

ORIGINAL

**Timolyn Henry**

**From:** Slaughter, Brenda [Brenda.Slaughter@BellSouth.COM]  
**Sent:** Tuesday, March 08, 2005 3:50 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Meza, James; Linda Hobbs; Fatool, Vicki; Holland, Robyn P; Nancy Sims; Bixler, Micheale; Butler, Ann W  
**Subject:** Docket 040130-TP  
**Importance:** High  
**Attachments:** 040130-TP Late-Filed Deposition Exhibit.pdf

- A. Brenda Slaughter  
 Legal Secretary for James Meza III  
 BellSouth Telecommunications, Inc.  
 c/o Nancy Sims  
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 Tallahassee, Florida 32301-1558  
 (404) 335-0714  
[brenda.slaughter@bellsouth.com](mailto:brenda.slaughter@bellsouth.com)
- B. Docket No. 040130-TP: Joint Petition for Arbitration of NewSouth Communications Corp., NuVox Communications Corp., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC on Behalf of its Operating Subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC
- C. BellSouth Telecommunications, Inc.  
 on behalf of James Meza III
- D. 29 pages total
- E. BellSouth Telecommunications, Inc.'s Late-Filed Deposition Exhibit of Kathy K. Blake

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 ECR \_\_\_\_\_  
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 MMS \_\_\_\_\_  
 RCA \_\_\_\_\_  
 SCR \_\_\_\_\_  
 SEC 1 \_\_\_\_\_  
 OTH \_\_\_\_\_

Brenda Slaughter (sent on behalf of James Meza III)  
 BellSouth Telecommunications, Inc.  
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<<040130-TP Late-Filed Deposition Exhibit.pdf>>

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Legal Department

JAMES MEZA III  
Senior Regulatory Counsel

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March 8, 2005

Mrs. Blanca S. Bayó  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: **Docket No.: 040130-TP**  
**Joint Petition of NewSouth Communications Corp., et al. for Arbitration  
with BellSouth Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Late-Filed Deposition Exhibit of Kathy K. Blake, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

  
James Meza III III  
(B/S)

Enclosures

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey  
Nancy B. White

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FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE  
DOCKET NO. 040130-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U. S. Mail this 8th day of March, 2005 to the following:

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James Meza III (BSS)

**REQUEST:** On page 37, lines 1-4 of Witness Blake's rebuttal testimony, Ms. Blake states "Naturally, there is room for negotiation as to the specific start date and time, and BellSouth will certainly consider extenuating circumstances that may not permit a CLEC to be ready within 30 days." What language, if any, is BellSouth willing to consider addressing the flexibility regarding the start date of an EELs audit?

**RESPONSE:** There is no dispute between the Parties that the audit shall commence no sooner than 30 days after the Notice of Audit is sent to the CLEC. Specifically, the issue in dispute centers around what information and documentation should be included in the Notice of Audit, not the date upon which the audit will commence. Thus, specific contract language addressing a flexible audit start date is not necessary and may result in the improper expansion of the arbitration issue if it is included. Nevertheless, BellSouth stands by Ms. Blake's testimony in the situations described above.

**PROVIDED BY:** Kathy Blake

**REQUEST:** Please provide a copy of the transcript from the Georgia PSC's Administrative Session regarding the Transit Traffic proceeding (Docket No. 16772-U) in which the GPSC decided that TELRIC is not the appropriate pricing methodology to be utilized in determining the rates for Transit Traffic.

**RESPONSE:** See Attached. Discussions regarding the Transit Traffic issue are contained on pages 2-9.

**PROVIDED BY:** Kathy Blake

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

ADMINISTRATIVE SESSION

Hearing Room 110  
244 Washington Street  
Atlanta, Georgia

Tuesday, February 1, 2005

The administrative session was called to order at  
10:02 a.m., pursuant to Notice.

