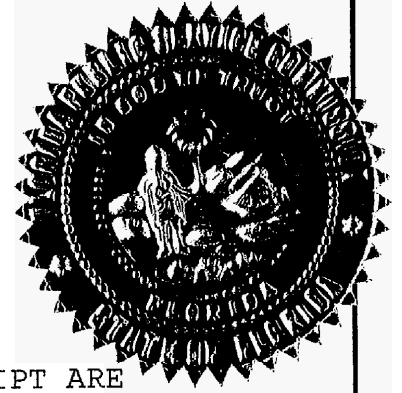


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 040301-TP

In the Matter of:

COMPLAINT OF SUPRA TELECOMMUNICATIONS
AND INFORMATION SYSTEMS, INC.
AGAINST BELLSOUTH TELECOMMUNICATIONS,
INC.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER RUDOLPH "RUDY" BRADLEY
Prehearing Officer

DATE: Friday, November 19, 2004

TIME: Commenced at 9:35 a.m.
Concluded at 10:05 a.m.

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

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

DOCUMENT NUMBER-DATE

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1 APPEARANCES:

2 E. EARL (KIP) EDENFIELD, JR., ESQUIRE, BellSouth
3 Telecommunications, Inc., c/o Ms. Nancy H. Sims, 150 South
4 Monroe Street, Suite 400, Tallahassee, Florida 32301, appearing
5 on behalf of BellSouth Telecommunications, Inc., participating
6 telephonically.

7 BRIAN CHAIKEN, ESQUIRE, Supra Telecommunications and
8 Information Systems, Inc., 2620 S.W. 27th Avenue, Miami,
9 Florida 33133, appearing on behalf of Supra Telecommunications
10 and Information Systems, Inc., participating telephonically.

11 JEREMY SUSAC, ESQUIRE, FPSC General Counsel's Office,
12 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
13 appearing on behalf of the Florida Public Service Commission
14 Staff.

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P R O C E E D I N G S

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2 COMMISSIONER BRADLEY: Good morning. I'd like to
3 call this prehearing conference to order. Could I have the
4 notice read, please.

5 MR. SUSAC: Yes, Commissioner. Pursuant to notice
6 issued October 29, 2004, this time and place has been set for a
7 prehearing conference in Docket 040301-TP.

8 COMMISSIONER BRADLEY: Let's take appearances.

9 MR. SUSAC: We'll start here at the Commission with
10 staff. This is Jeremy Susac on behalf of Commission staff.

11 MR. EDENFIELD: In Atlanta, we have Kip Edenfield
12 from BellSouth. And I appreciate you allowing me to attend by
13 phone this morning.

14 MR. CHAIKEN: In Miami, it's Brian Chaiken from Supra
15 Telecom. And we appreciate the ability to appear by phone as
16 well. Thank you.

17 COMMISSIONER BRADLEY: You're both welcome. Are
18 there any preliminary matters?

19 MR. SUSAC: Yes, Commissioner, there are. Supra has
20 requested that the opening statements be increased from 10
21 minutes to 20 minutes. Supra is on the phone and ready to
22 address that matter.

23 COMMISSIONER BRADLEY: All right. Mr. Chaiken.
24 Supra.

25 MR. CHAIKEN: I'm sorry. I'm having trouble hearing

1 the Commissioner. Very briefly, we think the issues in this
2 case merit a little bit more than ten minutes' worth of opening
3 statement. There are a number of cost studies at issue or
4 various cost studies at issue which address various elements,
5 and we would like the opportunity to preview the evidence for
6 the Commissioners, and we figured it will take a little bit
7 more than 10 minutes but no more than 20. And it will be, I
8 think, a very valuable use of the parties' time and the
9 Commission's time so that they can see exactly what the parties
10 are talking about, what work times, what work elements, and
11 what probabilities are at issue where the parties have
12 agreements and where the parties have disagreements and what
13 the evidence will show in this case.

14 MR. EDENFIELD: From BellSouth's perspective, I think
15 ten minutes is sufficient, if you need any at all. Frankly,
16 you can almost read the testimony in 20 minutes, and since
17 opening statements are supposed to be somewhat of a preview of
18 what you're going to hear, 20 minutes just seems like an awful
19 long time to have an opening statement, but certainly whatever
20 the Commission's pleasure on that is we will be happy to do.

