

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
TALLAHASSEE, FLORIDA

IN RE: Resolution of petition(s) to establish  
nondiscriminatory rates, terms, and conditions for resale  
involving local exchange companies and alternative local  
exchange companies pursuant to Section 364.161, F.S.

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BEFORE:	CHAIRMAN SUSAN F. CLARK COMMISSIONER J. TERRY DEASON COMMISSIONER JULIA L. JOHNSON COMMISSIONER DIANE K. KIESLING COMMISSIONER JOE GARCIA
PROCEEDING:	AGENDA CONFERENCE
ITEM NUMBER:	11
DATE:	March 5, 1996
PLACE:	4075 Esplanade Way, Room 148 Tallahassee, Florida
REPORTED BY:	JANE FAUROT, RPR Notary Public in and for the State of Florida at Large

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FPSC-RECORDS/REPORTING

STAFF RECOMMENDATIONS

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Issue 1: What elements should be made available by BellSouth to MCImetro and MFS on an unbundled basis (e.g. link elements, port elements, loop concentration, loop transport)?

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Issue 2: What are the appropriate technical arrangements for the provision of such unbundled elements?

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Issue 3: What are the appropriate financial arrangements for each such unbundled element?

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Issue 4: What arrangements, if any, are necessary to address other operational issues?

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Issue 5: Should this docket be closed?

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P R O C E E D I N G S

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CHAIRMAN CLARK: Item 11.

COMMISSION STAFF: Commissioners, Item Number 11 is the resolution of MFS Florida and MCImetro's petition to establish nondiscriminatory rates, terms, and conditions for the unbundling and resale of BellSouth's network. Would you prefer to have a general discussion or proceed issue-by-issue?

CHAIRMAN CLARK: Commissioners.

COMMISSIONER KIESLING: Could I just express a question. This was the hearing that I left in the middle of, and I have read the transcript, but on the agenda page it lists only -- I'm trying to figure out, it lists that I was not present for the hearing, which is in part correct, but it lists the full Commission and I just wanted to be sure that --

CHAIRMAN CLARK: You were here for part of the hearing.

COMMISSIONER KIESLING: I was here for the interconnection part, the resale part only took part of a day, and it was the day that I was not here, but I have read the transcript.

CHAIRMAN CLARK: It's my view that it's assigned to the -- the assignment was not changed.

COMMISSIONER KIESLING: Okay. I just wanted to be

1 clear that I was supposed to vote on this one. Thank  
2 you.

3 CHAIRMAN CLARK: Questions, Commissioners? Do you  
4 want to go issue-by-issue? We will go issue-by-issue.  
5 Issue Number 1, are there any questions? Is there a  
6 motion?

7 COMMISSIONER JOHNSON: Move it.

8 CHAIRMAN CLARK: Without objection, Issue Number 1  
9 is approved. Issue Number 2. I had a question with  
10 regard to whether or not this is affected by the  
11 federal law.

12 MS. CANZANO: Our position is it's premature for  
13 us to interpret the federal law because the FCC has not  
14 done so. We believe -- it is staff's opinion that what  
15 we have done is consistent with the federal law,  
16 although this hearing was prior to the issuance of the  
17 federal act.

18 CHAIRMAN CLARK: All right. Let me be very  
19 specific. Your recommendation is that they adhere to  
20 industry standards, and then MFS talks about achieved  
21 through collocation arrangements. And would it be  
22 whatever the industry standards are as they may be  
23 affected by the federal law will be the standard? And  
24 I'm getting to the issue of virtual versus physical  
25 collocation. Doesn't the law -- what does the law

1           require now?

2           MS. CANZANO: Right now the federal law states it  
3 will be physical unless under two conditions then it  
4 will be virtual. But currently the FCC's orders on  
5 virtual collocation and our orders are consistent. And  
6 until we do something different or they do something  
7 different, I assume the industry will comply.