PRESENT WERE:

ANGELA E. SPEIR, Chairman  
ROBERT B. BAKER, JR., Vice Chairman  
STAN WISE, Commissioner  
H. DOUG EVERETT, Vice Chairman  
DAVID BURGESS, Commissioner

P R O C E E D I N G S

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CHAIRMAN SPEIR: Ladies and gentlemen, we're going to go ahead and get started, in the absence of our court reporter. The session is being recorded, so I'm assured that our court reporter will be here expeditiously and that she or he will have no problem in transcribing everything from the recording, so we'll go ahead and get started.

This is the February 1, 2005 administrative session of the Public Service Commission and we will turn our attention first to the Utility consent agenda.

Would any Commissioner like any item held or moved to the regular agenda?

(No response.)

CHAIRMAN SPEIR: Hearing no such request, all in favor, say aye.

COMMISSIONER WISE: Aye.

COMMISSIONER EVERETT: Aye.

CHAIRMAN SPEIR: Aye.

VICE CHAIRMAN BAKER: Aye.

COMMISSIONER BURGESS: Aye.

CHAIRMAN SPEIR: The consent agenda is approved unanimously.

We will move on now to our regular agenda and take up item R-1.

MR. BOWLES: R-1 is 16772-U BellSouth



1 Telecommunications, Inc. petition for declaratory ruling  
2 regarding transit traffic. This is consideration of staff's  
3 recommendation.

4 Staff recommends approval of the recommendation  
5 that was brought forth at Communications Committee.

6 CHAIRMAN SPEIR: All right, we've heard staff's  
7 recommendation. Any Commissioner have any comments, any  
8 questions?

9 COMMISSIONER WISE: Commissioners, I have an  
10 amendment to staff's recommendation.

11 I'm going to move that the section of staff -- I  
12 believe it's 6, Mr. Bowles, that addresses the point of  
13 interconnection on the network, be modified to require that  
14 the originating carrier be responsible for paying any  
15 transit traffic fees and that BellSouth shall not bill  
16 terminating carriers for such fees.

17 Certainly I realize that (inaudible) the Texcom  
18 case and what the FCC may or may not do, but certainly it is  
19 appropriate and one that's happened all over this country,  
20 not that we're bound by what happens in 49 other states.  
21 But it is appropriate, pending an FCC decision contrary to  
22 this or being modified, that we can do so at that time.

23 CHAIRMAN SPEIR: All right, we've heard  
24 Commissioner Wise's amendment, motion to amend staff's  
25 recommendation.

1 All in favor, say aye.

2 COMMISSIONER WISE: Aye.

3 COMMISSIONER EVERETT: Aye.

4 VICE CHAIRMAN BAKER: Aye.

5 CHAIRMAN SPEIR: Voting in favor: Commissioners  
6 Baker, Everett and Wise.

7 Any opposed?

8 COMMISSIONER BURGESS: No.

9 CHAIRMAN SPEIR: No.

10 Opposed: Commissioners Burgess and Speir.

11 COMMISSIONER BURGESS: If I could, I'd like to  
12 make some comments on the motion that just passed.

13 First of all, let me say this, I think it's  
14 important to realize that this Commission has probably been  
15 one of the most pro-competitive commissions in the United  
16 States in regards to settling issues between incumbent LECs  
17 and competing LECs across the nation. And I think this  
18 Commission, where it has had discretion from FCC orders or  
19 the '96 Telecom Act, this Commission has erred on the side  
20 of competition.

21 Clearly in this case, you know, while there is not  
22 definitive word out of the FCC on this issue, there are two  
23 guiding orders I believe that in my mind suggest to me the  
24 direction that the FCC may ultimately go. And I don't know  
25 the final answer.

1           But when I read the Texcom order, it's the closest  
2 thing to what is out there now that resembles the situation  
3 that is before us. That order -- in that order -- I think  
4 we need to be plain here -- that was a request from Texcom,  
5 who was a CMRS provider that was being charged by Verizon  
6 for transit fees for calls transitioning their network, and  
7 they filed a complaint with the FCC telling -- asking the  
8 FCC to grant them relief and that they not have to pay those  
9 transit fees.