21 COMMISSIONER BRADLEY: Anything else?

22 MR. EDENFIELD: Nothing from BellSouth.

23 MR. CHAIKEN: Nothing from Supra.

24 COMMISSIONER BRADLEY: Okay. It will be my ruling
25 that we are going to allow 20 minutes for opening statements

1 For both BellSouth as well as Supra. Also, I've been informed
2 that there's a motion in limine that's related to a BellSouth
3 witness. Jeremy, would you --

4 MR. SUSAC: Yes, Commissioner. Parties have also
5 asked that they be afforded five minutes to present oral
6 arguments on the motion.

7 COMMISSIONER BRADLEY: This morning.

8 MR. SUSAC: This morning, that is correct,
9 Commissioner.

10 COMMISSIONER BRADLEY: Okay. Who wants to go first?

11 MR. CHAIKEN: This is Brian Chaiken. This is my
12 motion and I figured I'd go first, if that's acceptable.

13 COMMISSIONER BRADLEY: You're recognized,
14 Mr. Chaiken.

15 MR. CHAIKEN: Okay. Thank you. Supra in its motion
16 in limine seeks two things: First, you present improper
17 hearsay evidence, and second, to prevent BellSouth's witness
18 Ms. Caldwell from presenting evidence relating to issues that
19 she has no knowledge of, specifically any work elements, work
20 times, and probabilities that are contained in BellSouth's
21 cost, purported cost study in this case.

22 I'll take the first issue first, which is the hearsay
23 evidence. BellSouth hasn't even responded in writing to
24 Supra's motion as it relates to the hearsay evidence. What it
25 is is BellSouth's witness includes testimony from a different

1 BellSouth employee from a deposition transcript taken back in
2 000. That different BellSouth employee has presented no
3 direct testimony in this case, no rebuttal testimony in this
4 case. BellSouth hasn't identified the deposition transcript as
5 an exhibit in this case either in its testimonies or in its
6 prehearing statement. As such, that evidence is clearly
7 hearsay evidence, not permitted by any exception to the hearsay
8 rule, and should be excluded from this case.

9 Secondly, we'll talk about Ms. Caldwell's testimony.
10 Supra has objected to her testimony because after being deposed
11 Ms. Caldwell has admitted that she has absolutely no knowledge
12 regarding a UNE-P to UNE-L hot cut, which is the issue in this
13 case. She's never performed one, never seen one performed.
14 Her only knowledge comes from other BellSouth employees. In
15 fact, she testified that her only function in the process of
16 creating a cost study is to be sure that all the UNEs are
17 covered and that there's no overlapping.

18 In response to Supra's motion in limine, BellSouth
19 claims that Ms. Caldwell is an expert, and therefore, her
20 testimony should come in. Well, BellSouth has never -- that's
21 the first time BellSouth identified Ms. Caldwell as an expert.
22 In fact, if you read her direct testimony, she states what the
23 purpose of her testimony is. In her direct testimony, Page 3,
24 Lines 2 through 5 states, "The purpose of my testimony is to
25 respond to the issues set forth in the procedural order, Order

1 Number PSC-04-0809-PCO-TP, dated August 19, 2004. In doing so,
2 I explain how the nonrecurring costs that support the rates
3 associated with the hot cut process were determined and why
4 they are the appropriate charges for this service."

5 Ms. Caldwell never expresses that she's providing an expert
6 opinion, never states what her qualifications to be an expert
7 regarding UNE-P to UNE-L hot cuts would be.

8 Now, let's take a look at what Florida Rule of
9 Evidence provides. Florida Rule of Evidence, Rule
10 90.702 regarding testimony by experts states, "If scientific,
11 technical, or other specialized knowledge will assist the trier
12 of fact in understanding the evidence or in determining a fact
13 in issue, a witness qualified as an expert by knowledge, skill,
14 experience, training, or education may testify about it in the
15 form of an opinion; however, the opinion is admissible only if
16 it can be applied to evidence at trial."