8           CHAIRMAN CLARK: Okay.

9           COMMISSIONER JOHNSON: But would you also suggest  
10 that if they were to do something different and we were  
11 to do something different, then that would be a  
12 different industry standard. And by this order it's  
13 saying whatever the industry standard is that is what  
14 you have to apply, that's what we must apply, or is it  
15 somehow grandfathered?

16          COMMISSION STAFF: What I was envisioning here --  
17 to answer your question, it would be my recommendation  
18 to comply with the FCC's recommendation would probably  
19 go physical and thus we would have to modify our  
20 tariffs, our collocation tariffs.

21          CHAIRMAN CLARK: Because we originally required  
22 physical collocation.

23          COMMISSION STAFF: Yes, ma'am, we did.

24          MS. CANZANO: And we were also essentially  
25 mirroring what the FCC had done.

1 CHAIRMAN CLARK: Okay.

2 COMMISSIONER DEASON: Are we on Issue 2?

3 CHAIRMAN CLARK: Yes.

4 COMMISSIONER DEASON: I move staff.

5 COMMISSIONER JOHNSON: Second.

6 CHAIRMAN CLARK: Without objection, Issue 2 is  
7 approved. Issue 3.

8 COMMISSIONER JOHNSON: Are they going to walk  
9 through the issues or are we just going to ask  
10 questions?

11 CHAIRMAN CLARK: They can. Would you like for  
12 them to walk through this issue?

13 COMMISSIONER JOHNSON: Uh-huh.

14 CHAIRMAN CLARK: Why don't you walk through Issue  
15 Number 3 for us.

16 COMMISSION STAFF: Issue Number 3 asked what the  
17 appropriate financial arrangements for each unbundled  
18 element identified in Issue 1 were. And of the ten or  
19 so elements identified in Issue 1, cost studies were  
20 filed for only two of them, and the cost studies were  
21 filed just a few days before the hearing, so no real  
22 analysis of those cost studies could be done.  
23 Therefore, staff is only recommending interim rates for  
24 those two elements and asking that the cost studies for  
25 those two elements be refiled along with cost studies

1 for all the elements that no cost studies were filed on  
2 so that they can be analyzed in detail to find out  
3 exactly what components are in there, what are not, the  
4 parties can cross examine the cost studies to find out  
5 the veracity of it.

6 COMMISSIONER JOHNSON: In the staff analysis, the  
7 second paragraph, one of the issues was whether  
8 unbundled rate elements should be set at long-run  
9 incremental cost or whether contribution to common  
10 costs should be allowed. I think you addressed that  
11 somewhere in here. And is it the policy or is it  
12 staff's opinion that we should not look at the common  
13 costs and just look at the long-run incremental costs?

14 COMMISSION STAFF: Well, it is staff's position  
15 that some contribution towards joint and common costs  
16 is appropriate, the level of such contribution has not  
17 been determined at this time. That for cost purposes,  
18 long-run incremental costs should be the basis by which  
19 you find out how much the element costs. The rate set  
20 to the end user or the rate set to the ALEC buying it  
21 wholesale should include some contribution, but the  
22 level of contribution, we have not determined what an  
23 appropriate legal of contribution is. The interim  
24 rates recommended by staff for the two elements that  
25 have cost studies provide little contribution.

1 CHAIRMAN CLARK: A little or little.

2 COMMISSION STAFF: Little. Like less than 10  
3 percent.

4 COMMISSIONER JOHNSON: Okay. And I was just --  
5 there was some strong language in here about agreeing  
6 with the ALEC. On Page 24, "Staff is further compelled  
7 by the Commission's obligation to promote competition  
8 and sides more with the ALECs on this point. Although  
9 it is true that BellSouth must recover its shared and  
10 common costs somewhere, staff is not sure what level of  
11 contribution is necessary at this time." And I just  
12 wanted for the record to be clear that you weren't  
13 saying no contribution, but that the level of  
14 contribution would be at issue.

