

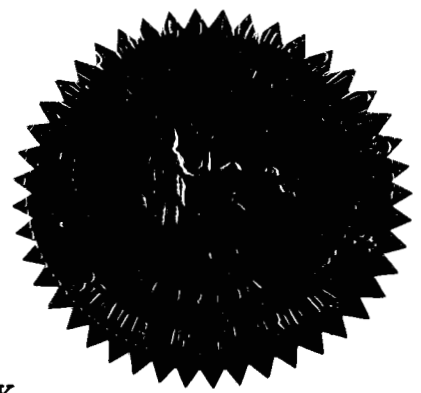
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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Investigation into temporary : DOCKET NO. 950737-TP  
local telephone number :  
portability solution to :  
implement competition in local :  
exchange telephone markets. :  
:

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PROCEEDINGS:           **PREHEARING CONFERENCE**

BEFORE:                 **CHAIRMAN SUSAN F. CLARK**  
                              Prehearing Officer

DATE:                   **Thursday, November 14, 1996**

TIME:                   Commenced at 2:00 p.m.  
                              Concluded at 2:16 p.m.

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

REPORTED BY:           **JOY KELLY, CSR, RPR**  
                              Chief, Bureau of Reporting

1 **APPEARANCES:**

2                   **LAURA L. WILSON**, Florida Cable  
3 Telecommunications Association, Inc., 310 North Monroe  
4 Street, Tallahassee, Florida 32301, appearing on  
5 behalf of **Florida Cable Telecommunications**  
6 **Association.**

7                   **ROBIN DUNSON**, AT&T Communications of the  
8 Southern States, Inc., 1200 Peachtree Street,  
9 Room 4038, Atlanta, Georgia 30309, appearing on behalf  
10 of **AT&T Communications of the Southern States, Inc.**

11                   **NORMAN H. HORTON**, Messer, Vickers,  
12 Caparello, Madsen, Goldman & Metz, P. O. Box 1876,  
13 Tallahassee, Florida 32302-1876, appearing on behalf  
14 of **AT&T Wireless Services of Florida, Inc.**

15                   **PATRICK K. WIGGINS**, Wiggins & Villacorta,  
16 P.A., Post Office Drawer 1657, Tallahassee, Florida  
17 32302, appearing on behalf of **Intermedia**  
18 **Communications, Inc. and BellSouth Mobility.**

19                   **PAMELA S. ARLUK**, Swidler & Berlin,  
20 Chartered, 3000 K Street, N. W., Suite 300,  
21 Washington, D. C. 20007, appearing on behalf of **MFS**  
22 **Communications Company, Inc.**

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1 **APPEARANCES CONTINUED:**

2 **NANCY B. WHITE and THOMAS ALEXANDER,**  
3 **BellSouth Telecommunications, Inc., 150 South Monroe**  
4 **Street, Room 400, Tallahassee, Florida 32301 on behalf**  
5 **of BellSouth Telecommunications, Inc.**

6 **KIMBERLY CASWELL, One Tampa City Center,**  
7 **P.O. Box 110, FLTC0007, Tampa, Florida 33601,**  
8 **appearing on behalf of GTE Florida.**

9 **SUE WEISKE, 160 Inverness Drive West,**  
10 **Englewood, Colorado 80112, appearing on behalf of**  
11 **Time Warner Axs of Florida, L.P. d/b/a Time Warner**  
12 **Communications and Digital Media Partners.**

13 **J. JEFFRY WAHLEN, Ausley & McMullen, Post**  
14 **Office Box 391, Tallahassee, Florida 32302, appearing**  
15 **on behalf of Central Telephone Company of Florida.**

16 **WILLIAM P. COX and MONICA BARONE, Florida**  
17 **Public Service Commission, Division of Legal**  
18 **Services, 2540 Shumard Oak Boulevard, Tallahassee,**  
19 **Florida 32399-0870, appearing on behalf of the**  
20 **Commission Staff.**

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9 Room 4038, Atlanta, Georgia 30309, appearing on behalf  
10 of **AT&T Communications of the Southern States, Inc.**

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13 Tallahassee, Florida 32302-1876, appearing on behalf  
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21 Washington, D. C. 20007, appearing on behalf of **MFS**  
22 **Communications Company, Inc.**

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10 **Englewood, Colorado 80112, appearing on behalf of**  
11 **Time Warner Axs of Florida, L.P. d/b/a Time Warner**  
12 **Communications and Digital Media Partners.**

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14 **Office Box 391, Tallahassee, Florida 32302, appearing**  
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16 **WILLIAM P. COX and MONICA BARONE, Florida**  
17 **Public Service Commission, Division of Legal**  
18 **Services, 2540 Shumard Oak Boulevard, Tallahassee,**  
19 **Florida 32399-0870, appearing on behalf of the**  
20 **Commission Staff.**

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

2                                    (Hearing convened at 200 p.m.)