17 Clearly, Ms. Caldwell has no specialized knowledge or
18 skill regarding UNE-P to UNE-L conversions. At best, the only
19 thing she has is specialized knowledge regarding how to input
20 numbers provided by other people into a spreadsheet. If she
21 wants to testify regarding how she put numbers into a
22 spreadsheet, Supra doesn't object to that. But if she wants to
23 testify regarding work elements, work times, work
24 probabilities, how they were computed, how they were provided,
25 well, that's not acceptable. She has no knowledge of those

1 things. Other BellSouth employees did all that work. We cited
2 case law in our motion, Snelling and Snelling, Inc. v. Kaplan,
3 614 So.2nd 665, which is directly on point in this issue.

4 The bottom line is that her sworn deposition
5 testimony showed that she has no specialized knowledge
6 regarding UNE-P to UNE-L conversions. Nowhere in her testimony
7 does she express an opinion, and if BellSouth can point out
8 where she expresses an opinion, we'd be happy to hear it, nor
9 has she ever been identified either in the prehearing statement
10 or otherwise that she is an expert in UNE-P to UNE-L
11 conversions, and therefore, she should not be allowed to
12 testify on things that are outside the scope of her knowledge.
13 Thank you.

14 COMMISSIONER BRADLEY: Thank you, Mr. Chaiken.
15 Mr. Edenfield, your response. BellSouth.

16 MR. EDENFIELD: Oh, I'm sorry. I was talking to a
17 muted phone. That's not a good way to start my day.

18 Just a couple of things. First and foremost,
19 Ms. Caldwell has testified on numerous occasions before the
20 Commission. She's always been held out as being BellSouth's
21 expert on the cost studies, the manner in which they are put
22 together, et cetera, et cetera. She's been recognized as an
23 expert by the federal court as you can see from the citation in
24 my motion. She, as an expert, is allowed to rely upon, to the
25 extent it would be even considered hearsay evidence, is allowed

1 to rely upon hearsay evidence in rendering her opinions.
2 That's the Florida Evidence Code in Section 90.704. Even if
3 she is not an expert though, her testimony, it should still be
4 allowed to come in because she's not basing it on hearsay.
5 Here is why. One, Mr. Chaiken seems to make a big deal about
6 Ms. Caldwell not being able to perform or has never actually
7 gone to a central office and performed a hot cut. I have
8 another witness who's going to do that; that is Mr. Ainsworth.
9 That is the person who will be putting forth the manner in
10 which a hot cut is actually performed. Ms. Caldwell's function
11 in this case is to talk about cost studies.

12 As the Commission is well aware, this whole issue
13 revolves around, does BellSouth have an existing cost study
14 that covers hot cuts? Ms. Caldwell will testify that in fact
15 via her testimony in the UNE docket and in the Covad
16 arbitration and in the most recent generic collocation docket
17 that the Commission has set rates for hot cuts such as the one
18 Supra is complaining about here. That is the area in which she
19 will be testifying. Mr. Chaiken is trying to throw you off
20 what's really relevant here by discussing this in terms of
21 "she's never done a hot cut before" makes absolutely no sense
22 and it's not why I'm putting her up in the first place.

23 To the extent she has work times and percentages in
24 her testimony, those clearly fall within a number of hearsay
25 exceptions under the Florida Evidence Code. First, she is not

1 proposing any rate, any work time, any activity, or any
2 percentage that has not already been approved and set forth in
3 an order of this Commission; therefore, she's only relying upon
4 public records that fall clearly within the hearsay exception
5 under .803(8). Again, she's not proposing anything that is not
6 already in a written order of this Commission.

7 Second, to the extent she's not relying -- well,
8 she's relying on it. Another argument would be that these --
9 her opinions or her testimony in those work times, activities,
10 and percentages through discovery that's been taken by Supra in
11 this matter all have foundations which will be at the time of
12 the hearing, assuming all the discovery gets put into evidence,
13 will be backed up through record evidence. Some of those
14 documents such as tables and work studies and things like that
15 that have been done by BellSouth upon which she's relied and
16 relied upon in the previous UNE dockets are the records of
17 business activity of BellSouth clearly which would fall into
18 the Section .803(6) exception to the hearsay rule.