15 COMMISSION STAFF: Right.

16 COMMISSIONER JOHNSON: And with respect to siding  
17 with the ALEC at this point, what does that mean, just  
18 directionally less contribution?

19 COMMISSION STAFF: That means closer to long-run  
20 incremental cost. I guess to agree with them totally  
21 it would be priced at long run incremental costs.

22 COMMISSIONER JOHNSON: That's right, and that's  
23 where I was getting confused there.

24 COMMISSION STAFF: And we don't necessarily agree  
25 that you go that far, but the price near that is

1 probably appropriate.

2 COMMISSIONER JOHNSON: Okay.

3 CHAIRMAN CLARK: Any other questions.

4 COMMISSIONER DEASON: Yes, I have a question? You  
5 classified this rate as interim. What do you mean by  
6 that?

7 COMMISSION STAFF: Well, because --

8 COMMISSIONER GARCIA: Commissioner Deason, could  
9 you repeat the question, I didn't hear it.

10 COMMISSIONER DEASON: I said the staff is  
11 classifying this rate as interim, and I was seeking  
12 clarification as to what they mean by interim.

13 COMMISSION STAFF: Because the cost studies that  
14 those rate recommendations were based on were not  
15 scrutinized and were not cross examined by the parties  
16 because they came in so late, there really hasn't been  
17 an opportunity to find out whether those costs --  
18 whether the final costs for those elements will be the  
19 same as in the cost study file. As they are refiled  
20 with the other elements, those costs --

21 COMMISSIONER DEASON: And this is 60 days from the  
22 date of the order?

23 COMMISSION STAFF: Correct. If those costs come  
24 down through cross examination, or discovery, or  
25 whatever, then the price may come down, as well. So, I

1 do not want to make a recommendation that this price  
2 should be set in stone when no one has even agreed  
3 whether the supporting cost study is appropriate or  
4 not.

5 COMMISSIONER DEASON: Well, does staff believe  
6 that an \$18 rate plus a \$2 rate is going to promote  
7 competition?

8 COMMISSION STAFF: For residential telephone  
9 service, I would venture a guess, no. For business  
10 telephone service, possibly. But then, again maybe no.

11 COMMISSIONER DEASON: So definitely not for  
12 residential, perhaps for business. We have testimony  
13 that the initial phase of the competition is probably  
14 going to be in the business market as opposed to  
15 residential. So obviously we want to encourage  
16 competition in all markets. I'm just concerned about  
17 the rate level, too, and I'm also concerned about the  
18 fact that cost studies have not been able to be  
19 scrutinized to the extent that we would like due to the  
20 timing. I guess I'm torn in the fact that I know that  
21 60 days from the date of the order apparently we are  
22 going to require information and we will be  
23 scrutinizing it. My concern is what we do in the  
24 interim period. And it seems to me that by statute we  
25 may be obligated to have rates of this general

1 magnitude, but I'm not so sure these rates, at least  
2 for the residential markets, are not going to be  
3 encouraging competition, which is a goal of the  
4 legislation, which puts us in a difficult position.  
5 The requirement in the statute that the rates not be  
6 below cost, who has the burden to prove what their  
7 costs are? Is that burden on the Commission, or is  
8 that upon the LEC?

9 MS. CANZANO: That's a very good question. In  
10 this case, the Commission really acts as an arbitrator,  
11 unlike other cases perhaps. The LECs would put on  
12 their case and say that, you know, my cost is X, and  
13 then it's a shifting burden. But ultimately if no  
14 information was brought out we still would have to make  
15 a decision based on the statute that the rate is not  
16 below cost. I don't know if that helps direct you any.

17 COMMISSIONER DEASON: Well, I guess my concern is  
18 that trying to make a reasoned decision based upon the  
19 best information we have, it looks to me like that this  
20 is probably what we have to do. But I'm not  
21 comfortable that this decision is going to accomplish  
22 -- it just doesn't appear to me that this is going to  
23 promote competition even if it is just for an interim  
24 period of time, and that's what is troubling to me.

