

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

In the Matter of:

PETITION BY VERIZON FLORIDA INC. DOCKET NO. 030867-TL
TO REFORM INTRASTATE NETWORK ACCESS
AND BASIC LOCAL TELECOMMUNICATIONS
RATES IN ACCORDANCE WITH SECTION
364.164, FLORIDA STATUTES.

PETITION BY SPRINT-FLORIDA, DOCKET NO. 030868-TL
INCORPORATED TO REDUCE INTRASTATE
SWITCHED NETWORK ACCESS RATES TO
INTERSTATE PARITY IN REVENUE-NEUTRAL
MANNER PURSUANT TO SECTION
364.164(1), FLORIDA STATUTES.

PETITION FOR IMPLEMENTATION OF DOCKET NO. 030869-TL
SECTION 364.164, FLORIDA STATUTES,
BY REBALANCING RATES IN A
REVENUE-NEUTRAL MANNER THROUGH
DECREASES IN INTRASTATE SWITCHED
ACCESS CHARGES WITH OFFSETTING
RATE ADJUSTMENTS FOR BASIC SERVICES,
BY BELLSOUTH TELECOMMUNICATIONS, INC.

FLOW-THROUGH OF LEC SWITCHED DOCKET NO. 030961-TI
ACCESS REDUCTIONS BY IXCs,
PURSUANT TO SECTION
364.163(2), FLORIDA STATUTES.

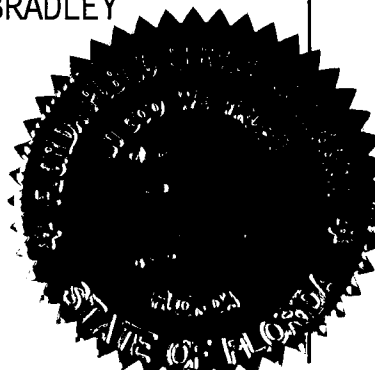
ELECTRONIC VERSIONS OF THIS TRANSCRIPT ARE
A CONVENIENCE COPY ONLY AND ARE NOT
THE OFFICIAL TRANSCRIPT OF THE HEARING,
THE .PDF VERSION INCLUDES PREFILED TESTIMONY.

PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER RUDOLPH "RUDY" BRADLEY

DATE: November 24, 2003

DOCUMENT NUMBER-DATE
12269 DEC-30
REC-COMMISSION CLERK



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TIME: Commenced at 9:30 a.m.
Concluded at 10:34 a.m.

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

REPORTED BY: JANE FAUROT, RPR
Chief, Office of Hearing Reporter
FPSC Division of Commission Clerk
Administrative Services
(850) 413-6732

1 PARTICIPATING:

2 CHARLES BECK, ESQUIRE, H. F. MANN, ESQUIRE, Office of
3 Public Counsel, c/o The Florida Legislature, 111 West Madison
4 Street, Room 812, Tallahassee, Florida, 32399-1400, appearing
5 on behalf of the Office of Public Counsel.

6 MICHAEL B. TWOMEY, ESQUIRE, P.O. Box 5256,
7 Tallahassee, Florida 32314-5256, appearing on behalf of AARP
8 and Common Cause of Florida, Inc.

9 RICHARD CHAPKIS, Verizon Florida, Inc., 201 North
10 Franklin Street, FLTC0007, Tampa, Florida 33602, appearing on
11 behalf of Verizon Florida, Inc., Verizon Long Distance, Verizon
12 Select Services, and Verizon Enterprise Solutions.

13 JOHN FONS, ESQUIRE, Ausley Law Firm, P.O. Box 391,
14 Tallahassee, Florida 32302, appearing on behalf of
15 Sprint-Florida, Inc.

16 CHARLES J. REHWINKEL, ESQUIRE, and SUSAN MASTERTON,
17 ESQUIRE, Sprint-Florida, Incorporated, (MCFLTLH00107), P. O.
18 Box 2214, Tallahassee, Florida 32316-2214, appearing on behalf
19 of Sprint Communications Company, LP.

20 NANCY B. WHITE, ESQUIRE, MEREDITH MAYS, ESQUIRE, and
21 DOUG LACKEY, ESQUIRE, and HARRIS ANTHONY, ESQUIRE, c/o Nancy
22 Sims, 150 South Monroe Street, Suite 400, Tallahassee, Florida
23 32301, appearing on behalf of BellSouth Telecommunications,
24 Inc., and BellSouth Long Distance.