10           You can read what you want to read in that Texcom  
11 order, but the bottom line is the FCC denied Texcom's  
12 petition. They did not grant the relief that Texcom asked  
13 for. They found, clearly found, that Texcom was responsible  
14 for paying those costs and added in the order on  
15 reconsideration that if Texcom wanted to recoup those costs,  
16 they do it through a traditional reciprocal compensation  
17 agreement. That's plain as you can get. At the end of the  
18 day, parties -- they pull excerpts out of that order that  
19 are favorable to the position that was held by certain  
20 parties, but at the end of the day, make no mistake about  
21 it, the FCC did not grant the relief that Texcom asked for.

22           And they came back on reconsideration and  
23 reiterated in their decision on reconsideration this covers  
24 a situation where you've got three parties involved in the  
25 transfer of traffic and specifically the same arguments that

1 Texcom raised in their initial petition, the FCC again  
2 denied the relief that they sought, which was to find that  
3 they should not be liable for paying those charges.

4           You know, we've got the right to do what we think  
5 is right here, but clearly the way I read those orders and  
6 the fact that the FCC did not grant the relief that was  
7 asked by the complainant for a case that is the premier case  
8 that lays out the situation that we ultimately will deal  
9 with here at the Public Service Commission, it's hard for  
10 me, Commissioner Wise, with all due respect, to support your  
11 motion. With all deference, I'm not perfect, I don't know  
12 it all, but I think that at the end of the day, it's going  
13 to be hard for the FCC to come back with another position  
14 when clearly they've got a case before them that they've  
15 already decided and have considered for reconsideration and  
16 denied the relief sought by the plaintiff.

17           COMMISSIONER WISE: Commissioners, we've taken  
18 opportunity to disagree with our federal brethren on a  
19 number of occasions and this is one that I would think that  
20 we recognize the significance that Texcom is a messaging  
21 company and not the bigger picture of what we're talking  
22 about here. And I believe that ultimately, once the FCC  
23 weighs the impact of the fact that it is a messaging company  
24 and not the big picture, that this is an innocuous case,  
25 then I think that we will see a more reasoned and cost-

1 causer principle applied to how costs are recovered from  
2 those that cause them.

3 And if this Commission is wrong, then we  
4 ultimately have an opportunity to correct that and not  
5 change the trend that we have seen from this Commission in  
6 4906.

7 COMMISSIONER BURGESS: Mr. Chairman, I do -- I  
8 mean Madam Chair -- I have another motion to offer on this  
9 docket dealing with the pricing issue.

10 I think clearly the Virginia arbitration decision  
11 found, and subsequent decisions have been found by other  
12 state commissions, that TELRIC is not the appropriate  
13 pricing methodology to be utilized in determining what these  
14 transit fees should be.

15 Contained in the memorandum of understanding is a  
16 rate of 2.5 cents per minute, that is a market rate, quote-  
17 unquote. My only problem with the rate is -- that's in the  
18 MOU -- it's a rate that was proposed by two parties and  
19 neither one of those parties at the end of the day have to  
20 pay that rate.

21 So I think in a sense of fairness, I would ask  
22 that this Commission make this rate subject to true-up and  
23 an interim rate, and that this Commission will schedule a  
24 proceeding to take in evidence and establish a rate that is  
25 just and reasonable based on this Commission's standards and

1 not on a rate that two parties who don't have to pay the  
2 rate have agreed to. I just think out of a sense of  
3 fairness and completeness for this case, that that would be  
4 the appropriate thing to do.

5 CHAIRMAN SPEIR: All right, so we've heard  
6 Commissioner Burgess' motion in regard to having an  
7 evidentiary proceeding to establish a just and reasonable  
8 rate, for there to be a true-up and for this rate proposed  
9 by staff or proposed by the parties -- pardon me -- proposed  
10 by the parties in the memorandum of understanding, would be  
11 an intermediate rate.

12 Are there any other comments or questions before  
13 we take up Commissioner Burgess' motion?

14 (No response.)