19 Further, while Ms. Caldwell has not done a hot cut,
20 Supra has taken a number of depositions in this matter of
21 people who have. And through -- frankly, Supra has cured the
22 problem that it seems to complain about through its own
23 discovery. It has taken depositions of individuals who have
24 now come in and confirmed the activities, the work times and
25 all that. So we're going to have record evidence outside of

1 even Ms. Caldwell, assuming those depositions come into
2 evidence, that will support her findings.

3 As to the reliance upon -- and I think the other part
4 of Mr. Chaiken's motion dealt with a deposition of -- and I
5 forgot which witness it was now, if it was Mr. McCracken or --
6 anyway, a BellSouth witness that actually testified in the UNE
7 docket and BellSouth had noted in its motion that it plans to
8 have the Commission take administrative notice or official
9 recognition of those prior proceedings from which Ms. Caldwell
10 is getting her information. And certainly once the Commission
11 takes administrative notice or official recognition of those
12 prior proceedings, anything in there would be fair game.

13 So that's BellSouth's arguments in hopefully less
14 than five minutes.

15 COMMISSIONER BRADLEY: Staff, what would you suggest
16 as a resolution to this issue?

17 MR. SUSAC: In order to maximize your discretion,
18 Commissioner, we have two recommendations. One, if you wanted
19 to reserve the filing for a later time, you could do so.
20 However, if you'd like to rule on it today, staff has a
21 recommendation to deny Supra's motion in limine. In light of
22 the arguments today, both parties cite the correct statues,
23 Statues 90.704, Florida Statues, and 90.702, Florida Statutes,
24 which allows an expert witness to assist the trier of fact and
25 to rely on facts or data if the witness is indeed an expert.

1 As BellSouth has pointed out, Ms. Caldwell has
2 previously been identified as an expert witness here at the
3 Commission and in the courts. An example of this is Docket
4 90649 which is at issue here in this docket as well. She in
5 fact designed the cost study which is a central part of this
6 case. Staff's recommendation would be to deny Supra's motion
7 in limine, recognize that Ms. Caldwell is an expert and allow
8 to rely on such information.

9 COMMISSIONER BRADLEY: Thank you. My ruling will be
10 to deny the motion in limine and allow Ms. Caldwell to
11 participate or testify.

12 Are there any other preliminary matters?

13 MR. EDENFIELD: BellSouth has one other preliminary
14 matter, and this is something I've been trying to resolve
15 without -- prior to getting here today. **There is a possibility**
16 that I may have to have Ms. Caldwell or ask your indulgence to
17 have her testify the second day of the hearing. She is a
18 witness in another hearing, a one-day hearing that is in
19 another state on the 1st of December. The Prehearing Officer
20 may recall that this hearing is set for two days,
21 December 1st and December 2nd. We are trying to get that case,
22 the other case she's supposed to testify in, either continued
23 to another date or have her testimony simply stipulated in
24 there or do the best we can to get her on a plane, take her out
25 of turn in that another case and get her on a plane and get her

1 to Tallahassee as soon as we can, but I'm not going to have
2 answers to those three questions today. So I'm asking the
3 Prehearing Officer if you will indulge me and allow her to go
4 the second day if that becomes necessary.

5 COMMISSIONER BRADLEY: Staff.

6 MR. SUSAC: Staff recommends granting the request.
7 Just so we're clear, when we go through the draft prehearing
8 order, Section VI addresses the order of witnesses, and we can
9 modify that to be clear on the granting of the request if the
10 Prehearing Officer does grant the request.

11 COMMISSIONER BRADLEY: My ruling will be to grant it.

12 MR. EDENFIELD: Prehearing Officer, excuse me for
13 interrupting again. In the event that that becomes something
14 that's not necessary, in other words if they get the hearing
15 continued or they stipulate her testimony, I will advise both
16 staff and the parties of that just absolutely as quickly as I
17 find out.

18 COMMISSIONER BRADLEY: By all means.

19 MR. EDENFIELD: Thank you.

20 COMMISSIONER BRADLEY: We're going to proceed through
21 the draft prehearing order section by section. If there are
22 any questions or clarifications or changes or anything to be
23 called to my attention, please let me know when we reach that
24 section. Since we're doing this by telephone, we need to
25 preserve the record. I'm going to ask each party to provide an

1 oral response for each section. It can just be a "no changes,"
2 but I do need a response. I have a draft prehearing order
3 provided to me by my office Thursday. Does everyone have a
4 copy?