25 COMMISSION STAFF: And I think we are troubled in

1 exactly the same way.

2 COMMISSION JOHNSON: Let me make sure I understood  
3 that legal analysis with respect to the question of who  
4 has the burden of determining whether or not numbers  
5 are below cost. Is it Legal's position that we have to  
6 take whatever information they give us and then -- then  
7 what? Is that just the number that we must use, or if  
8 the record isn't complete, what do we do in that  
9 instance?

10 MS. CANZANO: I think that's what prompted this  
11 recommendation. The statute says we must decide  
12 something, but, you know, I can't imagine that there  
13 would be a court that says you must decide something  
14 even if you don't have an adequate record. So I think  
15 that's what prompted us to take an interim approach.

16 COMMISSION STAFF: And two other things I guess I  
17 wanted to mention. The company has stated that they  
18 probably will not be, you know, actively seeking  
19 customers in a large sense until the fourth quarter of  
20 this year, so I don't think it is something that  
21 perhaps if an interim rate is set that any of them will  
22 even buy. Second, that the latitude in setting the \$18  
23 rate, the cost figures were -- there were several cost  
24 figures cited. The cost study figure was near \$18.  
25 There were other cost studies that were brought out by

1 other parties that had the loop cost as low as around  
2 15.90 or something. So really the only sort of  
3 latitude in that rate was \$16 to \$18, and we didn't  
4 figure we had much latitude there. I believe the  
5 Commission could set it as low as \$16 in the interim  
6 without it being -- at least not disputed to be below  
7 their cost, because there were cost studies that were  
8 as low as 15.90 something.

9 COMMISSIONER DEASON: And this would be to set the  
10 loop cost at 16. There is evidence that would support  
11 that finding, as well, is that --

12 COMMISSION STAFF: Yes.

13 COMMISSIONER KIESLING: What about the port  
14 charges?

15 COMMISSION STAFF: \$2 is the lowest I think it  
16 could go.

17 COMMISSIONER JOHNSON: Given the fact that there  
18 is evidence in the record to support a lower loop  
19 charge, or rate, or whatever you want to call it, why  
20 did staff go with the higher number?

21 COMMISSION STAFF: I think partly because the  
22 BellSouth cost study was not -- the BellSouth cost  
23 study presented as the loop cost in this case was  
24 closer to \$18. There were BellSouth cost studies and  
25 cost numbers that were proposed by other parties that

1 were extracted from other dockets that went as low as  
2 15.90 something. So it's more of a conservative kind  
3 of recommendation as an interim to base it on  
4 BellSouth's cost study and perhaps provide a little bit  
5 of contribution in the interim.

6 COMMISSIONER DEASON: Are those other cost  
7 studies, even though they may not have been designed  
8 specifically for this docket, were they entered into  
9 the record as evidence?

10 COMMISSION STAFF: They were. The cost numbers,  
11 the supporting documentation may not have been, but the  
12 cost numbers as proposed by BellSouth in the various  
13 other dockets were presented in the record.

14 COMMISSIONER DEASON: Commissioners, I think that  
15 the -- I tend to agree with staff. The reality of it  
16 is that for the interim period it's probably not going  
17 to have that big of an impact. But then on the other  
18 hand, I don't want to be sending the wrong signals at  
19 this early stage either which may have some longer term  
20 effect. Obviously we are trying to struggle with a  
21 statute and the goals of that statute and then overlaid  
22 on this at some point is going to be the federal  
23 statute, and I don't know exactly when we are going to  
24 reach that point. Because as we heard yesterday in  
25 Internal Affairs, there are positions that cost is

1 irrelevant when you start determining these rates.