25

1 APPEARANCES CONTINUED:

2 DONNA McNULTY, ESQUIRE, MCI WorldCom Communications,
3 Inc., 1203 Governors Square Blvd., Suite 201, Tallahassee,
4 Florida 32301-2906, appearing on behalf of MCI WorldCom
5 Communications, Inc.

6 GEORGE N. MEROS, JR., ESQUIRE, Gray Robinson, P.A.,
7 Post Office Box 11189, Tallahassee, Florida 32302-3189,
8 appearing on behalf of Knology of Florida, Inc.

9 FLOYD SELF, ESQUIRE, Messer, Caparello & Self, P.A.,
10 215 South Monroe Street, Suite 701, Tallahassee, Florida
11 32302, appearing on behalf of AT&T Communications of the
12 Southern States, LLC. and MCI WorldCom Communications, Inc.

13 TRACY W. HATCH, ESQUIRE, 101 North Monroe Street,
14 Suite 700, Tallahassee, Florida 32301, appearing on behalf of
15 AT&T Communications of the Southern States, LLC.

16 CECILIA BRADLEY, ESQUIRE, and JACK SHREVE, ESQUIRE,
17 L-01, The Capitol, Tallahassee, Florida 32399-1050, appearing
18 on behalf of the Office of the Attorney General.

19 BETH KEATING, ESQUIRE, PATRICIA A. CHRISTENSEN,
20 FELICIA R. BANKS, ESQUIRE, and LEE FORDHAM, ESQUIRE, FPSC
21 General Counsel's Office, 2540 Shumard Oak Boulevard,
22 Tallahassee, Florida 32399-0850, appearing on behalf of
23 Commission Staff.

24

25

P R O C E E D I N G S

1
2 COMMISSIONER BRADLEY: Good morning. My name is Rudy
3 Bradley, and I'm the prehearing officer, obviously, and I would
4 now like to call the prehearing conference to order.

5 Please read the notice.

6 MS. KEATING: By notice issued November 17th, 2003,
7 this time and place have been set for a prehearing conference
8 in Docket Numbers 030867, 030868, 030869, and 030961. The
9 purpose is as set forth in the notice.

10 COMMISSIONER BRADLEY: Thank you. The next order of
11 business is to take appearances.

12 MS. WHITE: For BellSouth Telecommunications, I'm
13 Nancy White. Also I have would like to make an appearance for
14 BellSouth Telecommunications for Meredith Mays and Doug Lackey.
15 Also for purposes of this prehearing only, I'm representing
16 BellSouth Long Distance, and I would like to make an appearance
17 for Mr. Harris Anthony on behalf of BellSouth Long Distance.

18 COMMISSIONER BRADLEY: Thank you.

19 MR. CHAPKIS: Good morning. This is Richard Chapkis.
20 I'm here representing Verizon Florida, Inc. And for purposes
21 of this prehearing conference, I'm also representing Verizon
22 Long Distance, Verizon Select Services, and Verizon Enterprise
23 Solutions.

24 COMMISSIONER BRADLEY: Thank you.

25 MR. FONS: My name is John Fons. I'm with the Ausley

1 law firm, and I am representing Sprint-Florida in this
2 proceeding. Also with me will be Susan Masterton.

3 COMMISSIONER BRADLEY: Thank you.

4 MR. BECK: Good morning, Commissioner. My name is
5 Charlie Beck, with me is Rick Mann, Office of Public Counsel,
6 appearing on behalf of the Citizens of Florida.

7 COMMISSIONER BRADLEY: Thank you.

8 MR. MEROS: Good morning. George Meros, Gray
9 Robinson law firm, on behalf of Knology of Florida.

10 MS. MASTERTON: I'm Susan Masterton, and for the
11 purposes of this prehearing I'm representing Sprint
12 Communications Company, Limited Partnership. And I would also
13 like to to enter an appearance on behalf of Charles Rehwinkel
14 for Sprint Communications Company.

15 COMMISSIONER BRADLEY: Thank you.

16 MS. McNULTY: Good morning. I'm Donna McNulty
17 appearing on behalf of MCI WorldCom Communications, Inc.

18 COMMISSIONER BRADLEY: Thank you.

19 MR. SELF: Good morning, Commissioner. I'm Floyd
20 Self of the Messer, Caparello and Self law firm. This morning
21 I'm representing AT&T as well as MCI. I would also like to
22 enter an appearance for Tracy Hatch, who is not listed on the
23 draft prehearing order, who will be representing AT&T, as well.

24 COMMISSIONER BRADLEY: Thank you. Mr. Twomey.

25 MR. TWOMEY: Good morning, Commissioner Bradley.

1 Mike Twomey appearing on behalf of the AARP, as well as Common
2 Cause of Florida who had previously filed a petition to
3 intervene, but that has not yet granted that I am aware of, and
4 as well as Sugarmill Woods Civic Association, Inc., who this
5 morning filed a petition to intervene in the Sprint docket.

