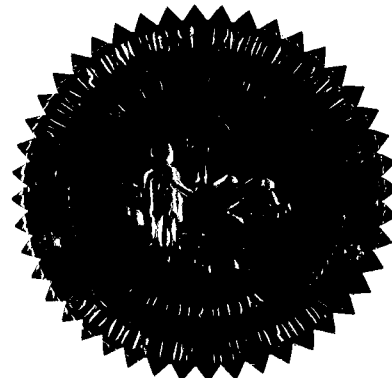


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 001097-TP

In the Matter of

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



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PROCEEDINGS:	PREHEARING CONFERENCE
BEFORE:	CHAIRMAN LILA A. JABER Prehearing Officer
DATE:	Thursday, March 14, 2002
TIME:	Commenced at 1:30 p.m. Concluded at 2:43 p.m.
PLACE:	Betty Easley Conference Center Room 152 4075 Esplanade Way Tallahassee, Florida
REPORTED BY:	TRICIA DeMARTE Official FPSC Reporter (850) 413-6736

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION

03171 MAR 19 2002

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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 KIRK DAHLKE, 2620 S.W. 27th Avenue, Miami, Florida
7 33133, appearing on behalf of Supra Telecommunications &
8 Information Systems, Inc.

9 PATRICIA A. CHRISTENSEN, Florida Public Service
10 Commission, Division of Legal Services, 2540 Shumard Oak
11 Boulevard, Tallahassee, Florida 32399-0870, appearing on behalf
12 of the Commission Staff.

13

14 ALSO PRESENT:

15 JONATHAN AUDU, Supra Telecommunications & Information
16 Systems, Inc.

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P R O C E E D I N G S

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CHAIRMAN JABER: Counsel, read the notice.

MS. CHRISTENSEN: By notice issued March 1st, 2002, this time and place have been set for a prehearing conference in Docket Number 001097-TP, request for arbitration concerning complaint of BellSouth Telecommunications, Inc., against Supra Telecommunications and Information Systems, Inc., for resolution of billing disputes. The purpose of this prehearing conference is as set forth in the notice.

CHAIRMAN JABER: Thank you. Let's take appearances.

MS. WHITE: Nancy White for BellSouth Telecommunications, Incorporated.

MR. DAHLKE: Kirk Dahlke on behalf of Supra Telecom.

CHAIRMAN JABER: Repeat your name for me since I don't have -- we initially had that Mr. Buechele and Mr. Chaiken would be here.

MR. DAHLKE: Sure. Kirk, K-I-R-K, last name is Dahlke, D-A-H-L-K-E.

CHAIRMAN JABER: Thank you.

MR. DAHLKE: Thank you.

MS. CHRISTENSEN: Patricia Christensen appearing on behalf of the Commission.

CHAIRMAN JABER: Mr. Dahlke, your address is 2620 Southwest 27th Avenue?

MR. DAHLKE: Yes, it is.

1 CHAIRMAN JABER: Okay. Great. All right.
2 Ms. Christensen, how would you recommend we go forward?

3 MS. CHRISTENSEN: Commissioner, there are some
4 preliminary matters that I would suggest we address before we
5 go through the draft prehearing order.

6 CHAIRMAN JABER: All right. I suppose that -- yeah,
7 that's fine. I suppose the first thing I should make sure all
8 the parties know, the hearing date was originally scheduled for
9 April 4th. We need to reschedule that to April 5th. So the
10 hearing will now be April 5th, 2002.

11 Okay. Ms. Christensen, go ahead.

12 MS. CHRISTENSEN: And Commissioner, there are also
13 motions that are outstanding. Staff notes that the following
14 motions are scheduled to be heard at the March 19th, 2002
15 agenda conference; that's Supra's motion to dismiss for lack of
16 subject matter jurisdiction, BellSouth's motion for extension
17 of time to respond to Supra's motion to dismiss, and
18 BellSouth's motion to strike portions of the direct testimony
19 of Olukayode Ramos and David Nilson.

20 Staff recommends that these motions when we get to
21 the appropriate section be deleted from that section of pending
22 motions.

23 CHAIRMAN JABER: Because they will be resolved by the
24 March 19th agenda?

25 MS. CHRISTENSEN: That's correct.

1 CHAIRMAN JABER: I had asked, though, that you make
2 sure that the parties have a copy of the recommendation that
3 has been filed.

4 MS. CHRISTENSEN: That is correct. We e-mailed a
5 copy of it as well as provided a copy today.

6 CHAIRMAN JABER: All right. Great. Well, then with
7 that, go ahead and delete Number 1 from the pending motion
8 list, Number 2 from the pending motion list and Number 4
9 because those motions will be addressed by next Tuesday's
10 agenda. Is that next Tuesday?