15 CHAIRMAN SPEIR: Hearing no further questions, all  
16 in favor of Commissioner Burgess' motion, say aye.

17 COMMISSIONER WISE: Aye.

18 COMMISSIONER EVERETT: Aye.

19 CHAIRMAN SPEIR: Aye.

20 VICE CHAIRMAN BAKER: Aye.

21 COMMISSIONER BURGESS: Aye.

22 CHAIRMAN SPEIR: I believe the vote was unanimous.

23 All right, thank you, Mr. Bowles.

24 VICE CHAIRMAN BAKER: Madam Chairman, since we  
25 have approved these two amendments to staff's

1 recommendation, then --

2 CHAIRMAN SPEIR: Then we should vote on staff's  
3 recommendation.

4 VICE CHAIRMAN BAKER: As amended.

5 CHAIRMAN SPEIR: Yes. Thank you, Commissioner  
6 Baker.

7 Therefore, we would take up the vote on staff's  
8 recommendation as amended by Commissioner Wise's motion and  
9 Commissioner Burgess' motion.

10 All in favor, say aye.

11 COMMISSIONER WISE: Aye.

12 COMMISSIONER EVERETT: Aye.

13 CHAIRMAN SPEIR: Aye.

14 VICE CHAIRMAN BAKER: Aye.

15 COMMISSIONER BURGESS: Aye.

16 CHAIRMAN SPEIR: The vote is unanimous. Thank  
17 you, Mr. Bowles.

18 Moving on to item R-2.

19 MS. MCGOUGHY: Item R-2 is Docket Number 9205-U  
20 consideration of staff's request for approval to issue a  
21 Notice of Proposed Rulemaking to Amend Disconnection Rule  
22 515-3-3-.02(b) and 515-3-3-.07.

23 On December 21, 2004, the Commission voted to  
24 approve the second issuance of a Notice of Proposed  
25 Rulemaking to amend Commission Rule 515-3-3-.02(b) and 515-

1 3-3-.07. Georgia Natural Gas, ESPA, Southern Company Gas  
2 and SCANA Energy filed comments that were due by January 20.

3 Staff is requesting that the Commission approve  
4 reissuance of this Notice of Proposed Rulemaking to make a  
5 minor modification to the version that was released  
6 previously. Staff recommends that the Commission approve  
7 the issuance of the NOPR with comments due by March 3, 2005.

8 CHAIRMAN SPEIR: Thank you, Ms. McGoughy.

9 We've heard staff's recommendation on item R-2.  
10 Any Commissioner have any questions or motions at this time?

11 COMMISSIONER BURGESS: I've got just a comment.  
12 While I'm going to support the staff's recommendation, I do  
13 believe that Mr. Skipper, attorney for SCANA, raised a point  
14 at the Energy Committee that I would be interested in  
15 parties' responses to in responding to this NOPR regarding  
16 the timing of the notice of payment arrangements to be  
17 submitted.

18 I've had some further explanations from staff on  
19 the issue, which I'm pleased to hear, but I think it would  
20 be appropriate for parties to respond to the concern that  
21 Mr. Skipper raised at the Energy Committee, because I think  
22 it is a legitimate concern in making sure that our rule does  
23 not go beyond the requirements of the law and does not  
24 conflict with the law. But I'm going to support the  
25 issuance of the NOPR.



1           COMMISSIONER EVERETT: I will support the NOPR  
2 also, but I'm wondering myself -- this I believe hurts SCANA  
3 more than anybody and I believe it's because of them being  
4 the regulated provided for us.

5           I'm wondering if maybe a lot of this, what you're  
6 trying to do -- and I don't like the term minor because to  
7 me this is more than minor -- that this could be handled  
8 through the RFP when the next regulated provider comes about  
9 in August, and not change the rules for everybody.

10           As I said earlier, last Thursday, I would like to  
11 see us stop regulating a deregulated industry. I believe  
12 this can be handled other ways than what we're doing here.  
13 I don't know how many people we're actually talking about on  
14 this, but I'm going to go ahead and support the NOPR, but I  
15 too was concerned about what Mr. Skipper stated, and I'm  
16 also concerned about us continuing to change constantly  
17 regulations on a deregulated industry.

18           But I'm going to listen to what y'all have to say.

19           CHAIRMAN SPEIR: If there are no further comments,  
20 we'll vote on staff's recommendation on item R-2. All in  
21 favor, say aye.