6 COMMISSIONER BRADLEY: Thank you.

7 MS. BRADLEY: I'm Cecilia Bradley. Also joining me
8 will be Mr. Shreve, Jack Shreve, and we are on behalf of the
9 Attorney General who has also moved to intervene in this case.

10 COMMISSIONER BRADLEY: Thank you.

11 MS. KEATING: And I'm Beth Keating appearing for the
12 Commission. And also I would like to enter an appearance for
13 Felicia Banks, Patricia Christensen, and Lee Fordham.

14 COMMISSIONER BRADLEY: Thank you. Any other
15 appearances?

16 Are there any preliminary matters by any of the
17 parties?

18 MS. KEATING: Commissioner, we actually have quite a
19 few petitions to intervene that are still pending, and I would
20 suggest that we go ahead and take those up at this time. If
21 you would like, I can identify those at this time.

22 COMMISSIONER BRADLEY: Would you, please.

23 MS. KEATING: The first one is a petition to
24 intervene by BellSouth Long Distance. This one was filed on
25 November 5th, 2003. The time for filing objections has run.

1 COMMISSIONER BRADLEY: Thank you. Any others?

2 MS. KEATING: The next is a petition to intervene by
3 the Attorney General. This one was filed on November 17th.
4 Then there is a petition to intervene by Sprint Communications,
5 Limited Partnership, filed on November 14th. A petition to
6 intervene by Verizon Long Distance Affiliates filed November
7 19th. A petition to intervene by Common Cause filed on
8 November 21st. And as Mr. Twomey noted, a petition to
9 intervene by Sugarmill Woods that either has been filed today,
10 or as I understand it will be filed today.

11 COMMISSIONER BRADLEY: Thank you. Any others?

12 MS. KEATING: That is all that I am aware of.

13 COMMISSIONER BRADLEY: Okay. It is my intent to
14 proceed through the draft prehearing order section-by-section
15 as quickly as possible.

16 MS. KEATING: Commissioner, if I could make a
17 suggestion. Did you know want to rule on those petitions to
18 intervene? It might be a good time to see if any parties
19 didn't have any objections, you might be able to go ahead and
20 rule on those and get those out of the way.

21 COMMISSIONER BRADLEY: Thank you. Most certainly. I
22 am going to grant intervention by all intervening parties. Are
23 there any objections?

24 MR. FONS: Chairman, this is John Fons on behalf of
25 Sprint. We were just served with the Sugarmill Woods Civic

1 Association petition to intervene this morning, hand-delivered.
2 We have just perused it very briefly, but we would like to note
3 that beginning on Page 3 with Paragraph 10 over to Page 5,
4 Paragraph 11, including Paragraph 11 and 12, Sugarmill Woods is
5 introducing issues, or attempting to introduce issues into this
6 proceeding that go beyond the issues which the prehearing
7 officer established as the issues to be determined in this
8 proceeding. Therefore, we object to the introduction of these
9 issues. If necessary, we will file a written response to this
10 petition. We have no objection to the intervention, but we
11 object to the issues that Sugarmill Woods is attempting to
12 introduce into this proceeding.

13 MR. TWOMEY: Mr. Chairman.

14 COMMISSIONER BRADLEY: Yes.

15 MR. TWOMEY: Sugarmill Woods will stipulate to the
16 fact that it accepts the issues as stated in your prehearing
17 order, your order on issues.

18 COMMISSIONER BRADLEY: And, for the record, that
19 means that you are going to withdraw 11 and 12?

20 MR. TWOMEY: Yes, sir. Anything that is inconsistent
21 with your order on issues are withdrawn.

22 COMMISSIONER BRADLEY: Okay. Thank you. Mr. Fons,
23 does that satisfy your concerns?

24 MR. FONS: That satisfies us with regard to Sugarmill
25 Woods. I believe it was on Friday, on November the 21st,

1 Common Cause filed a petition to intervene. Again, within that
2 particular petition to intervene there are a list of disputed
3 issues and facts. Again, Paragraphs 11, 12 -- I'm sorry, in
4 this case it is Paragraphs 14 -- there are two Paragraphs 14,
5 and 16. And, again, we object to these issues because they are
6 different from and transcend the issues that were established
7 by the prehearing officer in his order establishing the
8 procedure in this proceeding.

9 COMMISSIONER BRADLEY: Mr. Twomey.

10 MR. TWOMEY: Yes, sir, the same result as for
11 Sugarmill Woods. Common Cause will withdraw anything that is
12 inconsistent with your previously issued order.