2 Since it perhaps is not going to really make that  
3 much difference anyway, I would maybe prefer -- if our  
4 Legal staff thinks we can do it, I would prefer using  
5 the \$16 number just because it gives a better signal as  
6 to that we are serious about trying to promote  
7 competition whenever we can. But here again, realizing  
8 those were cost studies that were perhaps not entire  
9 studies that were entered into the record but just  
10 results, if the Legal staff is not comfortable basing a  
11 finding on that type of evidence, I think that we are  
12 probably in a position where we have to go with the  
13 best evidence that we have to the contrary, and that  
14 would be the 18.

15 COMMISSIONER GARCIA: I would suggest that staff  
16 -- and I like the fact that staff was honest with it,  
17 that the 18 figure I think they were just trying to be  
18 conservative. This is a first salvo, and that's how I  
19 see it. I don't think the difference is that great,  
20 but I would tend to be conservative at this stage,  
21 because we are so early in the process and there are  
22 going to be changes later on. That's just my opinion.  
23 So I would like to hear what staff -- Legal thinks, but  
24 I'm going to go ahead and move staff on this.

25 COMMISSION JOHNSON: I would like to hear some

1 more discussion on the \$16 loop cost with respect to  
2 whether or not that is something that Legal believes  
3 that the record could support. I agree with the  
4 analysis and statements made by Commissioner Deason,  
5 and to the extent that we can send the right signals to  
6 those that want to enter our market as to what we are  
7 attempting to do, I think we should do that. But I  
8 think we do have to be accurate with respect to having  
9 some basis for our decision, and if there is indeed a  
10 legal basis in the record for supporting the \$16  
11 amount.

12 MS. CANZANO: On the fourth paragraph down on  
13 Page 25, it states two of the three cost numbers, and  
14 they come from Exhibits 11 and 12, and they are just  
15 cost figures. I want you to know that the cost studies  
16 of those figures were not entered into the record.

17 COMMISSIONER JOHNSON: So tell me what that means.  
18 Does that mean we can or can't rely on it?

19 MS. CANZANO: I think you could rely on the cost  
20 figures.

21 COMMISSIONER DEASON: Well, I'm kind of torn on  
22 it. I can see merits with just going with the 18 as a  
23 conservative approach and then trying to also -- since  
24 this is our very first stab at trying to set rates  
25 trying to be conservative on the other end and that

1 would be pro-competitive, if that's the appropriate  
2 term, it's a difficult situation. And I think it all  
3 boils down to -- and this leads me to my earlier  
4 question -- who has the burden to prove this? It's not  
5 the burden on the Commission to prove what the costs  
6 are. I think it's the burden on the LEC to demonstrate  
7 what their costs are. And if we don't have what we  
8 consider to be sufficient evidence, and we do have to  
9 determine a rate, we are just going to have to use our  
10 best judgment and our best expertise, call on our  
11 professional staff, realizing the goals of competition  
12 and having that kind of filter into the mixture, as  
13 well, and come up with a rate. But just because  
14 somebody files a cost study at the last minute and says  
15 here is the rate, we are not obligated to stick to that  
16 rate, I don't think.

17 MS. CANZANO: You're absolutely correct. You have  
18 to weigh the evidence.

19 COMMISSIONER DEASON: I would like some feedback  
20 from some other Commissioners. I'm kind of in-between  
21 really.

22 COMMISSIONER KIESLING: Well, I lean more toward  
23 going with the \$16 rate, because I think that that  
24 sends the message that I want to send, and it provides  
25 an impetus for the company to come up with some -- with

1 clear cost studies that we can analyze. And if at the  
2 end of that 60 days, or if in 60 days they file them  
3 and it shows that the \$16 is too low, then we will  
4 raise it. But I want to give them an impetus to get  
5 the cost studies done and in to us so that we can look  
6 at them. And I'm confused about procedurally where we  
7 are, because I thought you made a motion. Did you make  
8 a motion on 16?

