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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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5 In the Matter of : DOCKET NO. 941281-TL
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8 Petition by subscribers:
of the Groveland :
Exchange for Extended :
Area Service (EAS) to :
the Orlando, Winter :
Garden and Windermere :
Exchanges. :
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12 PROCEEDINGS: PREHEARING CONFERENCE

13 BEFORE: COMMISSIONER JULIA L. JOHNSON
14 Prehearing Officer

15 DATE: Thursday, April 4, 1996

16 TIME: Commenced at 9:30 a.m.
17 Concluded at 9:50 a.m.

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

20 REPORTED BY: ROWENA NASH HACKNEY
21 Official Commission Reporter
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DOCUMENT PAGE DATE

1 **APPEARANCES:**

2 **RICHARD A. WAGNER**, 304 East Colonial Drive,
3 Orlando, Florida 32801, Telephone No. (407) 423-3401,
4 appearing on behalf of the **Subscribers of the Groveland**
5 **Exchange.**

6 **J. PHILLIP CARVER**, BellSouth
7 Telecommunications, Inc., c/o Nancy H. Sims, 150 South
8 Monroe Street, Suite 400, Tallahassee, Florida 32302,
9 Telephone No. (904) 222-1201, appearing on behalf of
10 **BellSouth Telecommunications, Inc.**

11 **J. JEFFRY WAHLEN**, Macfarlane, Ausley,
12 Ferguson and McMullen, P.O. Box 391, Tallahassee,
13 Florida 32302, Telephone No. (904) 224-9115, appearing
14 on behalf of **United Telephone Company of Florida.**

15 **ROBERT J. PIERSON**, Florida Public Service
16 Commission, Division of Legal Services, 2540 Shumard
17 Oak Boulevard, Tallahassee, Florida 32399-0870,
18 Telephone No. (904) 413-6199, appearing on behalf of
19 **the Commission Staff.**

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I N D E X

MISCELLANEOUS

3	ITEM	PAGE NO.
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P R O C E E D I N G S

(Hearing convened at 9:30 a.m.)

COMMISSIONER JOHNSON: I'm going to go ahead and call the hearing here to order. Counsel, could you please read the notice?

MR. PIERSON: Pursuant to notice, this time and place has been set for a prehearing conference in Docket No. 941281, Petition by the subscribers of the Groveland exchange for EAS to Orlando, Winter Garden and Windermere.

COMMISSIONER JOHNSON: I'll take appearances.

MR. CARVER: Phillip Carver on behalf of BellSouth, 150 West Flagler Street, Suite 1910, Miami, Florida 33130.

MR. WAGNER: Richard Wagner on behalf of the subscribers of the Groveland exchange, 304 East Colonial Drive, Orlando, Florida 32801.

MR. WAHLEN: Jeff Wahlen of the Macfarlane, Ausley Law Firm, P. O. Box 391, Tallahassee, Florida 32302, on behalf of United Telephone Company of Florida.

MR. PIERSON: Robert J. Pierson, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, on behalf of the Commission Staff.

1 COMMISSIONER JOHNSON: Very good. Are there
2 any preliminary matters that we need to handle at this
3 point in time?

4 MR. PIERSON: I have none.

5 COMMISSIONER JOHNSON: And I understand that
6 the parties received the draft Prehearing Order quite
7 a while ago, and I thought that perhaps the most
8 expeditious means of going through this would be to do
9 just that, go through it page by page. And to the
10 extent that there are questions or corrections or
11 additions that we might need to add, any of the
12 parties should feel free to just stop me, and we'll
13 make those particular changes as necessary and to the
14 extent that there are no objections.

15 There was one issue. I thought that this
16 case had originally been assigned to the full
17 Commission but will now be served by a three-member
18 panel. And I didn't know if the parties were aware of
19 that and if that was problematic. I had originally --
20 my office had heard that there might have been an
21 issue with respect to this being assigned to a panel,
22 as opposed to the full Commission. Any comments on
23 that particular issue?

24 MR. WAHLEN: We're aware of it and have no
25 objection.

1 MR. WAGNER: I have no objection.

2 COMMISSIONER JOHNSON: Okay.

3 MR. CARVER: No objection.

4 COMMISSIONER JOHNSON: Very good.

5 MR. CARVER: Commissioner Johnson, I did
6 have one other matter that I wanted to raise, it has
7 to do with witnesses. So I can either raise it now or
8 when we get to the witness section of the Prehearing
9 Order.

10 COMMISSIONER JOHNSON: I'll tell you what,
11 I'll just run through the pages really quickly; and
12 when we get to that particular provision, just let me
13 know.