22           COMMISSIONER WISE: Aye.

23           COMMISSIONER EVERETT: Aye.

24           CHAIRMAN SPEIR: Aye.

25           VICE CHAIRMAN BAKER: Aye.

1 COMMISSIONER BURGESS: Aye.

2 CHAIRMAN SPEIR: It's approved unanimously.

3 Moving on to item R-3.

4 COMMISSIONER BURGESS: I would like to request  
5 that this item be held. I mean I've seen four or five, six  
6 different e-mails flash before my computer this morning up  
7 to walking down here, and I'm just not ready to vote on the  
8 item this morning. You're trying to listen to e-mails of  
9 parties disputing issues and I'm just not comfortable with a  
10 vote on the item this morning.

11 COMMISSIONER WISE: Let me suggest something,  
12 Commissioner, because I'm probably responsible for one of  
13 those e-mails late yesterday afternoon. I think it's more  
14 than six, I think just yesterday's was probably closer to  
15 ten.

16 I think that part of this could be resolved if the  
17 company and staff and GasKey would meet, with a strong

21 at 10:00 a.m. with the intent that a special admin could be  
22 declared for early next week, again with the intention of  
23 approving this tariff with a strong agreement from either  
24 staff or parties if they could reach this agreement, to a  
25 payment schedule and how this process would work.

1           You know, you've asked this to be held,  
2 Commissioner. I don't know if a motion to that effect is  
3 appropriate, but I will move that, that parties and staff  
4 give a report to this Commission in 48 hours on a payment  
5 schedule.

6           CHAIRMAN SPEIR: Commissioner Burgess, I suppose  
7 that since you asked that the item be held first, before we  
8 take up Commissioner Wise's motion, are you agreeable with  
9 proceeding in that fashion?

10          COMMISSIONER BURGESS: Well, I don't think we  
11 need a motion. I think a directive to have the parties meet  
12 and reply back to this Commission in 48 hours --

13          COMMISSIONER WISE: A ruling of the Chair, I have  
14 no objection.

15          COMMISSIONER BURGESS: -- yeah, I think it's been  
16 said.

17          CHAIRMAN SPEIR: Okay, well, Ms. Thebert, what we  
18 will do is officially hold this item and proceed  
19 accordingly, given the directive from Commissioner Wise and  
20 agreed upon by the Commission. **Thank you very much.**

21          Moving on to item R-4.

22          MR. STAIR: Commissioners, good morning. Item R-4  
23 is Docket Number 18638-U Atlanta Gas Light Company's 2004-  
24 2005 rate case. Consideration of AGLC's petition for  
25 rehearing, reconsideration and oral argument concerning the

1 Commission's January 18, 2005 order on SCANA Energy  
2 Marketing's motion to compel.

3           At the most recent administrative session held on  
4 January 18, the Commission issued an order granting in part  
5 and denying in part a motion to compel by SCANA Energy  
6 Marketing. You'll recall that SCANA filed 36 data requests  
7 in November of 2004 and that AGLC objected to 24 of those 36  
8 data requests in its December 27th response.

9           In your January 18 order, the Commission denied  
10 SCANA's motion with respect to 19 of those disputed data  
11 requests, but ordered AGLC to provide full and complete  
12 responses to five data requests relating to the company's  
13 asset management arrangement with Sequent Energy Management,  
14 with those responses to be filed no later than January 21.

15           On January 25th, AGLC filed a petition for  
16 rehearing, reconsideration and oral argument. In that  
17 petition, the company raised three procedural objections as  
18 well as a number of substantive objections to SCANA's data  
19 request.

20           The advisory staff has provided you with its  
21 recommendation in the form of a proposed order denying  
22 AGLC's petition, and I'll be happy to provide as much detail  
23 as you wish regarding that order, or answer any questions  
24 you may have.

25           I think it's worth noting, however, briefly the

1 basis upon which advisory staff is recommending that the  
2 Commission reject the substantive objections to SCANA's data  
3 requests that AGLC raises in its petition. As I said, the  
4 data requests were filed by SCANA in November of 2004 and  
5 AGLC filed its responses and initial objection in a timely  
6 manner on December 27th. Now in that December 27th  
7 response, AGLC raised but one single objection to the data  
8 requests, that those data requests were not reasonably  
9 calculated to lead to discovery of admissible evidence.