11 MS. CHRISTENSEN: I believe so.

12 CHAIRMAN JABER: All right. That leaves Number 3.

13 And I am --

14 MS. CHRISTENSEN: Commissioner --

15 CHAIRMAN JABER: Does that leave Number 3?

16 MS. CHRISTENSEN: I'm sorry, I was going to say that
17 is correct.

18 CHAIRMAN JABER: All right. Now, I am ready to rule
19 on that one. I have read Supra's first set of admissions.
20 I've read Supra's second set of interrogatories and second set
21 of request for production of documents. I've read Supra's
22 motion to compel. I've read BellSouth's responses and
23 everything related thereto. And I will issue a ruling right
24 now on that.

25 With respect to -- let's see, with respect to the

1 admissions, it looks like BellSouth objected to Admissions
2 Numbers 1 through 47. They responded to Admissions 48 and 49.
3 They objected to Interrogatory 7 through 10 and responded to
4 Interrogatories 4 through 6. I would note that Rule 1.370(a),
5 Florida Rules of Civil Procedure, which addresses requests for
6 admission, states in part that a party may serve upon any other
7 party a written request for the admissions of the truth of any
8 matters within the scope of Rule 1.280(b) set forth in the
9 request that relate to statements or opinions of fact or the
10 application of law to fact, including the genuineness of any
11 documents described in the request.

12 Upon my review, it appears that certain admissions
13 requested by Supra do ask for conclusions of law rather than
14 the application of law to fact; therefore, I don't believe
15 BellSouth should respond to the following admissions;
16 therefore, BellSouth will -- I'm not compelling BellSouth to
17 respond to these admissions. And I'll read the numbers again,
18 but it's 3, 4, 5, 6, 7, 8, 13, 20, 21, 22, 23, 31, 32, 33, 34,
19 and 35.

20 However, Requests 29 and 30 are appropriate requests
21 seeking the application of law to fact. As such, BellSouth
22 will answer 29 and 30.

23 BellSouth also objects to Admissions 1, 2, 9, 10, 11,
24 12, 15, 16, 17 through 19, 24, 36 through 46 and 47 because
25 they are -- BellSouth asserts they are a matter of public

1 record, and admitting or denying any of these admissions will
2 not in any manner expedite the resolution of this proceeding.
3 I do not agree. I don't believe that that's a relevant
4 objection. These admissions appear to be appropriate requests
5 pursuant to the rule, and therefore, BellSouth is compelled to
6 provide responses to those requests for admissions.

7 Finally, BellSouth objects to Admission Requests 14,
8 25, 26, 27, and 28 because, again, BellSouth asserts that those
9 are improper attempts to expand the issues in this proceeding,
10 an attempt to relitigate the issues. I would note here that
11 Rule 1.280(b) states that it is not ground for objection, that
12 the information sought will be inadmissible at the trial if the
13 information sought appears reasonably calculated to lead to the
14 discovery of admissible evidence.

15 The issues as drafted in this proceeding not only
16 refer to the AT&T/BellSouth agreement but also to the
17 BellSouth/Supra interconnection and resale agreements;
18 therefore, I'm not persuaded by BellSouth's arguments. I think
19 that they are within the scope of the proceeding; therefore,
20 BellSouth is compelled to respond to those requests for
21 admissions.

22 Finally, BellSouth objects to Interrogatories 7, 8,
23 9, and 10 on the grounds that the information is beyond the
24 scope of these proceedings, that the question is subsumed by
25 the issues in this proceeding, and that the information is a

1 matter of public record, and finally, that they believe the
2 request is overly burdensome. Based on Rule 1.280(b), I do not
3 believe that these interrogatories are beyond the scope of this
4 proceeding. I'm not persuaded that requiring BellSouth to
5 respond to these interrogatories is overly burdensome;
6 therefore, BellSouth shall respond to Interrogatories 7 through
7 10.

8 MS. WHITE: Ma'am?

9 CHAIRMAN JABER: Incorporate that ruling into the
10 prehearing order, Ms. Christensen.

11 Go ahead, Ms. White.

12 MS. WHITE: Do you have a date? Were you going to
13 put a date in the order by which we need to answer those?

14 CHAIRMAN JABER: When did we establish as the
15 discovery cutoff period for this hearing, this proceeding? Do
16 you remember?

17 MR. DAHLKE: I believe -- I'm sorry -- it's
18 March 28th, if I'm not mistaken.

19 CHAIRMAN JABER: And today is the 13th?

20 MR. DAHLKE: Is that correct, Nancy?

21 MS. WHITE: I have to get out the procedural order.
22 March 28th is correct.

23 CHAIRMAN JABER: And today's the 14th,
24 Ms. Christensen?

25 MS. CHRISTENSEN: Yes.

1 CHAIRMAN JABER: Ms. White, do you have a concern
2 with respect to the time period for answering any of these?

3 MS. WHITE: I would like at least a week, if that's
4 acceptable.

5 CHAIRMAN JABER: Okay. March 21st is actually what I
6 had written down, so let's do that. I want to allow time for
7 Supra to digest the information prior to the discovery cutoff
8 period, so March 21st it is.