13 COMMISSIONER BRADLEY: Thank you. Mr. Fons.

14 MR. FONTS: We have no objection to Common Cause's
15 intervention.

16 COMMISSIONER BRADLEY: Okay, thank you. That clears
17 up those two matters. It is my intent to proceed through the
18 draft prehearing order section-by-section as quickly as
19 possible, as I stated earlier. Given the number of parties and
20 issues in these dockets, each party will be given the
21 opportunity to participate fully, but I would ask that to the
22 extent possible parties present their positions clearly and
23 succinctly.

24 To the extent a party agrees with a position or
25 argument previously made by another party, I would appreciate

1 it if that could be clearly stated without a full repetition of
2 the entire position or argument. If there are any questions,
3 or clarifications, or changes, or anything to be called to my
4 attention, please let me know at the appropriate time. And
5 with that we will begin going through the draft prehearing
6 order.

7 I have a draft prehearing order dated today, November
8 24th, 2003. Does everyone have a copy? Does everyone have a
9 copy? Okay.

10 We will begin with Section I, the conduct
11 proceedings. Conduct of proceedings, I'm sorry. Section II.

12 MS. KEATING: Commissioner, I just wanted to point
13 out that we will be updating the case background slightly to
14 make reference to the order where Docket 030961 was
15 consolidated.

16 COMMISSIONER BRADLEY: Does everyone agree?
17 Section III, confidential information. Section IV, the
18 post-hearing procedures. Beth.

19 MS. KEATING: Commissioner, I was just kind of
20 thinking it might be appropriate to sort of put some caveat
21 language in here in view of the fact that the Commission is
22 currently looking at either doing a bench decision or perhaps
23 having an oral argument on the following Tuesday, December
24 16th, that perhaps this section would apply if, in fact, the
25 Commission decides to receive post-hearing pleadings, that

1 these provisions would apply.

2 COMMISSIONER BRADLEY: Section VI. I'm sorry,
3 Section V, prefiled testimony and exhibits. Yes, Mr. Beck.

4 MR. BECK: Charlie Beck. Commissioner, on the order
5 of witnesses, I guess I have a number of questions. First,
6 whether we want to combine rebuttal and direct or not. I mean,
7 I would certainly have no objection to combining them because
8 of the time constraints of the hearing. I simply raise the
9 issue. We are not opposing the separating of them, either.

10 Commissioner, with respect to the order of witnesses,
11 where it has staff going after --

12 COMMISSIONER BRADLEY: Okay. Mr. Beck, let's deal
13 with one section at a time, and we will get to the order of
14 witnesses in Section VI. Let's deal with Section V, prefiled
15 testimony and exhibits. Are we all in agreement? Okay.
16 Section VI, order of witnesses.

17 Mr. Beck, you are recognized.

18 MR. BECK: I'm sorry, Commissioner, I thought we were
19 on VI. My first question was whether to combine direct and
20 rebuttal or not. I simply raise the issue because of the
21 constraints of time for the three days of hearing.

22 MS. WHITE: BellSouth would support that.

23 MR. CHAPKIS: Verizon would, as well.

24 MR. FONS: So does Sprint-Florida.

25 MS. McNULTY: So does MCI.

1 MR. SELF: So does AT&T.

2 MR. TWOMEY: No objection, sir.

3 COMMISSIONER BRADLEY: Thank you.

4 MS. KEATING: We will certainly reflect that in the
5 prehearing order for you, Commissioner.

6 COMMISSIONER BRADLEY: Thank you. Section VII.

7 MR. TWOMEY: Excuse me, I'm sorry. Go ahead, whoever
8 was ahead of me.

9 COMMISSIONER BRADLEY: Mr. Beck. Who spoke?

10 MR. FONS: This is John Fons for Sprint. I think we
11 would like to make some recommendations with regard to the
12 order of witnesses. It would be proposed by the three ILECs
13 that the first witness that would be presented would be Dr.
14 Gordon on behalf of all three companies. Right now the order
15 of witnesses shows Dr. Gordon appearing as a direct witness for
16 Verizon, and then again for Sprint, and then again for
17 BellSouth. We just think it would make more sense to have him
18 appear one time on behalf of these three companies that are
19 sponsoring Dr. Gordon and have him appear first.

20 COMMISSIONER BRADLEY: Okay. I think what I'm going
21 to do is to allow the various interested parties to voice their
22 opinion at this time and then make a decision. Mr. Fons, you
23 have stated your opinion. Are there any other opinions? Mr.
24 Beck.