5 MR. EDENFIELD: BellSouth has a copy.

6 MR. SUSAC: Staff has a copy.

7 MR. CHAIKEN: Supra has a copy.

8 COMMISSIONER BRADLEY: Thank you. We'll begin with
9 Section I, the conduct of proceedings.

10 MR. EDENFIELD: BellSouth is okay with Section I.

11 MR. CHAIKEN: Supra has no changes.

12 COMMISSIONER BRADLEY: You broke up.

13 MR. CHAIKEN: We have no changes.

14 COMMISSIONER BRADLEY: No changes. Section II, case
15 background.

16 MR. EDENFIELD: BellSouth has no changes.

17 MR. CHAIKEN: Supra has no changes.

18 COMMISSIONER BRADLEY: Thank you. Section III,
19 procedure for handling confidential information.

20 MR. EDENFIELD: BellSouth has no changes.

21 MR. CHAIKEN: Supra has no changes.

22 COMMISSIONER BRADLEY: Staff. I've been told that
23 staff has something that it wants to bring up.

24 MR. SUSAC: (Inaudible. Microphone off.) I'm sorry.

25 I was speaking into a muted microphone as well. It seems to be

1 the trend today.

2 Commissioner, it should be noted that staff believes
3 that there are particular portions of Supra's direct testimony
4 that deals with BellSouth's cost study that more than likely is
5 public and not confidential. We would like to acknowledge or
6 to actually respectfully request that the parties work together
7 in order to resolve this issue. In fact, staff has taken the
8 liberty to suggest pages of 28, 29, 30, sections -- or Pages
9 33 through 35 of Nilson's direct testimony as well as five
10 exhibits attached, which are DAN-45 through 50.

11 Again, staff respectfully requests that the parties
12 work together to clarify this as it would make dealing with the
13 information much easier at the hearing.

14 MR. EDENFIELD: This is BellSouth. May I ask just to
15 make sure I'm on the same page with what staff is asking?
16 These are portions of Mr. Nilson's testimony that have been
17 deemed confidential and exhibits that have been deemed
18 confidential that staff does not think are confidential and you
19 want BellSouth to basically confirm one way or the other as to
20 our belief?

21 MR. SUSAC: Correct. Staff has had conversations
22 with both parties on this instance. It seems that Supra out of
23 abundance of caution because it was not their information filed
24 it as confidential. However, a recent exhibit to
25 Ms. Caldwell's testimony seems to lend the other way in that

1 the fact that these -- this cost study, and I don't want to use
2 the word "manipulation," but another form of it could be also
3 public and not confidential.

4 MR. EDENFIELD: For the record, BellSouth is happy to
5 take a look at that and talk to Ms. Caldwell. **And if there's**
6 no confidentiality, we will be happy to advise everyone.

7 MR. SUSAC: Thank you. And I'd also like to say that
8 I'd be more than happy to work with the parties as well if you
9 have any questions that you'd like us to help out with.

10 MR. EDENFIELD: Actually identifying the pages and
11 the exhibits is extremely helpful. So I'll talk to
12 Ms. Caldwell, if not today, then on Monday and get this ball
13 rolling.

14 MR. SUSAC: Thank you very much, Counselor.

15 MR. EDENFIELD: Yes, sir.

16 COMMISSIONER BRADLEY: Okay. Mr. Chaiken.

17 MR. CHAIKEN: I've got no problem with that.

18 Mr. Susac correctly stated that we identified those portions
19 and those exhibits as confidential out of an abundance of
20 caution, and I think we'll leave that solely up to BellSouth as
21 to whether or not they believe it's confidential.

22 COMMISSIONER BRADLEY: All right. Let me make sure I
23 understand. Basically what we were dealing with -- or what we
24 have dealt with is the possibility of a blanket confidentiality
25 request as it relates to one of the cost studies?