9 MR. DAHLKE: March 21st?

10 CHAIRMAN JABER: Right.

11 MR. DAHLKE: Depending upon the adequacy of the
12 answers, I mean, Supra, I mean, we'd have to look to see if
13 discovery is in full compliance, I mean, depending upon --
14 since we moved the hearing date over to April 5th, see if that
15 would conflict in any way. So I just wanted to bring that to
16 the Commission's attention.

17 CHAIRMAN JABER: Yeah, but it's actually -- the
18 hearing is a day later now.

19 MR. DAHLKE: No, that's correct.

20 CHAIRMAN JABER: BellSouth you have to respond by
21 March 21st. We'll leave the discovery cutoff period to
22 March 28th.

23 All right. What's next, Ms. Christensen?

24 MS. CHRISTENSEN: Commissioner, there's -- currently
25 Supra has two pending claims of confidentiality, and BellSouth

1 has one request for specified confidential classification. It
2 appears that BellSouth's request covers the same information as
3 Supra's claim regarding certain portions of David Nilson's
4 direct testimony and Exhibits DN-41 and DN-42. Supra has also
5 just recently filed a claim of confidentiality regarding
6 certain portions of David Nilson's rebuttal testimony, and
7 Staff would recommend that a separate order be issued to
8 address these pending confidentiality matters.

9 We also note that for the one -- for the rebuttal
10 testimony where a claim is only pending, that should the
11 parties -- should that information covered by the claims under
12 Rule 25-22.006(5), Florida Administrative Code, if those are
13 entered into a hearing record, a full request for confidential
14 treatment must be filed within 21 days of the conclusion of the
15 hearing pursuant to Rule 25-22.006(8)(b), Florida
16 Administrative Code.

17 CHAIRMAN JABER: Yeah, I'm inclined to go ahead and
18 issue a separate ruling on that after we are clear that the
19 claim for confidential classification will come in as an
20 official motion, an official request.

21 But, Supra, you have filed the claim for
22 confidentiality. Make sure, counsel, that you talk to Staff
23 counsel after the prehearing and you understand our
24 confidentiality rules and what it is you need to file.

25 And, Ms. Christensen, I'm inclined to do them all

1 together in the form of a separate ruling.

2 MS. CHRISTENSEN: Okay. I would also note that there
3 is an issue regarding some confidentiality that will also be
4 addressed when the motion to strike is addressed at the
5 March 19th agenda conference.

6 CHAIRMAN JABER: That's fine.

7 MS. CHRISTENSEN: Also, Supra had yesterday filed
8 some, I guess, revised pages to its rebuttal testimony.

9 MR. DAHLKE: That is correct.

10 MS. CHRISTENSEN: And I know they wanted to address
11 that, and if we could address that before we go the draft
12 prehearing order.

13 CHAIRMAN JABER: What is it? It's dated March 13th,
14 and it looks like it's a notice of service of corrected pages
15 to replace Pages 2, 4, and 5 of Mr. Nilson's rebuttal
16 testimony.

17 MR. DAHLKE: That is correct.

18 CHAIRMAN JABER: What are the nature of the
19 corrections? Tell me.

20 MR. DAHLKE: Sure. It's on Page 2. We have stricken
21 Lines 17 through 19.

22 CHAIRMAN JABER: Okay. So they're deletions then.

23 MR. DAHLKE: Yes, that is correct.

24 CHAIRMAN JABER: Is that true for the other changes
25 as well?

1 MR. DAHLKE: Page 5, Line 2, Supra Exhibit Number
2 DNR-5 should be deleted as well as it's already encompassed
3 within Line 1 of that same page. And on Page 4, Line 15 after
4 Supra Exhibit Number DNR-2, an insertion should be DNR-3.

5 CHAIRMAN JABER: So they're corrections to exhibits.
6 They are deleting some portions of testimony. Anything else?

7 MR. DAHLKE: No. That is it.

8 CHAIRMAN JABER: BellSouth, do you have any objection
9 to the notice of corrected pages?

10 MS. WHITE: Chairman Jaber, I have not seen this or
11 compared it to the testimony. If it's truly just correcting
12 the number of the exhibit, I would not have a problem. If it
13 is making any substantive changes, I would have to reserve an
14 answer to your question.

15 CHAIRMAN JABER: Ms. White, I'd like to be able to
16 resolve it today, though, so what we'll do at the end of the
17 prehearing conference is allow you all to consult and confer
18 and reach some sort of resolution. I'd rather we go ahead and
19 deal with it today so that we're not dealing with it, you know,
20 first thing in the hearing.

21 And to the degree you have an objection, that's fine,
22 but it may be that we can go ahead and reflect that the
23 testimony has been corrected and the new testimony will be
24 inserted in the record at the hearing. All right?

25 MS. WHITE: And if you want to go ahead and do that

1 just pending --

2 CHAIRMAN JABER: No, no, I'd rather not. Go ahead
3 and talk about it, understand the nature of the corrections,
4 and we'll try to resolve it by the end of today.

5 All right. Ms. Christensen, how about we go forward
6 with the draft prehearing order? And if there are any changes,
7 parties, you just let us know.