25 MR. BECK: Other opinions concerning other matters on

1 the order of witnesses?

2 COMMISSIONER BRADLEY: Yes.

3 MR. BECK: I have no objection to what Mr. Fons
4 suggested. I would request on the order of witnesses that the
5 staff, I believe, overall and particularly Witness Greg Shafer
6 is more closely aligned with the petitioners than those
7 opposing the petitions, so my suggestion is that the staff
8 testify after Verizon Long Distance's witness and before that
9 of other intervenors simply because of the alignment of the
10 parties.

11 COMMISSIONER BRADLEY: Okay. Anyone else?

12 MS. WHITE: Commissioner Bradley, Nancy White for
13 BellSouth. The three petitioners had discussed this, and after
14 Mr. Gordon, we would put the BellSouth witnesses in the order
15 that they appear in the prehearing draft, prehearing statement
16 order, then would come the Verizon witnesses in the order in
17 which they are in the prehearing, and then would come the
18 Sprint witnesses in the order in which they are listed in the
19 prehearing order for the petitioners. That would be the order
20 of witnesses we would like to see.

21 COMMISSIONER BRADLEY: I tell you what I am going to
22 do. I'm going to take a brief recess and allow all of you to
23 get together and determine what the order should be, and then
24 we will reconvene. How much time do we need, five minutes, ten
25 minutes?

1 MS. KEATING: I would say at least ten minutes,
2 Commissioner.

3 COMMISSIONER BRADLEY: Okay. Why don't we take a
4 ten-minute recess and allow you all to work out the particulars
5 of the order of witnesses. Recess.

6 (Recess.)

7 COMMISSIONER BRADLEY: I would like to now reconvene
8 this prehearing conference. Has there been a stipulation?

9 MS. KEATING: Yes, Commissioner, I believe there has.
10 If you would like, I can run through the order of witnesses
11 that the parties and staff believe would be appropriate.

12 COMMISSIONER BRADLEY: Okay. Let me state for the
13 record I asked the question has there been a stipulation. Just
14 for the record, a stipulation as it relates to Section VI, the
15 order of witnesses.

16 Beth, you are recognized.

17 MS. KEATING: The first witness would be Dr. Kenneth
18 Gordon; the second one would be John Ruscilli; the third,
19 Bernard Shell; the fourth, Stephen Bigelow; the fifth, Jerry
20 Hendrix; the sixth, Dr. Banerjee; the seventh, Mr. Fulp; eight,
21 Mr. Danner; nine, Leo; 10, Dickerson; 11, Staihr; 12, Felz; 13,
22 Poag; 14, Boccucci; 15, Mayo; 16, Fonteix; 17, Guepe; 18,
23 Dunbar; 19, Henson; 20, Kapka; 21, Broten; 22, Shafer; 23,
24 Ollila, although there is a possibility that Ms. Ollila's
25 testimony could perhaps be stipulated; 24, Gabel; 25,

1 Ostrander; and 26, Cooper. And that would conclude the order
2 of witnesses.

3 COMMISSIONER BRADLEY: Thank you. Before we move to
4 the next section, let me thank the parties for working out that
5 stipulation as it relates to Issue VI. I'm sorry, Section VI.
6 Section VII. Do you have a comment as it relates to
7 Section VI?

8 MS. McNULTY: Yes, Commissioner Bradley. This is
9 Donna McNulty from MCI. I just wanted to point out for MCI's
10 witness Joe Dunbar, Number 18, we currently have him listed as
11 direct and rebuttal. Because rebuttal testimony is not due
12 until Wednesday, we are still reviewing what has been filed and
13 we would like to reserve our right as to whether or not he will
14 actually file rebuttal testimony.

15 COMMISSIONER BRADLEY: So be it. Any comments as it
16 relates to --

17 MS. KEATING: Commissioner, on that note, if it is
18 appropriate, I would kind of like to ask the parties if any of
19 them at this point have an idea of whether their witnesses will
20 be filing testimony on Wednesday, just for purposes of trying
21 to get the prehearing order to you as quickly as possible and
22 as accurate as possible.

23 COMMISSIONER BRADLEY: Okay. Let me withdraw my so
24 be it then, and allow the parties to respond.

25 MR. SELF: Commissioner, if I may. AT&T. It's my

1 understanding that AT&T for Dr. Mayo may file rebuttal on
2 Wednesday, and MCI, since he is sponsored by both AT&T and MCI,
3 and that AT&T witness Richard Guepe also will probably be
4 filing rebuttal on Wednesday.

