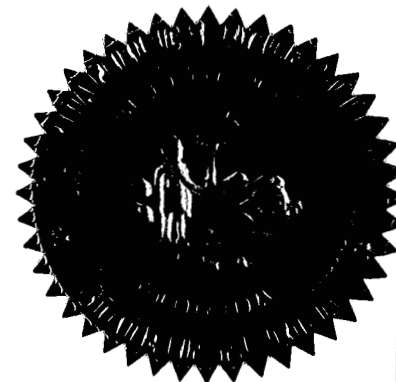


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060732-TL

In the Matter of:

COMPLAINT REGARDING BELLSOUTH
TELECOMMUNICATIONS, INC.'S FAILURE TO
PROVIDE SERVICE ON REQUEST IN ACCORDANCE
WITH SECTION 364.025(1), F.S., AND RULE
25-4.091(1), F.A.C., BY LENNAR HOMES, INC.



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PROCEEDINGS: AGENDA CONFERENCE
 ITEM NO. 7

BEFORE: CHAIRMAN LISA POLAK EDGAR
 COMMISSIONER MATTHEW M. CARTER, II
 COMMISSIONER KATRINA J. MCMURRIAN

DATE: Tuesday, February 13, 2007

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

REPORTED BY: LINDA BOLES, CRR, RPR
 Official FPSC Reporter
 (850) 413-6734

1 PARTICIPATING:

2 JAMES MEZA III, ESQUIRE, representing BellSouth
3 Telecommunications, Inc.

4 BETH KEATING, ESQUIRE, and JAMES M. TOBIN, ESQUIRE,
5 representing Lennar Homes, Inc.

6 JASON FUDGE, ESQUIRE, representing the Florida Public
7 Service Commission Staff.

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P R O C E E D I N G S

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2 CHAIRMAN EDGAR: Okay. We are going to -- oh, thank
3 you -- go back on the record. And I under -- well, let me back
4 up. We're going to start with Item 7, as I said earlier, and
5 I'll ask staff to present it to us.

6 MR. FUDGE: Commissioners, Item 7 is staff's
7 recommendation on the complaint filed by Lennar Homes against
8 BellSouth. It is my understanding with discussions with the
9 parties that based on the information that BellSouth currently
10 has, they're going to be providing service to Lennar that would
11 resolve Issue 1.

12 For Issue 2, which is, concerns --

13 CHAIRMAN EDGAR: Okay. I'm sorry, Mr. Fudge. If you
14 could slow down and repeat that again for me.

15 MR. FUDGE: Sure. For Issue 1 or --

16 CHAIRMAN EDGAR: For issue 1.

17 MR. FUDGE: Okay. Issue 1 was Lennar's complaint
18 against BellSouth that they were failing to provide service.
19 It is my understanding based on discussions with the parties
20 that based on the information that BellSouth has that they are
21 going to be providing service to Lennar.

22 CHAIRMAN EDGAR: Thank you.

23 MR. FUDGE: That resolves Issue 1.

24 CHAIRMAN EDGAR: Okay. Now you can go on to Issue 2
25 for me.

1 MR. FUDGE: Issue 2 is an issue that staff raised
2 about a letter that BellSouth sends out to the developers.
3 BellSouth has withdrawn that letter and has agreed that they
4 will no longer send out that letter for 30 days. So staff is,
5 is requesting that Issue 2 be deferred until the March 13th
6 agenda so that the parties can work together to resolve the
7 concerns about the letter.

8 CHAIRMAN EDGAR: Okay. Thank you, Mr. Fudge. So my
9 understanding, and we will turn to the parties here in just a
10 moment, is that Issue 1 would be moot basically at this point;
11 Issue 2 would be deferred; and Issue 3, we would not close the
12 docket, we would leave it open, with the understanding that we
13 would come back for further discussions after staff has had
14 additional time to work with the parties on the proposed
15 letter.

16 MR. FUDGE: Yes.

17 CHAIRMAN EDGAR: Okay. Mr. Meza.

18 MR. MEZA: Yes, ma'am. Thank you. Jim Meza on
19 behalf of AT&T Florida. I'll probably say BellSouth a couple
20 of times this morning, but I really mean AT&T Florida.

21 Mr. Fudge accurately described the status of the
22 situation this morning. BellSouth has agreed, based upon
23 information that Lennar has provided for the three properties
24 that are the subject of the complaint, to provide service to
25 those properties.

1 Issue 2, it is correct that BellSouth has withdrawn
2 the letter that was the subject of the recommendation and will
3 not be sending out any letter to developers in the next 30
4 days. We have proposed a revised letter that we think
5 addresses staff's concerns and for the most part Lennar's
6 concerns. There are several items or a couple of items that
7 still remain subjects of discussion, and BellSouth or
8 AT&T Florida and Lennar are still engaged in active settlement
9 discussions as well.

10 CHAIRMAN EDGAR: Thank you, Mr. Meza.

11 Ms. Keating.

12 MS. KEATING: Good morning, Madam Chair,
13 Commissioners, Beth Keating with Akerman Senterfitt. I'm here
14 today on behalf of Lennar, and with me is Jim Tobin of the
15 Tobin Law Firm. He is telecommunications counsel for Lennar
16 nationwide. We appreciate and understand where staff is coming
17 from in wanting to continue discussions on the letter, and we
18 are, of course, very open to continuing those discussions with
19 BellSouth. And we just look forward to this moving forward as
20 quickly as possible, and I appreciate the Commission's
21 consideration of that.

22 CHAIRMAN EDGAR: Thank you, Ms. Keating.

23 Commissioners, any, any questions?

24 Commissioner McMurrian, a head shake. That's a no
25 for the record.

1 Commissioner Carter.

2 COMMISSIONER CARTER: Madam Chairman, if, if now is
3 the appropriate time, I would move we accept staff's
4 recommendation on this.

5 CHAIRMAN EDGAR: Okay. Is there a second?

6 COMMISSIONER McMURRIAN: Second.

7 CHAIRMAN EDGAR: Okay. Thank you, Commissioner.

8 Okay. So we have a recommendation that is basically
9 that Issue 1 is moot. Issue 2 will be deferred. The docket
10 will remain open pending further discussions, and we will
11 expect to see this back again.

12 Commissioners, discussion? All in favor of the
13 motion, say aye.

14 (Unanimous affirmative vote.)

15 CHAIRMAN EDGAR: Opposed? Show the motion adopted.

16 Thank you to the parties and to staff for continuing
17 to work together to resolve the issue in a manner that benefits
18 everyone. Appreciate, appreciate your continued work.

19 (Agenda Item 7 concluded.)

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

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I, LINDA BOLES, CRR, 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 20th day of February, 2007.

Linda Boles
LINDA BOLES, CRR, RPR
FPSC Official Commission Reporter
(850) 413-6734