8 I'm on Page 2, Ms. Christensen, of the draft
9 prehearing order.

10 MS. CHRISTENSEN: Staff has no corrections to Page 2.

11 CHAIRMAN JABER: All right. The only correction I
12 had, Patty, was to the hearing date.

13 MS. CHRISTENSEN: Oh, okay.

14 CHAIRMAN JABER: So under case background, just
15 change the date. Any other changes?

16 MR. DAHLKE: Yes. Supra has some changes, Chairman.

17 CHAIRMAN JABER: To Page 2?

18 MR. DAHLKE: Oh, I'm sorry. I didn't know we were
19 just stuck on Page 2.

20 CHAIRMAN JABER: Let's go through the pages
21 individually.

22 MR. DAHLKE: I apologize.

23 CHAIRMAN JABER: No problem. Page 3. Page 4. All
24 right. Page 5, the order of witnesses.

25 MR. DAHLKE: Yeah, Supra has some changes to that,

1 Chairman.

2 CHAIRMAN JABER: Go ahead.

3 MR. DAHLKE: The order of witnesses should read
4 BellSouth witnesses prior to Supra's witnesses because
5 BellSouth did bring the billing dispute.

6 CHAIRMAN JABER: This is a complaint filed by
7 BellSouth.

8 MR. DAHLKE: BellSouth.

9 MS. CHRISTENSEN: Okay.

10 CHAIRMAN JABER: Ms. White.

11 MS. WHITE: No objection.

12 CHAIRMAN JABER: Thank you, Mr. Dahlke.

13 Staff, under order of witnesses, Messrs. Finlen and
14 Morton should go before Supra.

15 MS. CHRISTENSEN: We'll make those corrections. And
16 we can also do that as to the positions --

17 CHAIRMAN JABER: Yes.

18 MS. CHRISTENSEN: -- flip them for Supra and
19 BellSouth as well. And I apologize for that.

20 CHAIRMAN JABER: Okay.

21 MS. WHITE: Does the Chairman intend that rebuttal
22 and direct testimony be given at the same time from the stand?

23 CHAIRMAN JABER: You know, I'd rather not, Ms. White,
24 in this -- I'd rather not. I think for the sake of convenience
25 we've always taken up direct and rebuttal at the same time, but

1 the nature of these issues, I'd rather have -- I would rather
2 have rebuttal testimony separate.

3 Supra, do you have any preference one way or the
4 other?

5 MR. DAHLKE: I was under the impression they were
6 both filed at the same time, and then we do the cross.

7 CHAIRMAN JABER: Right. What Ms. White is asking,
8 though, in PSC practice from time to time we do allow the
9 witnesses to go ahead and address their direct testimony and
10 their rebuttal testimony at the time they are on the stand the
11 first time. So when you're cross-examining, you'd be able to
12 ask questions from the direct testimony and from the rebuttal
13 testimony all at once.

14 MR. DAHLKE: Supra has no problem with that.

15 CHAIRMAN JABER: You don't have a problem with that?

16 MR. DAHLKE: No, I don't.

17 CHAIRMAN JABER: All right. Staff, do you care one
18 way or the other?

19 MS. CHRISTENSEN: No. Staff has no opinion as to
20 whether or not to take it at the same time or one after the
21 other. There's advantages to both ways.

22 CHAIRMAN JABER: I think I'd like to leave it like
23 this for now, and at the hearing if you want to renew your
24 request, just ask us at the hearing. Just as one Commissioner,
25 I like the idea of separating them out, frankly, but you know,

1 ask me again at the hearing.

2 All right. Any other changes to Page 5?

3 MR. DAHLKE: Yes, Madam Chairman. Underneath
4 rebuttal, we need to add Dave Nilson on behalf of Supra in
5 connection with all the issues.

6 CHAIRMAN JABER: Okay. Any other changes?

7 MR. DAHLKE: No, ma'am.

8 CHAIRMAN JABER: Staff.

9 MS. CHRISTENSEN: No other changes.

10 CHAIRMAN JABER: All right. Page 6.

11 MR. DAHLKE: No changes for Supra.

12 CHAIRMAN JABER: Bell.

13 MS. WHITE: No, ma'am.

14 CHAIRMAN JABER: Page 7.

15 MR. DAHLKE: Supra has some changes on that,
16 Madam Chairman. Underneath -- in connection with Issue 1, we'd
17 like to remove the last sentence underneath Supra's position
18 beginning with, "Furthermore."

19 CHAIRMAN JABER: "Furthermore pursuant to Section
20 22.10," you would delete that through the end of the position?

21 MR. DAHLKE: Yes, ma'am.

22 CHAIRMAN JABER: All right. Any other changes?

23 MR. DAHLKE: No, ma'am.

24 CHAIRMAN JABER: Staff, Ms. White.

25 MS. WHITE: No problem.

1 MS. CHRISTENSEN: None.

2 CHAIRMAN JABER: Okay. Page 8.

3 MR. DAHLKE: No changes for Supra.

4 MS. CHRISTENSEN: None.

5 CHAIRMAN JABER: Okay. Page 9.

6 MR. DAHLKE: No changes for Supra.

7 CHAIRMAN JABER: All right. Page 9, Mr. Dahlke, I
8 notice you've identified additional issues. Tell me the nature
9 of these issues and why you believe the issues wouldn't be
10 subsumed in the other four.