14 MR. CARVER: Okay.

15 COMMISSIONER JOHNSON: Any questions or
16 comments on the first three pages that basically go
17 over the case background, the procedure for handling
18 confidential information and the post hearing
19 procedure?

20 Seeing none, on Page 4 we have our prefiled
21 testimony and exhibits. Are there any questions with
22 respect to the order of witnesses or any of our
23 witnesses here?

24 MR. CARVER: One matter that I wanted to
25 raise, BellSouth has filed very minimal testimony

1 because the petitioners are not in our exchange, and
2 we have no traffic data. So what I would like to
3 request is that Mr. Stanley's testimony simply be
4 stipulated in.

5 I don't believe any of the parties have any
6 questions of him. And I hope they'll correct me if
7 I'm wrong, but I don't believe anyone has any
8 objections to that either.

9 COMMISSIONER JOHNSON: Are there any
10 comments with respect to -- or objections to
11 stipulating the testimony of Joseph Stanley, Jr.?

12 MR. WAHLEN: We don't have any objection.

13 MR. WAGNER: No objection.

14 COMMISSIONER JOHNSON: Staff, any comments?

15 MR. PIERSON: No comments, no objection.

16 COMMISSIONER JOHNSON: Very good. Now,
17 Staff, how would I handle that then? Do we show it
18 stipulated in the final Prehearing Order that will go
19 out? And then at the hearing, do we just take care of
20 it at that moment, getting it into the record?

21 MR. PIERSON: Yes. There's usually a
22 section for stipulations. And since there weren't any
23 proposed at this time, that section was left out of
24 this Order, this draft Order.

25 COMMISSIONER JOHNSON: Great. So that will

1 just be reflected in the final Prehearing Order.

2 MR. PIERSON: I'll also make a note under
3 this section, too.

4 COMMISSIONER JOHNSON: Very good. Yes, sir.

5 MR. WAGNER: Commissioner, I had another
6 question. When I prefiled my testimony, there were
7 several individuals: One with Marriott, a fellow by
8 the name of Bob Hayden; a Gary Williams, Ted Williams
9 with Sumter Electric; and a Doris Thompson with
10 Thompson Steel. And when I prefiled, this had been
11 scheduled for a hearing on another date.

12 There have been some changes within those
13 companies and some conflicts that have arisen which,
14 in those four cases, would mean that if I cannot
15 substitute someone else, for instance, for Sumter
16 Electric, that we would not be able to adopt their
17 testimony in the technical portion. However, if I
18 can't do that, it would put me in a position of having
19 to utilize them in the public portion, have them come
20 in and basically testify based on what has been
21 prefiled in those instances since they're in
22 essence --

23 One of them I may not be able to substitute
24 at all because it's a very small company. But the
25 other three, because they did, in essence -- were

1 speaking on behalf of their particular company, if
2 possible, if I'm able to get someone to substitute for
3 them, in the case of Sumter Electric, for instance, I
4 would like to be able to do that but utilize and have
5 them adopt that testimony that has been prefiled.

6 COMMISSIONER JOHNSON: Okay, let me back up
7 a moment. You said Ted Williams.

8 MR. WAGNER: That's correct. Ted Williams
9 with Sumter Electric. Bob Hayden is with Marriott
10 Distribution. Bob was working out of and still
11 working out of Dallas, Texas. And they have another
12 gentleman now that works, I think, down in West Palm
13 and handles that portion and also the Orlando. So
14 he's the one whose name escapes me. I apologize for
15 that, but I can get that.

16 There was also Gary Williams with Marion
17 Farms, and I have not personally talked to Gary. He
18 just called my office and said that he would be
19 unavailable. Where possible, I would like to try
20 to -- again, that's not a very large business, the
21 same thing with Thompson Steel, so I don't know
22 whether I simply would have to ask those two to try to
23 come to one of the public portions of the hearing or
24 not. And I don't know whether there's any objection
25 to doing it in that fashion or not.

1 COMMISSIONER JOHNSON: Any comments from the
2 other parties?

3 MR. WAHLEN: United would not have any
4 objections to just stipulating the testimony of those
5 four witnesses into the record, and they wouldn't need
6 to appear either at the public hearing or the
7 technical hearing, if that is acceptable.

8 COMMISSIONER JOHNSON: BellSouth?

9 MR. CARVER: That's fine with us.

10 COMMISSIONER JOHNSON: Staff?

11 MR. PIERSON: That's fine with Staff.

12 COMMISSIONER JOHNSON: Okay. Then I think
13 that's the way we will handle it. And we will show
14 Bob Hayden, Ted Williams, Gary Williams and Doris
15 Thompson --

16 MR. WAGNER: Yes, ma'am.

17 COMMISSIONER JOHNSON: -- as stipulated to
18 by the parties. And it will be stated in the final
19 Prehearing Order and handled at final disposition at
20 the hearing.