5 COMMISSIONER BRADLEY: Anyone else? Yes, Mr. Beck.

6 MR. BECK: The Office of Public Counsel. We haven't
7 made a final decision, but we may be filing rebuttal by
8 Ostrander.

9 COMMISSIONER BRADLEY: Anyone else?

10 MS. WHITE: Nancy White for BellSouth Long Distance.
11 I think they may be filing rebuttal, but I'm just not sure yet.

12 MR. CHAPKIS: Richard Chapkis for the Verizon long
13 distance affiliates. It is probable that John Broten will file
14 rebuttal.

15 MR. FONS: May I inquire of Mr. Beck whether Mr.
16 Ostrander's rebuttal testimony --

17 COMMISSIONER BRADLEY: Yes, you may.

18 MR. FONS: -- will go only to the IXC issues?

19 MR. BECK: The answer is yes. It would be rebuttal
20 to what was filed last Wednesday.

21 MR. FONS: Thank you.

22 COMMISSIONER BRADLEY: Anyone else?

23 MS. MASTERTON: Susan Masterton for Sprint
24 Communications Company. We haven't made a final decision, but
25 it is possible that we will be filing rebuttal, as well.

1 COMMISSIONER BRADLEY: Anyone else? Mr. Twomey.

2 MR. TWOMEY: Yes, sir. I don't think -- I mean, it
3 is unlikely that Doctor Cooper will file any more testimony,
4 but we reserve the right to by the deadline. But it is
5 unlikely.

6 MR. MEROS: The same, Your Honor, for Knology. We do
7 not believe we will, but we are going to reserve the right to
8 do so.

9 COMMISSIONER BRADLEY: Anyone else?

10 MS. KEATING: Thank you, Commissioner. That's
11 helpful.

12 COMMISSIONER BRADLEY: Thank you. Those positions
13 are acceptable.

14 The next section is Section VII, basic positions.

15 MR. SELF: Commissioner, Floyd Self for AT&T. We
16 have not had a chance to compare the text here with what we
17 filed for the prehearing statement. If we could come to
18 agreement and set a deadline with staff maybe end of the day
19 today for submitting typographical errors or other changes to
20 the positions or other relevant parts of the prehearing order,
21 that might speed this along a little bit.

22 COMMISSIONER BRADLEY: State your name for the record
23 again. I missed it.

24 MR. SELF: Floyd Self.

25 COMMISSIONER BRADLEY: Okay. That is acceptable to

1 me. Anyone else? Today is the deadline, right?

2 MS. KEATING: Yes, sir, the end of the day today.

3 COMMISSIONER BRADLEY: Anyone else? Okay. Moving on
4 to Section VIII, issues and positions. Issue 1. Issue 2.

5 MR. FONS: I think Issue 1A is the next issue.

6 COMMISSIONER BRADLEY: Okay, I'm sorry. Issue 1A.
7 Thank you. Issue 2.

8 MR. TWOMEY: Commissioner Bradley, Mike Twomey. Let
9 me just say that Sugarmill Woods will, like Common Cause
10 Florida, adopt all the same positions as AARP, and the staff
11 can make them one line if it will save space.

12 COMMISSIONER BRADLEY: Okay. Thank you. Issue 3.
13 Issue 4. Issue 5. Okay. Thank you. Also, I note for the
14 record that Issues 6 through 10 are subject to a motion for
15 reconsideration that will be addressed by the full Commission
16 on December 10th. That being said, my order remains in effect
17 and we will address positions for Issues 6 through 10. Beth.

18 MS. KEATING: Commissioner, I would just note that
19 Sprint, BellSouth, and Verizon indicated in their positions for
20 Issues 6 through 10 that they didn't take one, and referred, in
21 fact, to the motion for reconsideration. I wanted to find out
22 if the Commission were to decide to deny the motion for
23 reconsideration if they would have intended to take positions
24 on those issues, or if, in fact, their position really is no
25 position on those issues.

1 COMMISSIONER BRADLEY: For a response you're
2 recognized.

3 MS. WHITE: Nancy White for BellSouth
4 Telecommunications. Our position would remain no position, but
5 for different reasons than it is now.

6 MR. CHAPKIS: The same holds true for Verizon
7 Florida, Inc.

8 MR. FONS: The same holds true for Sprint-Florida.

9 COMMISSIONER BRADLEY: Anyone else? I think, Mr.
10 Twomey, you have already stated your position, is that correct?

11 MR. TWOMEY: Yes, sir.

12 COMMISSIONER BRADLEY: Okay. Does that clear up all
13 matters as it relates to Issues 6 through 10? Issue 11.
14 Section IX, the exhibit list. Section X, proposed
15 stipulations. Beth, you're recognized.

