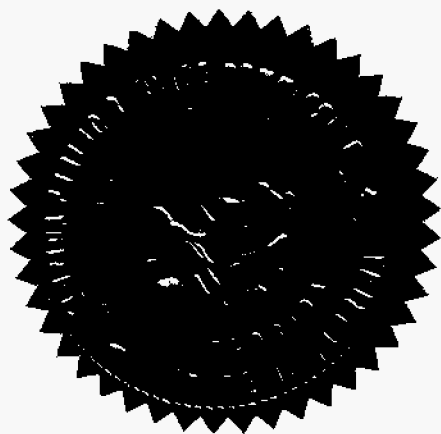


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
:  
Consideration of BellSouth :  
Telecommunications, Inc.'s :  
entry into InterLATA :  
services pursuant to Section: :  
271 of the Federal :  
Telecommunications Act of :  
1996. :  
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DOCKET NO. 960786-TL



PROCEEDINGS: STATUS CONFERENCE

DATE: Wednesday, July 31, 1996

TIME: Commenced at 8:00 a.m.  
Concluded at 8:20 a.m.

2540 SHUMARD OAK BOULEVARD  
Tallahassee, Florida

REPORTED BY: H. RUTHE POTAMI, CSR, RPR  
Official Commission Reporter  
(904) 413-6732

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION AUG-5 1996

FPSC-RECORDS/REPORTING

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6 **PATRICK K. WIGGINS**, Wiggins & Villacorta,  
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9 appearing on behalf of **Intermedia Communications,**  
10 **Inc.**, participating telephonically.

11 **BENJAMIN W. FINCHER**, 3100 Cumberland Circle,  
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15 **NANCY B. WHITE**, 675 West Peachtree Street  
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18 **BellSouth Telecommunications, Inc.**, participating  
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23 **Telecommunications, Inc.**, participating  
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3 participating telephonically.

4 **ANGELA B. GREEN**, 125 South Gadsden Street,  
5 Suite 200, Tallahassee, Florida 32301, Telephone No.  
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7 **Telecommunications Association, Inc.**, appearing  
8 telephonically.

9 **JIM BUTLER**, Telephone Number No. (214)  
10 863-8710, appearing on behalf of **Excel**  
11 **Telecommunications**, participating telephonically.

12 **FLOYD R. SELF**, Messer, Vickers, Caparello,  
13 Madsen, Goldman & Metz, P. O. Box 1876, Tallahassee,  
14 Florida 32302-1876, Telephone No. (904) 222-0720,  
15 appearing on behalf of **LDDS Worldcom**, appearing  
16 telephonically.

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**P R O C E E D I N G S**

(Conference convened at 8:00 a.m.)

**COMMISSIONER JOHNSON:** We're going to go ahead and go on the record in Docket 960786-TL.

I'm Julia Johnson. I'll be the hearing officer in this case. We have a court reporter here who will be keeping the record for us. I'm going to, at this point in time, go ahead and take appearances so we can determine who is actually on the teleconference call with us today. You guys can just start.

**MS. WHITE:** I'm Nancy White, and Nancy Sims with BellSouth Telecommunications.

**MR. MELSON:** Rick Melson, MCI Telecommunications.

**MR. WIGGINS:** Pat Wiggins with Intermedia Communications.

**MR. SELF:** This is Floyd Self representing LDDS Worldcom.

**MR. FINCHER:** Benjamin Fincher representing Sprint Communications Company, Limited Partnership.

**COMMISSIONER JOHNSON:** Okay.

**MR. BUTLER:** Jim Butler Excel Telecommunications.

**MS. GREEN:** Angela Green, Florida Public

1 Telecommunications Association.

2           **COMMISSIONER JOHNSON:** Is that it for  
3 appearances? And Staff.

4           **MS. BARONE:** Monica Barone, 2540 Shumard Oak  
5 Boulevard, Tallahassee, Florida on behalf of Staff.

6           **COMMISSIONER JOHNSON:** Are there any other  
7 preliminary matters before I kind of go over the  
8 format and the purpose for the status conference  
9 calls?