21 MR. WAGNER: It might be duplicitous of
22 other testimony anyway, but that's fine. That's
23 probably the best way to get it in. Thank you.

24 COMMISSIONER JOHNSON: Any other matters
25 with respect to Page 4 in the order of witnesses or --

1 well, order of witnesses.

2 Any changes with respect to the basic
3 positions of the parties?

4 MR. WAHLEN: We don't have any changes.

5 COMMISSIONER JOHNSON: Mr. Wagner.

6 MR. WAGNER: I have one that I need to
7 discuss. It was probably through oversight. Issue
8 No. 2 stated: What other community of interest
9 factors should be considered in determining that.

10 And I guess I must have misread it because I
11 thought I had taken a position. I did not state in
12 either the initial filing or the supplemental
13 filing -- did not realize, to be very honest with you,
14 that I had to specifically state what had already
15 been, in effect, filed with the testimony. But we
16 would be presenting, if you will, in support of that,
17 circumstances such as businesses that are in the
18 Groveland exchange that have the need to be able to
19 call back into the Orlando, Winter Garden, Windermere
20 exchanges, individuals that are in that same position
21 that might be working in the Groveland area and have
22 their homes in those areas, and so it goes back and
23 forth.

24 I can file an amended or supplemental
25 statement on that issue if I need to in order to be

1 able to present that. It's contained within the
2 testimony. And I guess -- I think I had mentioned
3 that to Bob the other day. I didn't want to miss the
4 opportunity to be able to do that because obviously
5 that is specifically what we are doing.

6 We do feel that there are other community of
7 interest factors. They may not be the usual ones
8 where you have a police department that's a long
9 distance call for you or fire department, but that's
10 the nature of what we would like to be able to
11 present. And I don't know whether we need to amend.
12 If we do, I would be more than happy to supplement it
13 or what we need to do to get that in.

14 COMMISSIONER JOHNSON: I think for purposes
15 of the hearing and clarification in the Prehearing
16 Order that I would prefer if you did articulate or
17 specify in writing what those other factors are, and
18 that if you could file that. And then the other
19 parties need to have an opportunity to review those.
20 And to the extent that there are objections, then I'll
21 try to handle those in an expeditious manner before
22 the hearing.

23 But I hear you saying that most of the
24 factors that you will be stating are part of the
25 prefiled testimony, so it shouldn't go outside of

1 that.

2 MR. WAGNER: That's correct.

3 COMMISSIONER JOHNSON: But I think in order
4 to keep this as clean and clear for the Commissioners
5 as possible, it would help the process if you were to
6 go ahead and specify in writing what your position is
7 on that issue and what those other factors are. Why
8 don't we set a time limit on that.

9 Staff, how many days do you want to give
10 them, and when should they have it so that the other
11 parties can avail themselves to whatever those factors
12 are?

13 MR. PIERSON: Well, since I'm not going to
14 be here most of next week, as I explained to them
15 before, I would like to have it in my possession by no
16 later than midday Monday, so that I can get an order
17 to you to sign.

18 COMMISSIONER JOHNSON: Okay.

19 MR. WAGNER: Problem. It may create a
20 problem. Our office is closed on Good Friday. And on
21 Monday I'm supposed to be up with my client's office.
22 We've going through with members of the public. We
23 have invited them up for the entire day to go over
24 this at various times to have hearings. Could I have
25 until Tuesday to do that? If I get back today, I may

1 be able to do that, but I just don't know.

2 MR. PIERSON: I'm going to be in a haze on
3 Tuesday. I go in for my wisdom teeth out at 3:45 a.m.
4 on Tuesday morning.

5 MR. WAHLEN: That's no excuse. (Laughter)

6 MR. PIERSON: I suppose I could make
7 arrangements to have somebody else complete the order.

8 COMMISSIONER JOHNSON: Why don't we try to
9 do that, because I think this will be the only issue
10 that might be outstanding. There may be objections,
11 I'm not sure, so we do need to have someone kind of
12 responsible for looking over that issue. But I'll
13 give you until Tuesday.

14 MR. WAGNER: I may be able to get it done
15 before then, I just don't want to -- if I can, I
16 certainly will.

17 COMMISSIONER JOHNSON: Okay. Now, then, do
18 we need to give the parties some additional time to
19 review it?

20 MR. WAHLEN: It's his position. He can take
21 whatever position he wants. It's his burden to
22 support his position with evidence on the record, so I
23 don't anticipate having any objections to whatever
24 position he takes.

25 MR. CARVER: I don't anticipate any

1 objections either.