10           The Commission considered that objection in its  
11 January 18, 2005 order and found that five of SCANA's data  
12 requests were in fact relevant and designed to lead to the  
13 discovery of admissible evidence. Having reviewed the  
14 Commission's order, AGLC filed its petition in which it  
15 raised new objections to the data requests. For example, in  
16 its petition, the company objects that the data requests at  
17 issue are over-broad, unduly burdensome, vague and seek  
18 confidential information. As the company chose not to raise  
19 these objections in a timely manner when it filed its  
20 responses in December, it has now waived the right to raise  
21 those objections at this time.

22           Commissioners, having made that recommendation,  
23 I'd like to note that the staff has had an opportunity to  
24 meet with representatives of AGLC who have indicated a  
25 willingness to meet with SCANA to try to resolve these

1 discovery disputes without the imposition of an order by the  
2 Commission. As a result, staff would have no objection  
3 should the Commission choose to hold the item for two weeks  
4 to allow the parties an opportunity to try to resolve these  
5 discovery disputes, since at the end of the day this is in  
6 fact a dispute between two other parties.

7 I'll be happy to answer any questions that you  
8 might have.

9 CHAIRMAN SPEIR: Thank you, Mr. Stair.

10 VICE CHAIRMAN BAKER: I guess a procedural  
11 question, Mr. Stair, is that if the Commission rules today  
12 either way, I mean then AGL, if it doesn't get what it  
13 wants, it can always then go across the street to Fulton  
14 Superior Court. We do have the pending rate case and these  
15 discovery requests are made pursuant to that rate  
16 proceeding. And I've got a feeling that unless the company  
17 gets precisely what they want, they're going to appeal this  
18 all the way to the Supreme Court. So it takes awhile to do  
19 that.

20 I mean, could we make a decision today and the  
21 parties can always continue to negotiate a settlement.

22 MR. STAIR: Yes, certainly. Should the Commission  
23 decide to issue an order today, whether accepting or  
24 rejecting the advisory staff's recommendation, the parties  
25 could still meet to negotiate. Obviously, as you said,

1 Commissioner Baker, there has been an indication that the  
2 company may well appeal if the decision is not favorable to  
3 them and obviously, you know, a decision adverse to them  
4 would probably make it less -- perhaps make it less likely  
5 that the parties would want to negotiate.

6 But again, you know, as I said, I've had an  
7 opportunity to speak with the company and they've indicated  
8 their willingness, and certainly would leave that to the  
9 Commission as to whether they wanted to issue the order  
10 today or hold the item to allow them to negotiate.

11 COMMISSIONER EVERETT: When you said party, I did  
12 not hear "s", are you talking that both parties have agreed  
13 or just AGL?

14 MR. STAIR: Commissioner, I've not had an  
15 opportunity to speak with SCANA. You know, this item was  
16 added at the last minute. I met with -- the representatives  
17 of the company came by this morning and I've just not had an  
18 opportunity to speak with SCANA to ask if they would be  
19 willing to negotiate.

20 COMMISSIONER BURGESS: I don't know, just from my  
21 perspective, from my understanding, AGL has responded to the  
22 request. It might not be the answers that SCANA wants but  
23 they've complied with the order of the Commission. And my  
24 question is, is the motion for reconsideration procedurally  
25 kind of ahead of the game. I mean they did respond.

1 MR. STAIR: They did respond, that's correct.

2 COMMISSIONER BURGESS: So isn't the impetus on  
3 SCANA or somebody to come forward and say well, these  
4 responses are inadequate or we didn't get answers we wanted?

5 I mean, it would have been different if they filed a motion  
6 for reconsideration and did not comply with the Commission  
7 and send any responses, wouldn't it?