9 COMMISSIONER DEASON: No, I never did make a  
10 motion.

11 COMMISSIONER GARCIA: I thought he was making a  
12 suggestion.

13 COMMISSIONER KIESLING: You did.

14 COMMISSIONER GARCIA: Yes, I made a motion for  
15 staff.

16 COMMISSIONER KIESLING: Okay.

17 COMMISSIONER JOHNSON: In hearing the dialogue  
18 between the Commissioners, and I know Mark has stated  
19 that they picked the 18 to be more conservative, I  
20 think that we do, when we are in a situation like this  
21 where we don't have complete information or we don't  
22 have the opportunity to analyze and critique the  
23 information the way that we might, that we do have to  
24 use our best professional judgment in order to come up  
25 with a decision and with a number.

1           Now, what I haven't really heard from staff is in  
2 your analyzing all of the numbers, whether it's the  
3 cost figures or whether it was the information provided  
4 by Bell, are you suggesting that you were just being  
5 conservative, or in your professional judgment the 18  
6 is closer to what it will be than the 16?

7           COMMISSION STAFF: Just being conservative.

8           COMMISSIONER JOHNSON: Just being conservative.

9           COMMISSIONER GARCIA: To make me feel more  
10 comfortable, if you don't mind. So I shouldn't even  
11 feel safe with the staff recommendation on this? I  
12 mean, I would assume as I read through this that I  
13 thought, you know, I got a feeling of conservative. I  
14 didn't get a feeling as I think you're giving  
15 Commissioner Johnson, that this was a conservative  
16 guess as opposed to your reasoned approach as a  
17 professional looking at this.

18           COMMISSION STAFF: Since we got four or five  
19 different costs for a local loop, I couldn't tell you  
20 what a local loop costs right now. All I know is the  
21 lowest loop cost we got was \$15.53. We got another one  
22 for \$15.97, and then I believe one in the 16s and one  
23 in the 17s. The one that BellSouth presented as a loop  
24 cost study for this case based on their most recent  
25 cost studies was \$17-and-something. So you had to

1 weigh the \$15.53, which was for a different service a  
2 couple of years ago, and then \$15.97, which was  
3 provided, I believe, in the universal service docket in  
4 August of last year, with the most recent number. And  
5 since I don't know what any of them are, BellSouth  
6 maintained that the most recent number of  
7 \$17-and-something is based on their most recent cost  
8 studies. That the cost study they performed was a year  
9 newer than the cost study they performed for the  
10 \$15.97. Now I have questions about that. In a  
11 declining cost industry, why is your loop cost going up  
12 instead of going down? I don't know the answer to  
13 that, but I certainly have a question and aim to get an  
14 answer to that question at some point in the near  
15 future. So, picking the \$18 was nothing more than to  
16 me than a conservative action in the interim. If I  
17 were going to be pro-competitive, making a statement  
18 that competition is my ultimate goal, I would probably  
19 have picked \$16.

20 CHAIRMAN CLARK: Does the statute require we cover  
21 costs?

22 COMMISSION STAFF: Yes, it does.

23 CHAIRMAN CLARK: So there is a balancing there  
24 that needs to take place. Let me sort of inquire of  
25 the staff. I view this as a matter of judgment in the

1           sense that you have competing information as to what  
2           exactly the cost is. And I think we do have competing  
3           information in the sense that we had a cost study filed  
4           late in the proceeding which indicates a certain level,  
5           yet we have other information that undermines the  
6           validity of those costs. I agree that they were  
7           earlier analysis of what it may have been, but I view  
8           it as sort of to some extent impeaching the information  
9           that was given in this proceeding. And I think there  
10          is going to be -- it is a mistake, I think, to suggest  
11          that everybody is going to agree on what the cost  
12          actually is, because it depends on what you think is  
13          appropriate to allocate for that particular cost and  
14          there will always be a debate with respect to the  
15          particular items as to whether they should be  
16          allocated, and if so, how much. So nobody is ever  
17          going to agree on exactly what the cost is.

