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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of :
Petition for Numbering :
Plan Area Relief for 904 :
904 Area Code, by BellSouth :
Telecommunications, Inc. :

DOCKET NO. 961153-TL



PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER DIANE K. KIESLING
Prehearing Officer

DATE: Tuesday, December 3, 1996

TIME: Commenced at 8:30 a.m.
Concluded at 8:55 a.m.

PLACE: Betty Easley Conference Center
Room 152
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: ROWENA NASH HACKNEY
Official Commission Reporter
(904) 413-6736

DOCUMENT NUMBER - DATE

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FPSC-REG-05/REP-011111

1 **APPEARANCES:**

2 **J. JEFFRY WANLEN**, Ausley & McMullen, Post
3 Office Box 391, Tallahassee, Florida 32302, appearing
4 on behalf of Central Telephone Company of Florida,
5 United Telephone Company of Florida, ALLTEL Florida,
6 Inc., and Northeast Florida Telephone Company.

7 **DAVID B. ERWIN**, Young, van Assenderp and
8 Varnadoe, P. A., P. O. Box 1833, Tallahassee, Florida
9 32302-1833, appearing on behalf of Quincy Telephone
10 Company, Florida Telecommunications, Gulf
11 Telecommunications Inc., and St. Joseph
12 Telecommunications.

13 **MARK HERRON**, Akerman, Senterfitt & Edison,
14 P.A., 216 South Monroe Street, Suite 200, Tallahassee,
15 Florida 32301-1859, appearing on behalf of BellSouth
16 Mobility, Inc.

17 **SHARON D. LARSON**, Assistant General Counsel,
18 appearing on behalf of the State of Florida Department
19 of Management Services.

20 **NANCY B. WHITE**, BellSouth
21 Telecommunications, Inc., Suite 400, 150 South Monroe
22 Street, Tallahassee, Florida 32301, appearing on
23 behalf of BellSouth Telecommunications, Inc.

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25

1 **APPEARANCES CONTINUED:**

2 **CHARLIE FELLEGRINI and WILL COX, Florida Public**
3 **Service Commission, Division of Legal Services, 2540 Shumard**
4 **Oak Boulevard, Tallahassee, Florida 32399-0870, appearing on**
5 **behalf of the Commission Staff.**

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P R O C E E D I N G S

(Hearing convened at 8:40 a.m.)

COMMISSIONER KIESLING: Call the hearing to order. Will, counsel, please read the notice?

MR. PELLEGRINI: Pursuant to notice, this time and place have been set for a prehearing docket in Docket 961153-TL, petition for numbering plan area relief for 904 area code, by BellSouth Telecommunications, Inc.

COMMISSIONER KIESLING: All right, and I'll take appearances.

MS. WHITE: Nancy white representing BellSouth Telecommunications.

MR. WAHLEN: Jeff Wahlen, Ausley & McMullen Law Firm, 227 South Calhoun Street, Tallahassee, Florida 32301, appearing on behalf of Central Telephone Company of Florida, United Telephone Company of Florida, ALLTEL Florida Inc., and Northeast Florida Telephone Company.

MR. ERWIN: I'm David B. Erwin of the firm Young, van Assenderp & Varnadoe, 225 South Adams Street, Tallahassee, Florida, appearing here on behalf of Quincy, St. Joseph, Gulf and Florida. The full names are correctly stated in the draft Prehearing Order.

1 **MS. LARSON:** Sharon D. Larson, assistant
2 general counsel, on behalf of the Department of
3 Management Services. The address is 4050 Esplanade
4 Way, Suite 260.

5 **MR. HERRON:** Mark Herron of Akerman,
6 Senterfitt Law Firm, on behalf of BellSouth Mobility.

7 **MR. PELLEGRINI:** Charles Pellegrini and Will
8 Cox, appearing on behalf of Commission Staff, 2540
9 Shumard Oak Boulevard, Tallahassee 32399.

10 **COMMISSIONER KIESLING:** All right. Are
11 there any preliminary matters that we need to take up,
12 Mr. Pellegrini?