8 MR. STAIR: Well, in your order of the 18th of  
9 January, you ordered the company to file complete responses  
10 to five data requests. The company has responded to one of  
11 those, so there are four left at issue. The company has not  
12 completely responded. In other words, they've not said all  
13 right, fine, you asked for this data, here it is. With  
14 respect to two of the requests, what the company has said is  
15 we are willing to provide you that information if SCANA  
16 signs the confidentiality agreement; and as you heard, I  
17 believe Thursday at Energy Committee and then as SCANA also  
18 pointed out in their response, they have some issues with  
19 respect to the terms of that confidentiality agreement.

20 With respect to the remaining two, the company has  
21 said we don't think we need to respond to that because we  
22 don't believe it leads to -- it's not relevant to this case,  
23 notwithstanding the fact they've filed affidavits of  
24 officers of the company that they believe would show that  
25 the issues are not relevant and also, as I said, have



1 offered to provide an officer of the company to meet with  
2 SCANA to try to convince SCANA of the fact that you don't  
3 need the information because it's not relevant. So I guess  
4 it's not completely accurate to say that the company has  
5 fully complied. They have made an effort to comply, there's  
6 no question about that. But the reason why they're -- what  
7 they're asking in their motion for reconsideration -- a  
8 couple of things -- one, to say these issues -- the data  
9 requests are not designed to lead to discoverable evidence  
10 or in the alternative to say what AGL has done is acceptable  
11 and has in fact complied with your order.

12 CHAIRMAN SPEIR: Any further comment before we  
13 take up staff's recommendation?

14 (No response.)

15 CHAIRMAN SPEIR: All right.

16 VICE CHAIRMAN BAKER: And precisely what is your  
17 recommendation again, to hold it or --

18 MR. STAIR: No, the recommendation remains as set  
19 forth in --

20 VICE CHAIRMAN BAKER: Deny the motion for  
21 reconsideration.

22 MR. STAIR: Correct. And simply left to the  
23 Commission the alternative -- staff would not have any  
24 objection obviously if the Commission would decide you  
25 wanted to give another couple of week, put this on the

1 agenda for the next time and see if the parties could  
2 resolve it. We have no objection to that and staff would be  
3 happy to work with the companies to try to facilitate that  
4 if that's your desire.

5 CHAIRMAN SPEIR: After all this discussion, I feel  
6 like we've already held it.

7 VICE CHAIRMAN BAKER: I'll call the question.

8 Staff has made a recommendation to deny the motion  
9 for reconsideration. I call the question.

10 CHAIRMAN SPEIR: So all in favor of staff's  
11 recommendation to deny reconsideration -- Commissioner  
12 Baker?

13 VICE CHAIRMAN BAKER: Yes.

14 CHAIRMAN SPEIR: Okay, just to be clear.

15 All right, all in favor of approving staff's  
16 recommendation to deny reconsideration, say aye.

17 COMMISSIONER EVERETT: Aye.

18 CHAIRMAN SPEIR: Aye.

19 VICE CHAIRMAN BAKER: Aye.

20 COMMISSIONER BURGESS: Aye.

21 CHAIRMAN SPEIR: Any opposed?

22 COMMISSIONER WISE: Aye.

23 CHAIRMAN SPEIR: All right. Voting in favor, we  
24 have Commissioners Burgess, Baker, Speir and Everett.

25 Opposed: Commissioner Wise.

1 Moving on to item R-5.

2 MS. PERRY: Item R-5 is Docket Number 20139-U,  
3 it's consideration of BellSouth Telecommunications' request  
4 for waiver of North American Numbering Plan's denial of its  
5 application for numbering resources in the Atlanta northeast  
6 678 rate center.

7 The need for this matter to be considered today  
8 arose because approximately 50 BellSouth customers are  
9 experiencing problems with telephone numbers assigned to  
10 them in the Atlanta northeast rate center. Although the  
11 BellSouth Telecorder number assignment system shows this  
12 block as belonging to BellSouth, NeuStar's system shows the  
13 block as unassigned; and therefore, they are requiring  
14 BellSouth to apply to this Commission for a waiver before  
15 changing their system to release this block to BellSouth.

16 Via telephone with NeuStar, they did verify that  
17 in their database, it shows that this block belongs to  
18 BellSouth. Therefore the staff is recommending that this  
19 Commission direct the North American Numbering Plan  
20 Administration to release the 678-245-8 code to BellSouth.