11 MR. DAHLKE: Well, we believe that they were. The
12 only reason why we put these in place was in conjunction with
13 BellSouth's motion to strike. That's the only reason why we --
14 out of an abundance of caution they were put in there. We
15 again assumed that they were subsumed along there. And in
16 fact, I mean, testimony has already been elicited at the final
17 hearing, so I'm not so sure why there was, you know, an
18 objection to that within their motion to strike.

19 CHAIRMAN JABER: You know, I looked at the issues,
20 and candidly, we could leave them in and Staff would address
21 them, but I have to tell you, they are factual issues that will
22 be subsumed in the other issues. And when Staff presents its
23 recommendation and when we vote, we will probably vote on the
24 issues together. So my preference is, if you would tell me
25 where you think the issues are subsumed, and I'll allow you to

1 modify your position under the issues that are already
2 identified. It's not that necessarily I have a problem with
3 leaving the issues in, I just think it's double work.

4 MR. DAHLKE: And as do I, but like I said, we did it
5 out of an abundance of caution in connection with BellSouth's
6 motion. I believe that they would pertain to all four, would
7 be the truth, I mean, because even all the issues, all four are
8 even subsumed together in some way, so I would have to say all
9 four issues, Chairman.

10 CHAIRMAN JABER: Well, how about when we take the
11 break, you take a look at your positions in Issues 1 through 4
12 and modify your positions accordingly to address your positions
13 under the issues of fact?

14 MR. DAHLKE: Yes, ma'am.

15 CHAIRMAN JABER: And if you're not clear on what it
16 is I'm requesting, Staff, you can help Mr. Dahlke with taking
17 his positions and modifying where they belong in the issues
18 already identified.

19 MS. CHRISTENSEN: We'll be certainly happy to assist.

20 MR. DAHLKE: Thank you.

21 CHAIRMAN JABER: No problem. Okay. That brings us
22 to -- and, Ms. White, I don't mean to leave you out of that
23 discussion. I recognize if those issues stay in, you know, I
24 will allow you all to add your positions related to those
25 issues, but I'd like to cross that bridge when we come to it.

1 I think this is all going to work out.

2 MS. WHITE: And I did have an objection including
3 those issues, so if it can be worked out this way, that would
4 be wonderful.

5 CHAIRMAN JABER: Okay. Exhibit list, Page 11.

6 MR. DAHLKE: No changes for Supra.

7 CHAIRMAN JABER: Pages 12 through the rest of the
8 exhibit list, 20, 12 through 20.

9 MR. DAHLKE: Supra does have some changes,
10 Madam Chairman. On Page 14 in connection with Exhibit DN-20,
11 which was labeled as a composite exhibit, in the testimonies of
12 David Nilson we have identified Exhibit 20 as being Exhibit 20A
13 through H. Unfortunately, they were not labeled as such within
14 the documents. They were just labeled as Exhibit 20. So what
15 we'd like to do is remove any reference to any letters being
16 attached to Exhibit DN-20.

17 CHAIRMAN JABER: So each of these items you want
18 identified separately, basically.

19 MR. DAHLKE: No. What we'd actually just like to do
20 is just label them as DN-20, every one of those items, for ease
21 of convenience since we already have letters and dates attached
22 to those.

23 MS. WHITE: So essentially it stays the way it is on
24 the prehearing order --

25 MR. DAHLKE: That is correct.

1 MS. WHITE: -- but in Mr. Nilson's testimony, it's no
2 longer A through H.

3 MR. DAHLKE: That's correct.

4 MS. WHITE: Okay.

5 MS. CHRISTENSEN: Okay.

6 CHAIRMAN JABER: Staff.

7 MS. CHRISTENSEN: We have no objection to that. I
8 think that would make it clear and consistent.

9 MR. DAHLKE: Right.

10 CHAIRMAN JABER: Okay. Thank you, Mr. Dahlke.
11 Anything else?

12 MR. DAHLKE: I also have -- I have page and line
13 numbers where those exhibits were referenced if that would help
14 Staff.

15 MS. CHRISTENSEN: I think that would help and
16 probably help the court reporters when we go to insert this
17 into the record because that will be a correction, I think,
18 that could be made at the beginning of the hearing to the
19 testimony.

20 CHAIRMAN JABER: When Mr. Nilson takes the stand?

21 MS. CHRISTENSEN: Uh-huh.

22 MR. DAHLKE: Okay.

23 MS. CHRISTENSEN: But I think it would also help us
24 if we had that information now; then we could all be looking
25 for it and reminding --

1 MR. DAHLKE: Sure. I have that information, if I
2 may.

3 CHAIRMAN JABER: Do we want Mr. Dahlke to read it
4 into the record? Is that what you're saying? Or can he just
5 share it with you all during the break?