13 **MR. PELLEGRINI:** Yes, Commissioner. There
14 are two motions that should be considered at this
15 time, and those are motions requesting permission for
16 late filing of prehearing statements filed by
17 BellSouth Mobility and by Mr. Erwin's clients.

18 **COMMISSIONER KIESLING:** All right. Is there
19 any objection?

20 Then I'll grant both of those motions, and
21 we'll incorporate that ruling back under Section 10
22 under Pending Motions.

23 **MR. PELLEGRINI:** Yes.

24 **COMMISSIONER KIESLING:** Any other
25 preliminary matters?

1 **MR. PELLEGRINI:** None that Staff is aware
2 of.

3 **COMMISSIONER KIESLING:** Any from anyone
4 else?

5 Okay. Then let's start going through the
6 draft prehearing. Are there any changes to any of the
7 preliminary parts before we get to the order of
8 witnesses?

9 **MR. WAHLEN:** I just noticed one. Case
10 background on September 20, 1996.

11 **COMMISSIONER KIESLING:** I see that now.

12 Yes.

13 **MR. ERWIN:** I've got one possible one down
14 here at the bottom of the page under Subsection 1
15 there. It refers to Section 367.156; that's the water
16 and sewer law. I doubt that that's the right
17 designation.

18 **COMMISSIONER KIESLING:** That is another one.
19 We'll find the right section.

20 **MR. PELLEGRINI:** We will.

21 **COMMISSIONER KIESLING:** Any others?

22 **MR. ERWIN:** That appears up above, too, in
23 that Paragraph A and B.

24 **COMMISSIONER KIESLING:** The right form will
25 be picked up.

1 All right. Then let's go to witnesses. Is
2 the order that is set out here accurate, and are we
3 doing direct and rebuttal? We'll start with
4 BellSouth.

5 MS. WHITE: That's fine. I think we just
6 have direct. I don't believe that we have any
7 rebuttal.

8 COMMISSIONER KIESLING: Is there any
9 rebuttal in this? (Simultaneous conversation.)

10 MR. PELLEGRINI: I think there's no rebuttal
11 at this time.

12 MS. WHITE: I don't think there is.

13 COMMISSIONER KIESLING: And have the parties
14 discussed at all stipulating in any of the testimony
15 without the need for cross examination?

16 MR. WAHLEN: We've talked about whether all
17 of it could be stipulated in, and I think we're at
18 that point where that isn't feasible. But we will
19 next talk about specific witnesses and probably get
20 with Mr. Pelegrini in the next day or two and let him
21 know where we are.

22 COMMISSIONER KIESLING: Okay. What's the
23 sticking point about stipulating all the witnesses?

24 MR. WAHLEN: I think there's a sense that
25 people have some work they want to do on cross

1 examination of at least a couple witnesses.

2 COMMISSIONER KIESLING: Okay.

3 MR. WAHLEN: I'm not sure if that will
4 remain true for the rest of the week, but at least
5 that's where we are today.

6 COMMISSIONER KIESLING: Then the next
7 witness on the list is Mr. Mayne from DMS. Is that
8 going to be his position in the witness list?

9 MS. LARSON: His position in terms of what?

10 COMMISSIONER KIESLING: He's second?

11 MS. LARSON: Yes.

12 COMMISSIONER KIESLING: Then Brewer,
13 Ms. Brewer.

14 MR. WAHLEN: Yes, ma'am, that's fine.

15 COMMISSIONER KIESLING: Tom McCabe for
16 Quincy.

17 MR. ERWIN: That's fine, Uh-huh.

18 COMMISSIONER KIESLING: Mr. Bowden.

19 MR. ERWIN: He's in a good location, too.

20 COMMISSIONER KIESLING: Ms. Eudy.

21 MR. WAHLEN: That's fine.

22 COMMISSIONER KIESLING: Mr. Burleson.

23 MR. HERRON: No problem.

24 COMMISSIONER KIESLING: Ms. --

25 MR. WAHLEN: Khazraee

1 **COMMISSIONER KIESLING:** Thank you for that
2 help -- is going to bring up the rear then.