10           Okay. Hearing nothing, what we've decided  
11 to do, and as was reflected in the order, given the  
12 magnitude of this case and the need for us to kind of  
13 compress our time lines, what we thought would be  
14 helpful for all the parties is that we hold these  
15 Wednesday morning 8:00 a.m. conference calls unless we  
16 notify you otherwise.

17           What we intend to do in order to facilitate  
18 the process is have our Monday before the Wednesday  
19 conference call be the deadline for the submission of  
20 motions or pleadings. At that point in time Staff  
21 will compile that information, meet with me on perhaps  
22 Tuesday morning or before midday on Tuesday. We will  
23 determine the agenda for the Wednesday conference  
24 call.

25           To the extent that there are no motions or

1 issues that we need to resolve, you will receive a fax  
2 stating that the call will be cancelled for that  
3 particular Wednesday. To the extent that there are  
4 issues, we will try to give you notice as to what the  
5 issues might be, what the objections might be, what  
6 the matter might be ahead of time, so that you will be  
7 prepared to participate in the Wednesday conference  
8 calls.

9           The number will be the same number as we  
10 used today for the next series of weeks. We have  
11 allotted this time and this number, I think, well into  
12 the fall.

13           **MS. BARONE:** August 28th.

14           **COMMISSIONER JOHNSON:** August 28th. So if  
15 you just keep that in your back pocket, it will be an  
16 easy way to just have a consistent and easy process  
17 for us to communicate with one another.

18           Other housekeeping matters: If you could,  
19 for the benefit of our Staff attorney, all motions or  
20 pleadings that you file here at the Commission, could  
21 you bring a copy of those to Monica so that she can  
22 process those.

23           Oftentimes if you just take them to Records  
24 and Reporting, that may chew up 24 hours or so before  
25 she actually receives the documents. So we are

1 requesting that you hand deliver copies to our Staff  
2 so they can immediately begin their review and so that  
3 they can immediately inform me.

4 Are there any other questions or issues that  
5 we have, Monica?

6 **MS. BARONE:** One last thing: There are a  
7 couple of people on the phone that I do not have your  
8 fax numbers. If everyone on the phone will please  
9 contact me with a fax number that you want me to send  
10 the agenda to, I'd appreciate that.

11 My fax number is 413-6198. So send me your  
12 name, your fax number and your phone number so we can  
13 contact you when we need to.

14 **COMMISSIONER JOHNSON:** Are there any  
15 questions from any of the parties?

16 **MS. WHITE:** Yes. This is Nancy White. I  
17 have a question on the motions to be filed on Monday,  
18 and I guess I'm thinking really more about objections  
19 to discovery.

20 **COMMISSIONER JOHNSON:** Sure.

21 **MS. WHITE:** We have 10 days to file those  
22 objections, and that may not always land on a -- you  
23 know, right before a Monday. It might be a Tuesday or  
24 Thursday. Is that going to be a problem?

25 **COMMISSIONER JOHNSON:** We're going to try to

1 accommodate scheduling, Nancy, and to the extent that  
2 there are motions where it falls on a Tuesday before  
3 the hearing, if you could contact Monica and let her  
4 know when that's going to arrive so that we can at  
5 least expect it and try to prepare an agenda in that  
6 case, that would be helpful.

7           And to the extent that there are emergency  
8 issues that arise, go ahead and call Staff, and Staff  
9 will call me, and we will try to accommodate that,  
10 too, to the extent that we can.

11           A lot of this is trying to eliminate  
12 surprise and keep things as organized as we can for  
13 the benefit of the parties, but we understand that we  
14 won't be able to do that in all cases.

15           **MS. WHITE:** Okay.

16           **COMMISSIONER JOHNSON:** Any other questions?  
17 We weren't sure if there were issues today or not, so  
18 we decided we'd at least start the call and let  
19 everyone know the procedure that we're going to use.

20           Right now, with respect to the ports  
21 available to actually participate in the calls, I  
22 think we have about 30 lines. The way I think we're  
23 going to handle that is, certainly the parties and the  
24 intervenors, we will ensure when I do the call to make  
25 sure that those folks are on the call.