6 MS. WHITE: That's fine.

7 CHAIRMAN JABER: Why don't you share it informally
8 during the break?

9 MR. DAHLKE: Yes, ma'am.

10 Also, Madam Chairman, in connection with
11 Exhibit DN-24, this exhibit should be replaced with Mr. Ramos's
12 Exhibit Number KR-3. They were inadvertently swapped. So in
13 essence, Exhibit KR-3 should read -- should be Exhibit DN-24,
14 and Exhibit DN-24 should be Exhibit KR-3.

15 CHAIRMAN JABER: I see. The descriptions need to be
16 swapped.

17 MR. DAHLKE: That's correct.

18 MS. CHRISTENSEN: Okay. That's what I was going to
19 ask for clarification. So DN-24 should read, the October 23rd,
20 1997 interconnection agreement between BellSouth and Supra
21 filed November 1997, and then KR-3 should read, the
22 October 23rd interconnection filed September 1999?

23 MR. AUDU: That's correct.

24 MS. CHRISTENSEN: That's correct?

25 MR. DAHLKE: I believe so.

1 MS. CHRISTENSEN: And then we can delete the
2 reference to --

3 MR. DAHLKE: Like I said, it's just a simple matter
4 of just crossing out what used to be DN-24 should just now be
5 KR-3 and vice versa.

6 CHAIRMAN JABER: Just switch the descriptions, that's
7 all he's saying.

8 MR. DAHLKE: That's correct.

9 CHAIRMAN JABER: All right. Any other changes?

10 MR. DAHLKE: No, ma'am, not on that page.

11 CHAIRMAN JABER: The rest of the exhibit list.

12 MR. DAHLKE: Yes, ma'am. On page -- actually, on
13 Page 15, we had the same issue in connection with DN-20. That
14 is in connection with DN-26; that's what I'm referring
15 specifically to. Again, they were labeled A through U on the
16 testimony, but none of the documents were labeled as such. So
17 again, we would just like to have those labeled simply as DN-26
18 for each one of the exhibits.

19 Also, in connection with Exhibit DN -- what used to
20 be DN-26R in the testimony, it is incorrectly identified as
21 being a January 17th, 2000 letter, and it should read an
22 October 17th, 2000 letter.

23 CHAIRMAN JABER: It may be that Staff has described
24 it correctly in the description, Ms. Christensen, because I
25 don't -- I see an October 17th.

1 MR. DAHLKE: I'm sorry. The draft that I have, it's
2 blacked out, I apologize.

3 CHAIRMAN JABER: It's all right. So is it correct
4 now?

5 MS. CHRISTENSEN: It looks like from the description
6 it says, Supra letter dated October 17th, 2000 to BellSouth.
7 And I think that may be the letter that you're referring to --

8 MR. DAHLKE: That's correct.

9 MS. CHRISTENSEN: -- so it may be a correction that
10 would be needed to be made to the testimony at the beginning of
11 the hearing.

12 CHAIRMAN JABER: Again, when Mr. Nilson takes the
13 stand, when he takes the stand and we identify the exhibits for
14 purposes of the hearing, make that correction then.

15 MR. DAHLKE: Yes, ma'am. Also, I'd like to bring to
16 the Chair's attention the exhibit -- what was identified in the
17 testimony as 26U we've withdrawn.

18 CHAIRMAN JABER: And tell me the description for that
19 one since I don't have the testimony with me.

20 MR. DAHLKE: Yes, ma'am. That is a BellSouth letter
21 to Victor Miriki dated January 9, 2001.

22 CHAIRMAN JABER: Okay.

23 MS. CHRISTENSEN: Should we go ahead and delete that
24 from the exhibit list here or leave it as indicated which
25 states that it's withdrawn?

1 CHAIRMAN JABER: No, delete it. I mean, we're
2 making -- this will be the exhibit list that the Commissioners
3 have to use at the hearing, so it should be deleted.

4 MS. CHRISTENSEN: Okay.

5 CHAIRMAN JABER: Any other changes?

6 MR. DAHLKE: I'd also like to note that Exhibit DN-29
7 also was withdrawn.

8 CHAIRMAN JABER: Yes. And you know, Ms. Christensen,
9 you may want to put in parentheses so that the Commissioners
10 just in case they -- in their file end up with DN-26U, what
11 used to be 26U, make a notation somehow similar to the notation
12 you made for DN-29. The fact that it's withdrawn, you know, it
13 still comes up, I think, in the Commission's files for the
14 hearing, so --

15 MS. CHRISTENSEN: So maybe add a parenthesis at the
16 end saying DN-26U withdrawn, and then leave the DN-29 withdrawn
17 on there so that they'll know what happened with those
18 exhibits.

19 CHAIRMAN JABER: Right. And then, Mr. Dahlke, for
20 the hearing, we will not identify that exhibit, so it won't be
21 put into the record, but you need to make sure that we're real
22 clear in the hearing which exhibits you are identifying.