3                    **CHAIRMAN CLARK:** Let's call the prehearing  
4 conference to order. Ms. Barone, would you please  
5 read the notice.

6                    **MS. BARONE:** Pursuant to notice a prehearing  
7 conference has been set in 950737.

8                    **CHAIRMAN CLARK:** We'll take appearances  
9 starting with you.

10                   **MS. WHITE:** Nancy White and Tom Alexander  
11 with BellSouth Telecommunications, 675 West Peachtree  
12 Street, Room 4300, Atlanta, Georgia 30375.

13                   **CHAIRMAN CLARK:** I'm sorry, I was  
14 distracted. Who was appearing with you?

15                   **MS. WHITE:** Tom Alexander.

16                   **CHAIRMAN CLARK:** Thank you. Ms. Caswell.

17                   **MS. CASWELL:** Kim Caswell, GTE, One Tampa  
18 City Center, Tampa, Florida 33601.

19                   **MR. WAHLEN:** Jeff Wahlen of the Ausley and  
20 McMullen law firm, 227 South Calhoun Street  
21 Tallahassee, Florida, appearing on behalf of Central  
22 Telephone Company of Florida and United Telephone  
23 Company of Florida, who we will refer to as Sprint.  
24 Also appearing will be John P. Fons of the same law  
25 firm and same address.

1           **MS. McMILLIN:** Martha McMillin, MCI  
2 Telecommunications Corporation, 780 Johnson Ferry  
3 Road, Suite 700, Atlanta, Georgia 30342, appearing on  
4 behalf of MCI Telecommunications Corporation and MCI  
5 Metro Access Transmission Services. Also appearing on  
6 behalf of those parties will be Richard D. Melson of  
7 the Hopping Green Sams & Smith firm here in  
8 Tallahassee, and if my name could be added to the  
9 appearance list, thank you.

10           **MR. HORTON:** Norman H. Horton, Floyd Self.  
11 Gwen Jacobs of the Messer Caparello law firm, 215  
12 South Monroe Street, Tallahassee, appearing on behalf  
13 of AT&T Wireless of Florida, Inc.

14           **MR. WIGGINS:** Patrick K. Wiggins of the law  
15 firm of Wiggins & Villacorta, P. O. Box 1657,  
16 Tallahassee 32302 on behalf of BellSouth Mobility,  
17 Inc. and Intermedia Communications, Inc.

18           **MS. WILSON:** Laura Wilson appearing on  
19 behalf of the Florida Cable Telecommunications  
20 Association, 310 North Monroe Street, Tallahassee,  
21 Florida 32301.

22           **MS. WEISKE:** Sue Weiske appearing on behalf  
23 of Time Warner AxS of Florida and Digital Media  
24 Partners, 160 Inverness Drive West, Englewood,  
25 Colorado 80112.



1           **MS. ARLUK:** Pamela Arluk, Swidler and  
2 Berlin, Chartered, 3000 K Street N.W., Suite 300,  
3 Washington, D.C. 20007, appearing on behalf of MFS  
4 Communications Company, Inc. Also appearing will be  
5 Richard M. Rindler, Esquire, of the same law firm.

6           **CHAIRMAN CLARK:** Could you spell your last  
7 names, please?

8           **MS. ARLUK:** Sure. That's A-R-L-U-K.

9           **CHAIRMAN CLARK:** Mr. Logan.

10          **MR. LOGAN:** Commissioner, Mark Logan,  
11 Bryant, Miller & Olive, 201 South Monroe Tallahassee,  
12 Florida. Also appearing will be Robin Dunson,  
13 Mike Tye and Tracy Hatch of AT&T Communications of the  
14 Southern States, 101 North Monroe Street, Suite 500.

15          **MS. BARONE:** Monica M. Barone, William Cox,  
16 2540 Shumard Oak Boulevard, Tallahassee, Florida  
17 32399-0850, appearing on behalf of Commission Staff.

