 Wayne, when was that e-mailed?

10 MR. KNIGHT: I believe it was Thursday.

11 MS. HADDAD: Okay. Yeah, I did not receive anything.

12 COMMISSIONER BAEZ: Do want to take -- we can take a
13 couple of minutes if you want to go back to your office and
14 check just to make sure that nothing has come in in the
15 meantime.

16 MS. HADDAD: Right. Actually, I am sitting right at
17 the computer.

18 COMMISSIONER BAEZ: Is there anywhere else that you
19 would need to go to confirm that you didn't receive this? I'm
20 trying to give you a chance so we don't have to --

21 MS. HADDAD: No, I understand and I appreciate it.
22 I'm just trying to think.

23 Wayne, you said it was e-mailed, or could it have
24 possibly been faxed?

25 MR. KNIGHT: It could possibly have been faxed, but

1 I'm pretty sure we did it on Thursday.

2 MS. HADDAD: Okay.

3 MR. KNIGHT: But we can e-mail her a copy or fax her
4 a copy in a minute.

5 COMMISSIONER BAEZ: Can we take -- let's just take a
6 brief recess so that Staff can send you a copy.

7 MS. HADDAD: I would appreciate that.

8 MR. KNIGHT: Ms. Haddad?

9 MS. HADDAD: Yes.

10 MR. KNIGHT: If I could have your fax number again.

11 MS. HADDAD: It's (703) 714-1330.

12 COMMISSIONER BAEZ: All right. We're in recess.

13 (Brief recess.)

14 COMMISSIONER BAEZ: Ms. Haddad, have you received the
15 draft prehearing order?

16 MS. HADDAD: Yes, I have. Thank you.

17 COMMISSIONER BAEZ: Have you had a chance to review
18 it at all?

19 MS. HADDAD: I have -- I am in the process of
20 reviewing it.

21 COMMISSIONER BAEZ: Okay. As I was saying earlier, I
22 think the way we want to proceed is to try and get whatever
23 changes need to be made to the positions, and you can have an
24 opportunity to make changes to your positions if you see it
25 necessary. I think -- where I think Mr. Knight was leading to

1 before we went off the record was an issue or a concern over
2 the issues that have been raised. So what I would like to do
3 is to get past the first six sections, those six Roman
4 Numerals, on the draft.

5 MS. HADDAD: Right.

6 COMMISSIONER BAEZ: That's pretty much standard
7 language. I don't believe there should be any question,
8 although I will give you ample chance to, you know, review it a
9 little more. And you can raise that even after the prehearing,
10 if absolutely necessary. But I want to focus on Section VII.

11 MS. HADDAD: That's fine. I have no objection to
12 that. One quick question I would have is just, I guess, more
13 of a procedural question please --

14 COMMISSIONER BAEZ: Sure.

15 MS. HADDAD: -- which is with regards to any
16 posthearing statements.

17 COMMISSIONER BAEZ: Yes.

18 MS. HADDAD: Typically, when would that be due?

19 MR. KNIGHT: When you say "posthearing statements" --

20 COMMISSIONER BAEZ: The posthearing procedure. I
21 mean, they're going to get --

22 MR. KNIGHT: We would issue a posthearing order
23 within the week.

24 MS. HADDAD: Okay. Thank you.

25 MR. KNIGHT: We would wait for the transcript of the

1 proceeding and then issue --

2 COMMISSIONER BAEZ: Is there a filing on show cause
3 dockets that the company gets to make prior to the order?

4 MR. KNIGHT: Only the -- okay. Are we --

5 COMMISSIONER BAEZ: She's asking about the
6 posthearing statement. Ms. Haddad; is that correct?

7 MS. HADDAD: That's correct.

8 COMMISSIONER BAEZ: I think you can find it in
9 Section IV.

10 MS. HADDAD: Right. I was just --

11 COMMISSIONER BAEZ: But there will be -- there's
12 going to be, after the hearing, discussion as to what the
13 posthearing dates and the time lines --

14 MR. KNIGHT: Right. We anticipate some of those
15 changing.

16 MS. HADDAD: Okay. Thank you.

17 COMMISSIONER BAEZ: You will have ample notice,
18 Ms. Haddad.

19 MS. HADDAD: Thank you.

20 COMMISSIONER BAEZ: Okay. Moving on to Section VII.
21 Mr. Knight, you had raised some issue on the basic -- I'm
22 sorry, on the issues and positions. That's Section VIII. I
23 apologize.