16 MS. KEATING: Yes, Commissioner. The first thing
17 that I did want to bring up was I have broached the subject
18 with the parties about the possibility of stipulating the
19 testimony and exhibit for witness Suzanne Ollila. I have kind
20 of received a mixed response. But I believe, based on
21 discussions that we just had with the parties, that that may
22 still actually be a proposed stipulation that remains on the
23 table pending further consideration by the parties. There is a
24 possibility that if the 2003 competition report becomes a
25 stipulated exhibit, then parties may potentially be willing to

1 stipulate the testimony and exhibit of Ms. Ollila.

2 We also discussed the fact that staff will be putting
3 together its usual list of proposed stipulated discovery
4 exhibits. Staff is hoping to have that list together by
5 December 4th to send out to the parties, and make any -- please
6 identify any objections or additions that they want to add to
7 that list. Other than that, I don't believe I have anything.

8 MR. FONS: If I may, Commissioner Bradley.

9 COMMISSIONER BRADLEY: State your name --

10 MR. FONS: John Fons on behalf of Sprint-Florida.

11 COMMISSIONER BRADLEY: -- for the record.

12 MR. FONS: In the witnesses, the exhibits, you show
13 Dr. Gordon as appearing for Verizon and BellSouth with his
14 exhibits there, but you don't show him for Sprint-Florida.

15 MS. KEATING: Okay. We will probably just reflect
16 him one time for everybody.

17 MR. FONS: That's fine.

18 COMMISSIONER BRADLEY: So the record should reflect
19 that Dr. Gordon is also going to appear for --

20 MR. FONS: For Sprint-Florida.

21 COMMISSIONER BRADLEY: -- Sprint-Florida. Any other
22 comments? Okay.

23 Section XI, pending motions. I note for the record
24 that we have outstanding the Office of Public Counsel's first,
25 second, and third motions to compel production from BellSouth.

1 I will rule on those motions by separate order.

2 MS. KEATING: Commissioner, could I ask for one
3 clarification from the Office of Public Counsel?

4 COMMISSIONER BRADLEY: Yes, you may.

5 MS. KEATING: Staff was sort of under the impression
6 that at least that first motion to compel had been resolved.
7 And I just wanted to ask for a clarification, and perhaps we
8 could take that one off the table. Otherwise, we do have some
9 draft orders that are almost ready for your review.

10 COMMISSIONER BRADLEY: Mr. Beck.

11 MR. MANN: Rick Mann for Public Counsel's Office.
12 Yes, sir, that had been resolved earlier, the first motion to
13 compel on BellSouth, so that is off the list.

14 COMMISSIONER BRADLEY: So we only have two
15 outstanding motions, that is what, the second and third
16 motions?

17 MR. MANN: Actually three outstanding. The
18 interrogatories and PODs are two separate, the second motions
19 to compel. But, yes, interrogatories, PODs, second motion and
20 the third motion to compel interrogatories.

21 COMMISSIONER BRADLEY: Okay. Beth.

22 MS. KEATING: Thank you, Commissioner. Thank you,
23 Office of Public Counsel, for that clarification.

24 COMMISSIONER BRADLEY: Second, we have the Attorney
25 General's motion for summary final order and Sprint, Verizon,

1 and BellSouth's motion for reconsideration and request for oral
2 argument. The full Commission will rule on these at the
3 beginning of the technical hearing on December 10th.

4 MS. BRADLEY: Mr. Commissioner.

5 COMMISSIONER BRADLEY: Yes. State your name and --

6 MS. BRADLEY: I'm sorry, Cecilia Bradley on behalf of
7 the Attorney General. I don't know whether that is a final
8 decision yet, or if possible we would like to request that it
9 be taken up at your regular agenda meeting on the 2nd to have
10 some time in between.

11 COMMISSIONER BRADLEY: Beth, what would you suggest?

12 MS. KEATING: Commissioner, perhaps we can discuss
13 that after the prehearing conference. I believe that a lot of
14 factors may come into play in that decision, so I would suggest
15 that you make a decision on that afterwards.

16 COMMISSIONER BRADLEY: Is that okay with you?

17 MS. BRADLEY: Certainly, sir. Thank you.

18 COMMISSIONER BRADLEY: We have a motion by AT&T for a
19 temporary protective order. Having reviewed this motion, it is
20 my opinion that the relief requested is covered by my ruling in
21 Order Number PSC-03-1268-PCO-TL issued November 10th, 2003, so
22 the motion is moot. If any party believes this is not the
23 case, I will hear argument at this time.