18          **CHAIRMAN CLARK:** Thank you. Ms. Barone has  
19 indicated to me that I should state that the Motion  
20 for Extension of Time filed by MFS has been granted.

21          **MS. BARONE:** Yes, ma'am. Thank you.

22          **CHAIRMAN CLARK:** And where do we go from  
23 here, Ms. Barone?

24          **MS. BARONE:** We have a couple of minor  
25 changes to make. It might be -- the best thing to do

1 may be to go through each section. I don't think we  
2 have very many changes. I don't think we have many  
3 substantive changes. If the parties have  
4 typographical errors and they want to get back with me  
5 by noon tomorrow we could handle it that way.

6           **CHAIRMAN CLARK:** Okay. But you have some  
7 changes to make.

8           **MS. BARONE:** I have one change to make to  
9 the case background. The sentence beginning with "The  
10 FCC order sets forth a cost recovery mechanism." I  
11 would change that to "The FCC order discusses a cost  
12 recovery mechanism for temporary number portability."

13           **CHAIRMAN CLARK:** Okay. Do you have any  
14 further changes?

15           **MS. BARONE:** No, ma'am.

16           **CHAIRMAN CLARK:** Ms. White, any changes  
17 other than typographical that you want to give to  
18 Ms. Barone?

19           **MS. WHITE:** Yes. I think the only thing is  
20 in connection with what Monica just changed. The FCC  
21 order really didn't set or pick a particular cost  
22 recovery mechanism. So I would ask that it be changed  
23 to state "The FCC's order discusses cost recovery for  
24 temporary number portability."

25           **MS. BARONE:** I believe that's what I said.

1 MS. WHITE: I'm sorry. Okay. Then I lost  
2 my mind. Sorry about that.

3 CHAIRMAN CLARK: I think she left  
4 "mechanism" in.

5 MS. WHITE: I was taking "mechanism" out.

6 CHAIRMAN CLARK: Okay. Any other changes to  
7 the Prehearing Order? Ms. Caswell? Mr. Wahlen?

8 MS. CASWELL: No changes.

9 MR. WAHLEN: No changes.

10 MS. McMILLIN: No changes.

11 MR. HORTON: No changes.

12 MR. WIGGINS: No, ma'am.

13 MS. WILSON: The only change that I would  
14 request would be on the order of witnesses, that  
15 Mr. Cresse could appear after Mr. McDaniel.

16 I've checked with a few of the parties and  
17 there's not been any problem with this thus far but I  
18 haven't been able to check with everyone.

19 CHAIRMAN CLARK: Is there any objection to  
20 having Mr. Cresse appear after Mr. McDaniel? (No  
21 response)

22 Okay. We'll change the order of witnesses.  
23 Ms. Weiske.

24 MS. WEISKE: I just have a question now. I  
25 wanted to know if the request was to put Mr. Cresse

1 after Mr. McDaniel under direct or at the end under  
2 rebuttal?

3 MS. BARONE: If I may ask, Chairman Clark,  
4 would it benefit us to take rebuttal and direct at the  
5 same time since we're hearing this all in one day?

6 CHAIRMAN CLARK: If there's no objection to  
7 that, I think that would be a good idea so then the  
8 Order would reflect the order of the direct testimony  
9 and then the person just gives their rebuttal at the  
10 same time. Okay? And you will make sure the  
11 Commissioners know that.

12 MS. BARONE: Yes, ma'am.

13 CHAIRMAN CLARK: Thank you. Ms. Arluk.

14 MS. ARLUK: Yes. I request that in the  
15 Order of Witnesses section, that Alex J. Harris be  
16 "appearing for" instead of "issued to" all issues.

17 CHAIRMAN CLARK: Okay. Mr. Logan.

18 MR. LOGAN: Yes, Commissioner. I just  
19 wanted to note, and I think maybe we've taken care of  
20 that in combining direct and rebuttal, but Mr. Guedel  
21 had rebuttal testimony as well.

22 MS. BARONE: That will be reflected in the  
23 order, Chairman.

24 CHAIRMAN CLARK: I don't have my calendar  
25 with me. When is the hearing in this case scheduled

1 for?

2 MS. BARONE: November 25th.

3 CHAIRMAN CLARK: Okay. That's Monday,

4 right?

5 MS. BARONE: Yes, ma'am.

6 CHAIRMAN CLARK: Anything else we need to

7 take up at this time?