18                 And I think it's not unlike a Gulf Power case  
19          where we had some people saying you needed enough coal  
20          inventory for a 90-day burn at full nameplate capacity,  
21          and somebody else was saying, you know, you really only  
22          need a month at half of what the capacity was, neither  
23          one of which was acceptable. And it seems to me that I  
24          would have concerns about relying exclusively on a cost  
25          figure that was developed in a different docket, but

1 the figures themselves were presented as evidence.

2 By the same token, I think we have some concerns  
3 about relying on late information provided that we  
4 didn't have the opportunity to test fully and explore  
5 the basis for that information. And I don't think it's  
6 unreasonable to suggest the answer lies somewhere in  
7 between or it's fair and reasonable to set it somewhere  
8 in between. And that would be my suggestion.

9 I have concerns about setting it at 16, because  
10 that's right at what they have suggested previously. I  
11 have concerns, too. It's supposed to be a declining  
12 cost industry. But if we are going to have something  
13 in 60 days, that the extent to which this is damaging  
14 one way or the other is somewhat mitigated.

15 COMMISSIONER JOHNSON: It's a difficult question  
16 because you do have to do the balance. The statute  
17 does require us to ensure that the costs or the  
18 services are priced above costs, and we have a cost  
19 study that says the cost is 18. I agree with the  
20 Chairman that we also have rebuttal evidence. But, as  
21 you said, the rebuttal evidence came from a different  
22 case, and it might have been kind of pieced together by  
23 different parties. And in my mind we do want to send  
24 the right messages. We don't want the message to be we  
25 want to make sure that Bell's services are being

1           offered below cost, but also we don't want the message  
2           to be that this serves as a barrier of competition and  
3           whatever information we get, that's the right stuff,  
4           that's what we will go with. We want to have the  
5           ability to analyze. And I like the approach that staff  
6           took to say we do need more information, we do need to  
7           work through this. And I'm somewhat comforted by the  
8           fact that it's a tight time line, and most of the  
9           parties indicate that they won't be ready to actually  
10          engage in this market for several months. Your  
11          suggestion that perhaps we find it somewhere in the  
12          middle I think is a good suggestion, and for that  
13          reason I would modify at least with respect to the loop  
14          cost that we set it at \$17. That's between the 16 and  
15          between the 18, and that's a starting point. That we  
16          are serious about competition and we are also serious  
17          about getting these numbers as accurate as we can for  
18          the benefit of all parties.

19                 CHAIRMAN CLARK: There has been a motion, is there  
20          a second?

21                 COMMISSIONER JOHNSON: Oh, I'm sorry, he had a  
22          motion.

23                 CHAIRMAN CLARK: Well, I didn't hear a second to  
24          his earlier motion.

25                 COMMISSIONER DEASON: If there is not a second, I

1 will second Commissioner Johnson's motion.

2 CHAIRMAN CLARK: There has been a motion and a  
3 second on Issue Number 3. All those in favor say aye.

4 COMMISSIONER DEASON: Aye.

5 COMMISSIONER KIESLING: Aye.

6 COMMISSIONER JOHNSON: Aye.

7 CHAIRMAN CLARK: Aye. Opposed, nay.

8 COMMISSIONER GARCIA: Nay.

9 CHAIRMAN CLARK: Issue Number 4.

10 COMMISSIONER KIESLING: I'm prepared to move  
11 staff.

12 COMMISSIONER JOHNSON: I don't have any questions.  
13 Second.

14 CHAIRMAN CLARK: Without objection, Issue Number 4  
15 is approved. Issue Number 5.

16 COMMISSIONER KIESLING: Move it.

17 COMMISSIONER DEASON: Second.

18 CHAIRMAN CLARK: Without objection, Issue Number 5  
19 is approved.

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CERTIFICATE OF REPORTER

STATE OF FLORIDA )

COUNTY OF LEON )

I, JANE FAUROT, Court Reporter, do hereby certify that the foregoing proceedings was transcribed from cassette tape, and the foregoing pages numbered 1 through 24 are a true and correct record of the proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED THIS 12th day of March, 1996.

*Jane Faurot*

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