1           With respect to those people that are filing  
2 as interested parties, I wanted to get some reaction  
3 from you all as to their involvement in the conference  
4 call and how perhaps we should facilitate that  
5 process.

6           I know first and foremost that the parties  
7 and the intervenors, we will ensure that there is a  
8 port so that they can participate in these calls.  
9 With respect to the others, what are your opinions or  
10 suggestions on those issues?

11           I'm just concerned that we get 40 or 50  
12 people wanting to participate or listen in on these  
13 calls and what we should do in order to accommodate  
14 that. Or are there any objections to people listening  
15 in to the calls?

16           **MR. WIGGINS:** Commissioner Johnson, this is  
17 Pat Wiggins. It's not clear to me that we -- that  
18 this is not some sort of public meeting. I've not  
19 really thought about prehearing conferences or status  
20 conferences in terms of public records in open  
21 government, but it seems to me that the best thing to  
22 do is to allow anyone who wants to call in, to call  
23 in; otherwise, it looks like we're doing business  
24 behind closed doors, which doesn't seem to me to  
25 be --.

1           **COMMISSIONER JOHNSON:** Sure. And we have a  
2 limited amount of ports, so once those fill up, to the  
3 extent that there's a party, we may have to tell  
4 someone to get off the line to allow a party to come  
5 in. And the meetings will be recorded, so they could  
6 have the benefit of those records.

7           But currently I guess I would agree with you  
8 that to the extent there are lines and lines available  
9 if others wanted to listen in, then they have the  
10 right to do that.

11           Any other comments on that?

12           **MR. BUTLER:** This is Jim Butler with Excel,  
13 and I certainly agree with what Pat just mentioned.

14           And, also, the fact that we are an  
15 interested party -- I certainly don't intend to be an  
16 intervenor -- if we had access to the records, in that  
17 something comes along to where you don't have the  
18 ports available for us to listen, well, I can  
19 understand that, and as long as we get a hold of the  
20 records, that's all we need.

21           **COMMISSIONER JOHNSON:** Okay. And, Jim, we  
22 will have everything recorded, and we will of course  
23 give you access to whatever occurred at the  
24 proceedings. You will have access to the transcripts.

25           **MR. BUTLER:** Terrific.

1           **COMMISSIONER JOHNSON:** Anything else? Well,  
2 thank you all for getting up early this morning. And  
3 you should be receiving a fax next Tuesday, and that  
4 should lay out for you what the agenda will be,  
5 whether or not there are pending matters, or whether  
6 or not the call will be cancelled.

7           **MS. WHITE:** This is Nancy White again,  
8 Commissioner Johnson. Just to probably give everybody  
9 a heads up, we do have three sets of discovery from  
10 the Florida Interexchange Carriers Association. I  
11 think objections are due on them on two sets on  
12 Monday, I think, and a third set on Tuesday. I have  
13 not even looked through them, so I'm not saying there  
14 will be objections, but that's a distinct possibility.

15           **COMMISSIONER JOHNSON:** Okay. Very well.

16           **MS. WHITE:** That may have to be the subject  
17 of the call, at least part of it, next week, so I  
18 wanted to give people a heads up.

19           **COMMISSIONER JOHNSON:** Okay, Nancy. We will  
20 be prepared to address that if we need to and, if not,  
21 we'll just move forward.

22           **MR. WIGGINS:** Commissioner, could I ask a  
23 question about that?

24           **COMMISSIONER JOHNSON:** Pat?

25           **MR. WIGGINS:** Yes.

1           **COMMISSIONER JOHNSON:** Is this Pat Wiggins?  
2 Could you identify yourself for the court reporter?

3           **MR. WIGGINS:** This is Pat Wiggins, dropping  
4 his phone, actually. (Laughter)

5           I'm just thinking ahead -- which I'm just  
6 doing it for a change of pace -- but I've been out for  
7 about three weeks, but my understanding is, is that  
8 the parties, to the extent practical, are cooperating  
9 in terms of discovery. And, for example, the  
10 discovery that FIXCA sent out, I had an opportunity to  
11 look at before it went out.