23 MR. DAHLKE: Yes, ma'am, as well as making
24 corrections to the testimony at that time.

25 CHAIRMAN JABER: Right.

1 MR. DAHLKE: Okay.

2 MS. CHRISTENSEN: Yeah.

3 CHAIRMAN JABER: Okay. Any other changes to Page 16?

4 MR. DAHLKE: No, ma'am.

5 CHAIRMAN JABER: Page 17.

6 MR. DAHLKE: No changes for Supra, except for the
7 addition of Dave Nilson's rebuttal exhibits.

8 CHAIRMAN JABER: Yes. Ms. Christensen, you need to
9 add those rebuttal exhibits to the prehearing order.

10 MS. CHRISTENSEN: We'll do that.

11 CHAIRMAN JABER: All right. I'm on Page 20. Other
12 than the corrections and the changes we talked about at the
13 beginning of the prehearing --

14 MR. DAHLKE: I'm sorry, Madam Chair. I just want to
15 make sure that in connection with Page 18, again, the KR-3,
16 just so we noted that. I know we referenced it dealing with
17 DN-24.

18 CHAIRMAN JABER: Yes. I had already made the
19 correction.

20 MR. DAHLKE: Okay. Thank you.

21 CHAIRMAN JABER: Uh-huh.

22 MS. CHRISTENSEN: Can I ask, I know that Supra has
23 filed their rebuttal testimony and has exhibits. I have not
24 seen whether or not BellSouth with their rebuttal testimony has
25 any exhibits that would also be with that.

1 CHAIRMAN JABER: I didn't see anything, Ms. White.

2 MS. WHITE: You know, I know we filed rebuttal
3 testimony yesterday, and I'm just not sure whether there were
4 any exhibits, but I will check that out during the break and
5 get back to you. I apologize for that.

6 CHAIRMAN JABER: And actually, so that we don't have
7 to necessarily address this specifically on the record,
8 Ms. Christensen, you have my permission to indicate in the
9 prehearing order whatever the rebuttal exhibits are, go ahead
10 and describe them and make that change in the prehearing order.

11 MS. CHRISTENSEN: Okay.

12 CHAIRMAN JABER: Okay. Page 20, we've made the
13 changes to the motions. I've issued a ruling on Number 3,
14 Ms. Christensen. There are no pending stipulations. I'd like
15 a separate order on the confidentiality matters.

16 Mr. Dahlke --

17 MR. DAHLKE: Yes, ma'am.

18 CHAIRMAN JABER: -- the confidential matters and how
19 we handle them at the hearing, I don't know which attorney for
20 Supra will be handling the hearing, but we have very strict
21 requirements on how confidential matters are handled. I would
22 bring to your attention the order on procedure. The prehearing
23 order describes the practice for confidential matters. It has
24 you indicating separately that the material is confidential.
25 It requires that you make sure the witnesses understand not to

1 reveal that confidential information. When you pass out the
2 exhibit, you need to use clearly marked folders. Red folders
3 are used just so that we all know if there's a red folder
4 around, that's confidential. So if you have any questions
5 about that, you need to talk to Staff counsel.

6 MR. DAHLKE: Thank you.

7 CHAIRMAN JABER: Okay. Page 21. Parties do want
8 opening statements?

9 MR. DAHLKE: Yes, ma'am. Supra would like an opening
10 statement.

11 CHAIRMAN JABER: Ten minutes per side. And I would
12 caution all of you, as it relates to the summary of testimony,
13 it is, again, Commission practice to allow witnesses to
14 summarize their testimony after they come up to the stand. We
15 ask that that summary be limited to five minutes.

16 I'm going to -- do you need more than 15 minutes?

17 MS. WHITE: I don't believe so, ma'am.

18 CHAIRMAN JABER: Okay. We'll come back at 2:25, and
19 we'll finish up the prehearing conference. During the break,
20 you are going to talk about the rebuttal testimony.

21 Mr. Dahlke, I don't know, do you need more than 15
22 minutes to take a look at those positions?

23 MR. DAHLKE: I probably will, please.

24 CHAIRMAN JABER: Okay. 2:35, we'll come back at
25 2:35.

1 MR. DAHLKE: Thank you.

2 (Brief recess.)

3 CHAIRMAN JABER: All right. Let's get back on the
4 record. Mr. Dahlke, how about we start with what you decided
5 on the positions to those new four issues?

6 MR. DAHLKE: Yes, ma'am. I'm not going to make any
7 changes to our four issues as I really believe that they are
8 encompassed within the issues as stated, the factual issues
9 within the issues of law. So I have really no changes to that,
10 as is.

11 CHAIRMAN JABER: So what does that mean? You want to
12 withdraw the additional issues?

13 MR. DAHLKE: The factual issues?

14 CHAIRMAN JABER: Uh-huh.

15 MR. DAHLKE: I believe they're already incorporated
16 in there, yes.

17 CHAIRMAN JABER: So you'll withdraw them?

18 MR. DAHLKE: Yes.

19 CHAIRMAN JABER: Okay. Then starting on Page 9 of
20 the prehearing order, we'll show that the additional issues
21 presented by Supra have been withdrawn with the understanding
22 that those positions are subsumed in your previously stated
23 positions.