1 MR. SUSAC: Yes, Commissioner, that's very accurate.
2 Supra out of abundance of caution filed another form of the
3 underlying cost study with the direct testimony and with some
4 exhibits to, I believe, the rebuttal testimony of Mr. David
5 Nilson, Supra's sole witness, and it came to light when
6 BellSouth filed the actual underlying cost study or portions of
7 it public. We feel that this would be extremely helpful to not
8 only yourself but your colleagues, the other Commissioners,
9 when dealing with the information at the hearing.

10 COMMISSIONER BRADLEY: And just for the record,
11 staff's recommendation is that the parties work together to
12 resolve this issue without a ruling from me?

13 MR. SUSAC: Yes, sir.

14 COMMISSIONER BRADLEY: Is that clear to both parties?

15 MR. EDENFIELD: That is clear to BellSouth, and I am
16 happy to proceed that way, Commissioner Bradley.

17 MR. CHAIKEN: That is clear to Supra as well.

18 COMMISSIONER BRADLEY: Thank you.

19 Section IV, post-hearing procedures.

20 MR. CHAIKEN: Supra has no changes.

21 MR. EDENFIELD: BellSouth has no changes.

22 COMMISSIONER BRADLEY: Section V, prefiled testimony,
23 exhibits, and witnesses.

24 MR. CHAIKEN: Supra has no changes.

25

1 COMMISSIONER BRADLEY: Section VI, order of
2 witnesses.

3 MR. EDENFIELD: So long as we get the notation, the
4 possible notation regarding when Ms. Caldwell will be
5 testifying possibly on the 2nd, BellSouth has no changes to the
6 Section VI.

7 MR. CHAIKEN: Supra has no changes.

8 COMMISSIONER BRADLEY: Thank you. Section VII, basic
9 positions.

10 MR. EDENFIELD: BellSouth has no changes to its
11 portion of the basic positions.

12 MR. CHAIKEN: Supra has no changes.

13 COMMISSIONER BRADLEY: Section VIII, issues and
14 positions.

15 MR. EDENFIELD: BellSouth has no changes to its
16 portion of the Section VIII.

17 COMMISSIONER BRADLEY: Well, I need to be specific.
18 All right. Let's take Issue 1 on Page 7.

19 MR. EDENFIELD: BellSouth has no changes to its
20 position under Section VIII, Issue 1.

21 COMMISSIONER BRADLEY: Supra.

22 MR. CHAIKEN: Supra has no changes.

23 COMMISSIONER BRADLEY: Issue 2, Page 9.

24 MR. EDENFIELD: BellSouth has no changes to Issue
25 2 under Section VIII.

1 MR. CHAIKEN: Supra has no changes.

2 COMMISSIONER BRADLEY: Thank you. Issue 3, Page 10.

3 MR. EDENFIELD: BellSouth has no changes to Issue 3
4 under Section VIII.

5 MR. CHAIKEN: Supra has no changes.

6 COMMISSIONER BRADLEY: Issue 4 on Page 17.

7 MR. EDENFIELD: BellSouth has no changes to its
8 position under Issue 4 of Section VIII.

9 MR. CHAIKEN: Supra has no changes.

10 COMMISSIONER BRADLEY: Issue 4B, Page 17. I'm sorry,
11 the previous issue was Issue 4A. The next issue is Issue 4B.
12 Both of them are on Page 17.

13 MR. EDENFIELD: Just as a matter of clarification
14 from BellSouth's perspective, I think Supra has added in an "A"
15 and "B" for clarification of its own testimony. I don't think
16 the prehearing order or the order establishing procedure has a
17 4A and B, does it? There's just an Issue 4.

18 MR. SUSAC: This is Commission staff. Counselor, is
19 correct that Issue 4 does not have any subparts. I believe
20 Supra, and they can correct me if they're (sic) wrong, just for
21 organizational purposes put an "A" and a "B" for our help.

22 MR. CHAIKEN: This is Supra. That is correct.

23 COMMISSIONER BRADLEY: You're breaking up just a
24 little bit, Mr. Chaiken.

25 MR. CHAIKEN: I'm sorry. Mr. Susac accurately stated

1 he fact that we added actually "A," "B," and "C" for purposes
2 of organization in our prehearing statement.