8 MS. WHITE: I have one point. I've talked  
9 to I think most, if not all, of the parties today, and  
10 I want to preface this by saying I don't want the  
11 Commission to think that possibly we do this every  
12 time, but I was canvassing the parties as to whether  
13 they would be in agreement to stipulating this case  
14 into the record rather than go to hearing.

15 I have not pushed anyone for an answer today  
16 because I understand that some people need to check  
17 with their clients. I was thinking that maybe they  
18 could get back to Staff whether they were agreeable or  
19 not, and that way nobody would be penalized for not  
20 agreeing, so to speak, so maybe Staff could take the  
21 poll of the parties.

22 CHAIRMAN CLARK: You mean penalized in what  
23 way? I want to make it clear that if any party wants  
24 a hearing and wants the ability to cross examine  
25 people, now is the time to do it. But if there is,

1 you know, no need to do that, we should certainly  
2 stipulate. I don't hold it against people to do that.

3 MS. WHITE: I didn't want -- penalize is too  
4 strong of a word. I just didn't want to --

5 CHAIRMAN CLARK: Taint.

6 MS. WHITE: Taint. I didn't want anybody to  
7 feel bad about not saying yes to stipulating it in.  
8 So I was just thinking if maybe when everybody has had  
9 a chance to talk to their client, they can talk to  
10 either Mr. Cox or Ms. Barone and let them know what  
11 they have decided, maybe by the middle of next week.

12 CHAIRMAN CLARK: I guess we should check  
13 with the attorneys that work by the hour and see if it  
14 is acceptable to them.

15 MS. BARONE: Chairman Clark, I would add,  
16 Staff would need to take a look at the information we  
17 have now to make sure we don't have questions also.

18 CHAIRMAN CLARK: That's fine. I would just  
19 suggest you canvass the parties and keep in touch with  
20 Staff and let them know whether or not we can  
21 stipulate it and that way we don't need to have people  
22 come here.

23 MS. WEISKE: I think a few of us can respond  
24 now and it might be helpful to hear what we have to  
25 say.

1                   **CHAIRMAN CLARK:** Okay.

2                   **MS. WEISKE:** Sue Weiske for Time Warner.  
3 Unfortunately I'm going to miss both Mr. Poag's and  
4 Mr. Varner's deposition tomorrow and I do want the  
5 opportunity to cross examine both of those witnesses.  
6 So unfortunately I would like to see a hearing go  
7 forward on the scheduled date.

8                   **MS. WILSON:** I, as well, would like to see  
9 the hearing move forward.

10                   **MR. WIGGINS:** Chairman Clark, is this an all  
11 or nothing proposition?

12                   **CHAIRMAN CLARK:** I don't think so. Some  
13 testimony can be stipulated into the record. I think  
14 the only concern is if it's going to be all, we could  
15 get it done and nobody needs to come down here on the  
16 Monday before Thanksgiving. So, you know, this is  
17 your opportunity to protect the interest of your  
18 client in this issue. Don't feel pressured in any  
19 way. If you think that we need to have a hearing,  
20 we'll be here. We can be here. It's scheduled.

21                   **MS. WEISKE:** Just so I'm clear, I still  
22 would have no objection any of the LECs waiving cross  
23 of our witness.

24                   **CHAIRMAN CLARK:** Anything else? Okay. With  
25 that, the prehearing is adjourned. Thank you very

1 much.

2 (Thereupon, the hearing concluded at  
3 2:17 p.m.)

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

4 I, JOY KELLY, CSR, RPR, Chief, Bureau of  
5 Reporting, Official Commission Reporter,

6 DO HEREBY CERTIFY that the Prehearing  
7 Conference in Docket No. 950737-TP 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 13 pages, constitutes a true  
14 transcription of my notes of said proceedings.

15 DATED this 18th day of November, 1996.

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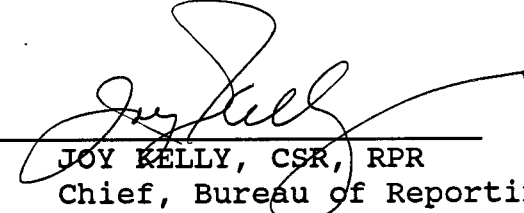
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JOY KELLY, CSR, RPR  
Chief, Bureau of Reporting  
Official Commission Reporter  
(904) 413-6732