24 MR. SELF: That's fine. Floyd Self for AT&T,
25 Commissioner. That's fine. We filed it in an abundance of

1 caution just to be certain.

2 COMMISSIONER BRADLEY: Anyone else?

3 MR. SELF: And, Commissioner Bradley, if I may, Floyd
4 Self. MCI filed a similar motion on the same day for the same
5 reasons with respect to Witness Dunbar's testimony, so I'm
6 assuming your ruling would be the same.

7 COMMISSIONER BRADLEY: Those are all the motions that
8 I am aware of at this time. Is any party aware of any other
9 motions that are outstanding or need to be addressed at this
10 time?

11 The next section is Section XII, pending
12 confidentiality matters. For the record, I'm aware that there
13 are a number of outstanding requests for confidential
14 classification which will be ruled upon in separate orders.
15 Also, I want to note for the record that there are a number of
16 notices of intent, as well a number of claims of
17 confidentiality for which the time for filing a request has not
18 yet run.

19 I will remind the parties that a request for
20 confidential classification must be filed within the time
21 period prescribed, and the failure to timely file a request
22 will result in a loss of confidential treatment of material
23 covered under notices of intent and claims. I would also like
24 to suggest to the parties that it would be helpful if all
25 requests for confidential classification could be filed prior

1 to the beginning of the hearing scheduled for December 10th.

2 As a last matter I would like to remind the parties
3 to take note of the Commission's long established procedure for
4 using confidential material at a hearing as spelled out in the
5 Order Establishing Procedure and above in Section 3. The
6 Commission takes this procedure very seriously, and we will
7 expect all parties to follow it to the letter. If you don't
8 know how to use the red folders, please contact staff after the
9 hearing. That is my suggestion. Are there any other matters
10 relating to confidentiality?

11 Next is Section XIII, which relates to decisions that
12 may impact the Commission's resolution of these dockets.

13 Section XIV, rulings.

14 MS. KEATING: Commissioner, this is typically where
15 you would take up the issues of whether to have opening
16 statements. In some discussions that we had on the break, it
17 appears that most of the parties may be in agreement that there
18 may be no need for any opening statements. You may want to see
19 if there is a clarification from the parties on that issue.

20 COMMISSIONER BRADLEY: Parties, you are recognized to
21 address that statement. Does that include closing statements?

22 MS. KEATING: No, sir, that was just opening
23 statements.

24 COMMISSIONER BRADLEY: Okay. Closing statements.

25 MS. KEATING: Yes, sir. I was going to suggest that

1 in view of the shortened time frame that the Commission has for
2 entering its decision, and it has already been discussed that
3 in lieu of briefs perhaps it would be appropriate to take
4 closing arguments. I would suggest perhaps five minutes would
5 be an appropriate time frame. Five to eight, something like
6 that. I don't know if the parties have any input on that.

7 I was also going to suggest that the parties be
8 prepared to address what seems to be one of the overarching
9 legal issues before the Commission in this matter, and that is
10 to what extent, if any, is the Commission authorized to
11 consider benefits to toll customers in making its determination
12 on the ILECs' access charge reduction petitions. And, of
13 course, I guess whether or not the parties actually include
14 that in their closing arguments may be dependent in some part
15 on whether the Commission grants or denies the motion for
16 reconsideration.

17 COMMISSIONER BRADLEY: Any comments? Witness
18 summaries.

19 MS. KEATING: That is included in the draft
20 prehearing order. It is typically five minutes. In view of
21 the time frames that we are working with, though, I think it
22 might be a good idea to really emphasize to the parties and
23 their witnesses that five minute summaries are five minutes,
24 not six and seven. And if they can cut them down shorter, it
25 might be a good idea.

1 COMMISSIONER BRADLEY: Is that agreeable? Okay.
2 Before we conclude, let me ask this question. Is there
3 anything to come before the prehearing officer at this time?

4 MS. KEATING: I don't believe so, Commissioner.

5 COMMISSIONER BRADLEY: Thank you. In conclusion, let
6 me thank you for your participation. And this prehearing
7 conference is adjourned.

8 MS. KEATING: Thank you, Commissioner.

9 MS. McNULTY: Thank you.

10 (The prehearing conference concluded at 10:35 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF FLORIDA)

CERTIFICATE OF REPORTER

COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, Office of Hearing Reporter Services, FPSC Division of Commission Clerk and Administrative Services, do hereby certify that the foregoing proceeding 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' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 1st day of December, 2003.



JANE FAUROT, RPR
Chief, Office of Hearing Reporter Services
FPSC Division of Commission Clerk and
Administrative Services
(850) 413-6732