3 COMMISSIONER BRADLEY: Okay. And the last issue is
4 issue 4C on Page 19.

5 MR. SUSAC: This is Commission staff. I believe that
6 is also just to aid our benefit and organizational purposes of
7 issue 4. There is only a total of four issues in this case.
8 So we would be finished with that section, and we can move on
9 to Section IX, the exhibit list.

10 COMMISSIONER BRADLEY: Thank you. Section IX,
11 exhibit list.

12 MR. EDENFIELD: BellSouth has no changes to its
13 portion of Section IX.

14 MR. CHAIKEN: Supra has no changes.

15 COMMISSIONER BRADLEY: Section X, proposed
16 stipulations.

17 MR. EDENFIELD: BellSouth has no changes.

18 MR. CHAIKEN: Supra has no changes.

19 COMMISSIONER BRADLEY: Section XI, pending motions.

20 MR. EDENFIELD: I think the only change would be that
21 the motion in limine that's referenced there has just been
22 resolved by you, Commissioner Bradley. Other than that,
23 BellSouth has no other pending motion other than request for
24 confidential classification which we're taking up in the next
25 section.

1 MR. CHAIKEN: Supra agrees with that.

2 COMMISSIONER BRADLEY: As mentioned, Supra's motion
3 in limine was taken care of earlier at the beginning of this
4 process, and I think I've heard from the parties that there are
5 no other motions.

6 Section XII, pending confidentiality matters.

7 MR. EDENFIELD: The only thing BellSouth has to add
8 to that, Commissioner Bradley, is that we filed a notice of
9 intent regarding a particular discovery response that we
10 provided earlier this week. I think the request for
11 confidential classification technically is not going to be due
12 until after the hearing; however, BellSouth plans to file that
13 this coming Tuesday irrespective of how long we would have
14 actually had under the order establishing procedure. So that
15 would be the only thing that would need to be added would be a
16 new BellSouth's request for specified confidential
17 classification to be filed -- and I'm sorry, I don't have my
18 calendar in front of me -- whatever next Tuesday would be.

19 COMMISSIONER BRADLEY: Supra.

20 MR. CHAIKEN: We have no objection to that.

21 COMMISSIONER BRADLEY: Section XIII, decisions that
22 may impact the Commission's resolution of issues.

23 MR. EDENFIELD: BellSouth has no changes to that.

24 MR. CHAIKEN: Supra has no changes.

25 COMMISSIONER BRADLEY: Section XIV, rulings. I know

1 that in addition to my rulings made today, the draft order also
2 includes rulings I made earlier this week: BellSouth's motion
3 for extension of time and Supra's motion for leave to file late
4 discovery. I believe the staff attorney notified the parties
5 of my rulings.

6 MR. EDENFIELD: Yes, sir.

7 MR. CHAIKEN: That's correct.

8 MR. EDENFIELD: The only other thing I can see in
9 Section XIV is you have allowed or granted Supra's request to
10 do 20-minute openings.

11 COMMISSIONER BRADLEY: Yes.

12 MR. EDENFIELD: So "A" would probably need to be,
13 with all due respect, would need to be modified, and again it'd
14 be that was dealt with earlier today by you, Commissioner
15 Bradley.

16 COMMISSIONER BRADLEY: Staff will so modify that.

17 MR. EDENFIELD: And I have no other changes other
18 than that.

19 MR. CHAIKEN: Supra has no other changes.

20 COMMISSIONER BRADLEY: Thank you. Is there anything
21 else to come before the Prehearing Officer at this time?

22 MR. EDENFIELD: Nothing from BellSouth, Chairman
23 Bradley. And again, thank you for allowing us to do this by
24 phone. I know it's a little difficult, but we do appreciate
25 it.

1 MR. CHAIKEN: Nothing further from Supra. We
2 appreciate your time.

3 COMMISSIONER BRADLEY: I think it worked out rather
4 nicely. Thank you for participation. And this prehearing
5 conference is adjourned.

6 (Prehearing conference concluded at 10:05 a.m.)

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TATE OF FLORIDA)
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OUNTY OF LEON)

CERTIFICATE OF REPORTER

I, TRICIA DeMARTE, RPR, Official Commission Reporter,
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' attorneys or counsel
connected with the action, nor am I financially interested in
the action.

DATED THIS 22nd DAY OF NOVEMBER, 2004.

Tricia DeMarte

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