24 MR. DAHLKE: That's correct.

25 CHAIRMAN JABER: Thank you, sir. Now, the other

1 thing we were going to take up, Ms. White, was the rebuttal
2 testimony, the changes to the rebuttal testimony.

3 MS. WHITE: Yes, ma'am. I had a chance during the
4 break to look at Mr. Nilson's rebuttal testimony in
5 Mr. Dahlke's filing, and I don't have any problem with it.

6 CHAIRMAN JABER: Great. Then here's what we'll do,
7 let the record reflect that I've allowed the revisions to the
8 rebuttal testimony.

9 And then, Mr. Dahlke, at the hearing when you ask me
10 to insert the testimony into the record, make sure that you ask
11 that the revised rebuttal testimony is inserted into the
12 record.

13 MR. DAHLKE: Yes, ma'am.

14 CHAIRMAN JABER: All right. Is there anything else
15 that we need to address today?

16 MS. WHITE: You had asked about the rebuttal exhibits
17 to BellSouth's witnesses.

18 CHAIRMAN JABER: Yes.

19 MS. WHITE: I did get a list of those and have given
20 that to Ms. Christensen. I apologize that it's a handwritten
21 list, but she assures me she can read my handwriting, so --

22 CHAIRMAN JABER: Excellent.

23 MS. CHRISTENSEN: That's correct.

24 CHAIRMAN JABER: Excellent. Let's me, you know, talk
25 to the parties just about the hearing and how it will go and

1 how much time we're going to have. This is a one-day hearing,
2 and frankly, I've been rethinking your request, Ms. White, to
3 take up direct and rebuttal at the same time because it is a
4 one-day hearing.

5 Supra, you have no objection to taking up direct and
6 rebuttal at the same time?

7 MR. DAHLKE: I don't believe so.

8 CHAIRMAN JABER: Staff, you have no objection?

9 MS. CHRISTENSEN: No.

10 CHAIRMAN JABER: All right. We'll go ahead and take
11 up direct and rebuttal at the same time because it is a one-day
12 hearing; we're not going to have a lot of time.

13 What I would ask of the parties is that you come
14 prepared to the hearing with clearly identified exhibits, that
15 to the degree you can share and give heads-up on matters you
16 intend to bring up at the hearing, that you do that. I would
17 ask for no surprises at this hearing. We're going to go
18 quickly. I think it's scheduled to start at 9:30,
19 Ms. Christensen?

20 MS. CHRISTENSEN: I believe so. I don't think the
21 time changed when we changed the date.

22 CHAIRMAN JABER: All right. If you have any
23 questions of Staff counsel, I would encourage you to call and
24 ask questions and make sure you understand the procedures. It
25 is a panel. I believe it's me, Commissioner Baez, and --

1 MS. CHRISTENSEN: Commissioner Palecki.

2 CHAIRMAN JABER: -- Commissioner Palecki. So we will
3 be here on time. We will start on time. Be prepared to go
4 late, if possible. Okay.

5 MS. WHITE: Yes, ma'am.

6 MR. DAHLKE: Yes, ma'am. Madam Chairman, I just want
7 to bring up one other outstanding issue. I have apprised
8 Ms. White. This is in connection with Supra's motion to compel
9 first set of interrogatories. On the 13th per this
10 Commission's order, the interrogatories and documents
11 responsive to our document requests were to be produced. We
12 did receive on the 14th documents from BellSouth. The
13 documents were attached with a notice that the interrogatories
14 were also being answered. We have not received those as of
15 yet, and again, I have apprised Ms. White of that, and she's
16 advised me that she's going to look into that as well.

17 CHAIRMAN JABER: Great.

18 MS. WHITE: It was my understanding those had been
19 e-mailed and Fed Ex'd to him yesterday. I'm not sure what
20 happened, but we have already started looking into it and
21 making sure that they get them as soon -- you know, today.

22 CHAIRMAN JABER: All right. Thank you. To the
23 degree there are any issues related to that, just make sure
24 Staff counsel knows, but it sounds like it's taken care of.

25 MR. DAHLKE: Yes, ma'am.

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CHAIRMAN JABER: Okay. Thank you. This prehearing
is concluded.

MR. DAHLKE: Thank you.

(Prehearing concluded at 2:43 p.m.)

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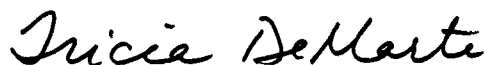
1 STATE OF FLORIDA)
2 : CERTIFICATE OF REPORTER
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4
5 I, TRICIA DeMARTE, Official Commission Reporter, do hereby
6 certify that the foregoing proceeding was heard at the time and
7 place herein stated.

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

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

18 DATED THIS 19th DAY OF MARCH, 2002.

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TRICIA DeMARTE
FPSC Official Commission Reporter
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