24 MR. KNIGHT: Right. Actually, WebNet in their
25 prehearing statement had raised several additional issues which

1 had not been discussed at the issue ID in this matter. And we
2 recognize they certainly have the -- are able to raise
3 additional issues through this prehearing conference. However,
4 at the issue ID, we did take some time to try and frame the
5 issues broadly enough so that any concerns that WebNet had
6 could be addressed within the framework of the two issues as
7 phrased. And we feel that the additional issues that WebNet
8 has raised are, in essence, subsumed by those two issues.
9 Essentially, they are positions on those two issues or, in
10 essence, answers to concerns raised by those two issues.

11 COMMISSIONER BAEZ: Ms. Haddad.

12 MS. HADDAD: Yes. I'm assuming that what Mr. Knight
13 is referring to is the additional issues that were raised under
14 the question of fact section. And I would have no objection if
15 Mr. Knight and everyone was in concurrence that we can amend to
16 include the discussion of those issues within the initial
17 issues that were -- that have already -- the initial questions
18 of issues that have already been established.

19 COMMISSIONER BAEZ: Right. Ms. Haddad, here's the
20 way I'm looking at it, and let's see if we can -- if our minds
21 are meeting on this. Some of the -- the additional issues that
22 WebNet has raised seem to me to fall more of a character of
23 elements to the first or something that you would offer up on a
24 factual basis in order to prove up your responses of your
25 positions on Issue, is it, 1, I believe?

1 MR. KNIGHT: Correct.

2 MS. HADDAD: Right.

3 COMMISSIONER BAEZ: So what I hear you saying is that
4 you're not -- you would have no objection to even subsuming
5 those positions under Issue 1 so that what is remaining is
6 Issue 1 and 1B. Is that --

7 MR. KNIGHT: Correct.

8 MS. HADDAD: That's correct, yes. And I will say for
9 the record that essentially part of it may have been a
10 confusion on my part as to procedure-wise what could be raised
11 and what could not be raised. And I assume that under the
12 elements where we're to indicate questions of fact, that it was
13 something that did not necessarily have to be within the scope
14 of the issues of law that had already been agreed to. I
15 thought it was a separate matter. I understand now that that's
16 not exactly the case. And I have no objection to, as you
17 indicated, subsuming those into Issue 1A.

18 COMMISSIONER BAEZ: Very well. And you're correct.
19 I think you're going to have ample opportunity to state your
20 positions that you've stated in addition to those which you've
21 already outlined in Issues 1. You're going to get to roll all
22 of that in.

23 MS. HADDAD: Okay.

24 COMMISSIONER BAEZ: So for our purposes now, let the
25 prehearing order show that I guess it's additional issues from

1 2 through the end, that those issues are -- I don't want to say
2 they're stricken necessarily, but they're withdrawn in favor of
3 the more general issues that remain.

4 MR. KNIGHT: Right. And WebNet has proffered
5 testimony regarding those additional issues already, so it
6 would not be a problem.

7 COMMISSIONER BAEZ: Very well.

8 MS. HADDAD: Okay. So they will be withdrawn for the
9 purposes of this document, but then WebNet still has the
10 ability to raise those issues at the hearing.

11 COMMISSIONER BAEZ: You're not waiving your right to
12 raise those facts as part of your positions on the issues that
13 remain.

14 MS. HADDAD: Okay. Thank you.

15 COMMISSIONER BAEZ: Great. Now that we got that out
16 of the way, let's move along. Are there any changes to the
17 exhibit list on Section IX?

18 Ms. Haddad, I realize that you're looking at this
19 probably for the first time, so if you need some time to look
20 over the exhibit list and what have you, we'll allow you that.

21 MS. HADDAD: Thank you. I appreciate it, but I've
22 had a chance to look at it, and we have no changes or
23 additions.

24 COMMISSIONER BAEZ: Very well. Staff.

25 MR. KNIGHT: No, we have none.

1 COMMISSIONER BAEZ: I see there's no -- we don't have
2 any pending motions or pending confidentiality, so I think
3 we're pretty much set. Are we?

4 MR. KNIGHT: We are.

5 COMMISSIONER BAEZ: Okay. Great. Ms. Haddad, I want
6 to thank you.

7 MS. HADDAD: Thank you. And thank you for allowing
8 me the opportunity to invite by telephone. I appreciate it.

9 COMMISSIONER BAEZ: We're glad to help.

10 MS. HADDAD: Thank you.

11 COMMISSIONER BAEZ: We are adjourned.

12 (Hearing concludes at 9:47 p.m.)

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4

5 I, TRICIA DeMARTE, Official Commission Reporter, do hereby
6 certify that the foregoing proceeding was heard at the time and
7 place herein stated.

8

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

14

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

20

21 DATED THIS 9th DAY OF OCTOBER, 2001.

22

23

Tricia DeMarte

24

TRICIA DeMARTE
FPSC Official Commission Reporter
(850) 413-6736

25