2 MR. WAGNER: I don't think there's going to
3 be any surprises.

4 COMMISSIONER JOHNSON: Okay. Very good.
5 Any other issues? Any changes on any of the issues?

6 MR. PIERSON: On the basic positions, Staff
7 would like to take a position on that which would be
8 the same as our position on Issue 1.

9 COMMISSIONER JOHNSON: You are speaking of
10 Issue 2, Staff would like to take a position?

11 MR. PIERSON: No. For statement of basic
12 position, I would like to adopt what we have taken as
13 a position on Issue 1 as our basic position as well.

14 COMMISSIONER JOHNSON: Okay, very good. Any
15 questions? We'll show that reflected in the final
16 Prehearing Order. Any other changes or additions?
17 Mr. Wagner.

18 MR. WAGNER: I don't know whether this is
19 the appropriate time to go over this or not, but I had
20 mentioned to Ann that I would like to be able to get a
21 map -- and I think if we could meet afterwards -- a
22 map that I can utilize and maybe have enlarged so that
23 we would -- at least at the hearing, everybody would
24 know what areas we are talking about. She's already
25 provided me with the number exchanges. And it's

1 referred to in my prehearing statement, but I don't as
2 yet have that, and I would anticipate being able to
3 get that.

4 COMMISSIONER JOHNSON: Just a point of
5 clarification. Are you asking that the map be made a
6 part of the official exhibit list, or is it something
7 you are just going to use for demonstrative purposes?

8 MR. WAGNER: I guess for both. I'm assuming
9 the Commission knows the areas that we are talking
10 about. Maybe that's a bad assumption to make. In
11 that regard, if it is, if there's not going to be a
12 map or something demonstrating to them, then I
13 probably would want to utilize that. But since it's
14 coming from Staff, I would assume there would not be
15 any objections to doing that, just so we're all on the
16 same page. (Staff tenders document.)

17 We might be able to utilize this.

18 COMMISSIONER JOHNSON: I see here where
19 Witness Fulmer is going to sponsor a map of Groveland,
20 Orlando, Winter Garden and Windermere exchanges
21 together with a list of those area's exchanges. Is
22 that the document?

23 MR. WAGNER: I believe so, yeah.

24 COMMISSIONER JOHNSON: Okay. Very well.

25 MR. WAGNER: And they've given me a list of

1 the exchanges also so that I can -- when people ask me
2 is it going to allow them to call between these
3 certain exchanges, I'll be able to respond to that.

4 COMMISSIONER JOHNSON: Any questions on that
5 particular exhibit? Staff, any comments?

6 MR. PIERSON: No, ma'am.

7 COMMISSIONER JOHNSON: Seeing none, are
8 there any other matters that any of the parties need
9 to have addressed at this point in time?

10 MR. WAHLEN: On the exhibits, we did not
11 file the traffic studies as an exhibit to the prefiled
12 testimony because they contain and almost are
13 exclusively confidential information. It was our
14 anticipation that those would be admitted into the
15 record during the examination of Ms. Harrell during
16 the technical portion of the hearing, and would like
17 to have your permission to work with Staff to
18 accomplish that result in a manner consistent with the
19 procedures for handling confidential information in
20 this case.

21 COMMISSIONER JOHNSON: Okay. I think we can
22 accommodate that.

23 MR. PIERSON: Yes, Staff intended to use
24 that as an exhibit.

25 COMMISSIONER JOHNSON: Oh, okay. It will be

1 a Staff exhibit then? It doesn't matter, but I
2 think --

3 MR. PIERSON: It doesn't matter.

4 MR. WAHLEN: We'd just like to get it in
5 whether we offer it or Staff offers it, we'll sponsor
6 it. And we'll work with Mr. Pierson and Ms. Shelfer
7 to make sure that's done in accordance with the
8 Prehearing Order.

9 COMMISSIONER JOHNSON: Very good. Any other
10 issues? Seeing none, Staff any other preliminary
11 matters? Anything that the parties need to be aware
12 of?

13 MR. PIERSON: Not that I'm aware of.

14 COMMISSIONER JOHNSON: Very good. Then show
15 this prehearing adjourned. Thank you very much for
16 your help in getting this order together.

17 (Thereupon, the hearing concluded at 9:50
18 a.m.)

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

3 I, ROWENA NASH HACKNEY, Official Commission
4 Reporter,

5 DO HEREBY CERTIFY that the Workshop in
6 Docket No. 941281-TL was heard by the Prehearing
7 Officer at the time and place herein stated; it is
8 further

9 CERTIFIED that I stenographically reported
10 the said proceedings; that the same has been
11 transcribed under my direct supervision; and that this
12 transcript, consisting of 18 pages, constitutes a true
13 transcription of my notes of said proceedings.

14 DATED this 4th day of April, 1996.

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