12           Nancy, if in fact you do need to object to  
13 any of the questions, how do you contemplate handling  
14 argument about that? I mean, it doesn't make sense to  
15 have 14 people arguing against just you.

16           **MS. WHITE:** No. I was assuming that if  
17 FIXCA sets -- whoever FIXCA appointed as their  
18 spokesman, whether it was someone from the McWhirter,  
19 Reeves firm or --

20           **MR. WIGGINS:** Or whomever.

21           **MS. WHITE:** Or whomever. But I would  
22 certainly hope it wouldn't be only one person.

23           **MR. WIGGINS:** All right. Then I guess  
24 that's something we better work out among ourselves,  
25 if you object.

1           **MS. WHITE:** I mean, it's the Association  
2 that sent the discovery, so I would assume it would be  
3 the Association and not the individual members that  
4 would --

5           **MR. WIGGINS:** Right.

6           **MS. WHITE:** -- would argue the objections  
7 with me, and I would expect one person to be selected.

8           Now, I don't care whether it's, you know,  
9 you or an AT&T lawyer or someone from the firm that's  
10 representing FIXCA, but I would expect one attorney to  
11 do the arguing.

12           **MR. WIGGINS:** Commissioner Johnson, just  
13 what I was thinking here is that I think those of us  
14 who are not aligned with BellSouth in this proceeding  
15 have committed to cooperating procedurally in every  
16 way possible, so it looks more like a bilateral kind  
17 of a deal rather than a multi-party war.

18           **COMMISSIONER JOHNSON:** Very good. That  
19 would help this process.

20           **MR. WIGGINS:** But if for some reason it  
21 turns out there's tension in discovery, or anything  
22 like that, it could very well end up Nancy could not  
23 be receiving --

24           **MS. WHITE:** No, and I understand that. And  
25 I understand that, but, you know, I mean, I guess to

1 some extent, Commissioner Johnson, I guess I would  
2 have a problem if I'm arguing over discovery from a  
3 particular party, in this case the Florida  
4 Interexchange Carriers Association, then I would have  
5 a problem with a party who was not part of that  
6 discovery reviewing it as well.

7           **MR. WIGGINS:** That makes perfect sense to  
8 me. The only reason I mentioned it was, is that if  
9 you send out an objection, and I'm talking with Vicki  
10 and I say that I'd really like to have this mentioned  
11 in your argument, and she says, no, that's crazy, Pat,  
12 I'm not going to embarrass myself, that's fine, and  
13 that's probably the way it ought to be; but then that  
14 will probably have an effect on to the extent of  
15 whether or not I feel like I need to send out my own.

16           And, really, my clarifying was more for  
17 purposes of coordination among FIXCA and ourselves  
18 rather than trying to put you on the spot saying you  
19 need to respond to more than one person.

20           **COMMISSIONER JOHNSON:** Very well. Any other  
21 issues?

22           Seeing none, thank you all for calling in  
23 this morning, and you will hear from us no later than  
24 next Tuesday late afternoon. Thank you.

25           This hearing is adjourned.

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(Thereupon, the hearing concluded at 8:20  
a.m.)

- - - - -

1 STATE OF FLORIDA)  
2 : CERTIFICATE OF REPORTER  
3 COUNTY OF LEON )

4 I, RUTHE POTAMI, CSR, RPR Official  
5 Commission Reporter,

6 DO HEREBY CERTIFY that the Prehearing Status  
7 Conference in Docket No. 960786-TL was heard by the  
8 Prehearing Officer at the time and place herein  
9 stated; it is further

10 CERTIFIED that I stenographically reported  
11 the said proceedings; that the same has been  
12 transcribed under my direct supervision; and that this  
13 transcript, consisting of 15 pages, constitutes a true  
14 transcription of my notes of said proceedings.

15 DATED this 5th day of August, 1996.

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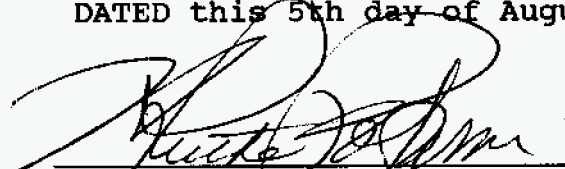
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