21 CHAIRMAN SPEIR: All right, we've heard staff's  
22 recommendation. Does any Commissioner have any questions,  
23 comments, motions to be made?

24 COMMISSIONER BURGESS: I just want to say that  
25 this is service affecting to some subscribers right now and

1 would urge the Commission to approve the request.

2 CHAIRMAN SPEIR: Yes. All in favor of approving  
3 :taff's recommendation, say aye.

4 COMMISSIONER WISE: Aye.

5 COMMISSIONER EVERETT: Aye.

6 CHAIRMAN SPEIR: Aye.

7 VICE CHAIRMAN BAKER: Aye.

8 COMMISSIONER BURGESS: Aye.

9 CHAIRMAN SPEIR: The vote is unanimous.

10 MS. PERRY: Thank you.

11 CHAIRMAN SPEIR: Does any Commissioner have any  
12 other items to be taken up today on the Utility agenda?

13 (No response.)

14 CHAIRMAN SPEIR: If not, we will move along to  
15 Administrative Affairs. Good morning, Ms. Flannagan.

16 MS. FLANNAGAN: Good morning. Staff has a consent  
17 agenda for approval.

18 CHAIRMAN SPEIR: We'll first take up the consent  
19 agenda. All in favor, say aye.

20 COMMISSIONER WISE: Aye.

21 COMMISSIONER EVERETT: Aye.

22 CHAIRMAN SPEIR: Aye.

23 VICE CHAIRMAN BAKER: Aye.

24 COMMISSIONER BURGESS: Aye.

25 CHAIRMAN SPEIR: The consent agenda is approved

1 unanimously.

2 And we have one item on our regular agenda?

3 MS. FLANNAGAN: Yes. Staff would like to request  
4 approval to send two of our electric engineers for a trip to  
5 Southern Company in Birmingham. **And this is relating to the**  
6 **independent evaluator and the RFP process. They would like**  
7 **to travel next week and so rather than delaying it, I wanted**  
8 **to request approval today.**

9 CHAIRMAN SPEIR: Any questions or comments from  
10 Commissioners regarding this item?

11 (No response.)

12 CHAIRMAN SPEIR: **All in favor of approving item**  
13 **1.A. on the Administrative Affairs agenda, say aye.**

14 COMMISSIONER WISE: Aye.

15 COMMISSIONER EVERETT: Aye.

16 CHAIRMAN SPEIR: Aye.

17 VICE CHAIRMAN BAKER: Aye.

18 COMMISSIONER BURGESS: Aye.

19 CHAIRMAN SPEIR: It's approved unanimously.

20 MS. FLANNAGAN: Thank you.

21 CHAIRMAN SPEIR: Thank you, Ms. Flannagan.

22 If there are no other matters to be taken up this  
23 morning --

24 COMMISSIONER BURGESS: Madam Chair, there's one  
25 thing I did want to say. I would just ask -- this

1 Commission family has experienced a tremendous loss; Bill  
2 Edge, our public information officer's 17 year old daughter  
3 passed yesterday, and I would just ask all of you for  
4 prayers for his family that they might be comforted during  
5 this very devastating time in their lives. I would just ask  
6 that those who have a connection with the Master, that you  
7 would ask for comfort for the family. Thank you.

8 CHAIRMAN SPEIR: Thank you, Commissioner Burgess.  
9 And we certainly all echo that plea, we're all heartbroken.

10 With that, ladies and gentlemen, thank you very  
11 much for your time and we will begin the hearing in the DSL  
12 matter at 11:00 a.m.

13 We're adjourned.

14 (Whereupon, the administrative session was  
15 concluded at 10:00 a.m.)

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C E R T I F I C A T E

I, Peggy J. Warren, Certified Court Reporter, do hereby certify that the foregoing transcript is an accurate record of the proceedings, to the best of my ability, prepared from a recording of the proceedings provided to me by the Georgia Public Service Commission.

Peggy J. Warren, CVR-CM, CCR A-171

The minutes of the Administrative Session were approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Angela E. Speir, Chairman

Reece McAlister,  
Executive Secretary