3 And if I recall, there were -- I thought
4 there were three issues not two.

5 **MR. PELLEGRINI:** No, only two presently.

6 **COMMISSIONER KIESLING:** Okay. I've been
7 having so many of these 8:30 in the morning
8 prehearings that I'm getting my draft prehearings
9 mixed up. (Laughter)

10 Any changes on basic positions? Rather than
11 me calling on each of you, if there is, just kind of
12 call out so I know it, otherwise I'll move on.

13 On Issue 1, any changes, corrections,
14 additions, comments, anything I need to know?

15 **MR. HERRON:** Commissioner Kiesling, I have a
16 comment. I don't think it directly relates to this,
17 but when the Commission did its public hearings around
18 the state where people may have showed up --

19 **COMMISSIONER KIESLING:** Yeah.

20 **MR. HERRON:** -- the Commission put out
21 documentation that listed the options, I think,
22 differently than the way they're listed in this
23 Prehearing Order. Because I went to the Tallahassee
24 hearing and you had them listed as 1, 2 and 3 there;
25 and here there's 1, 2. And I don't know how all

1 that's going to fit together when you come read the
2 public hearing transcripts versus the testimony versus
3 what we have got in this Prehearing Order.

4 COMMISSIONER KIESLING: Well --

5 MR. HERRON: I don't know how we are going
6 to make -- I mean, is there going to be a translation
7 that somebody's going to make if somebody spoke
8 that --

9 COMMISSIONER KIESLING: I think the place
10 for the translation is going to be in here. So if
11 there's a clarification needed and if you all need to
12 in some way change your references --

13 MR. HERRON: See, we all know them as 1, 1A
14 and 2. But when you guys did the public documents, it
15 went out as 1, 2 and 3 as the options. (Pause)

16 COMMISSIONER KIESLING: And while Staff is
17 discussing, I mean, you know, I think that it's also
18 clear that these are three options. It doesn't mean
19 that there may not be some other options that may come
20 out of this.

21 MR. HERRON: We heard about that this
22 morning.

23 MR. PELLEGRINI: Perhaps what we can do in
24 the final version of the Prehearing Order is match the
25 two sets of numbers.

1 **COMMISSIONER KIESLING:** So the parties are
2 using 1, 1A and 2?

3 **MR. HERRON:** Yes, ma'am.

4 **COMMISSIONER KIESLING:** And do those
5 correspond to 1, 2, and 3? (Pause)

6 **MR. HERRON:** I can't recall. I don't have
7 the document in front of me where the numbers line up.

8 **MR. PELLEGRINI:** That's this. Yeah, it's
9 true, the options are numbered 1, 2 and 3. And my
10 suggestion is that we correlate that set of numbers
11 with the 1, 1A, and 2 set of numbers.

12 **COMMISSIONER KIESLING:** And that's what I'm
13 trying to do right this minute. Is 1 the same as the
14 1 in the handout? Is 2 in the handout the same as 1A?
15 And 3 in the handout is the same as 2?

16 Okay. Well, make sure that somewhere in the
17 Prehearing Order that's clarified.

18 **MR. PELLEGRINI:** Yes.

19 **MR. WAHLEN:** Is that just going to be stated
20 in the Prehearing Order, or are you anticipating going
21 through and changing the references.

22 **COMMISSIONER KIESLING:** We can't change the
23 transcript once it's been done.

24 **MR. WAHLEN:** Well, maybe I didn't
25 understand, but I thought he was contemplating

1 changing the references in the Prehearing Order from
2 1A to 2.

3 COMMISSIONER KIESLING: Oh, I didn't
4 understand that.

5 MR. PELLEGRINI: No. I was simply going to
6 make a notation that would correlate the two sets of
7 numbers.

8 MR. WAHLEN: Okay, that's fine. That would
9 be great.

10 COMMISSIONER KIESLING: Then with that
11 clarification, is there any other changes to the
12 party's positions on Issue 1?

13 Hearing none, how about on Issue 2?
14 Changes, additions or corrections?

15 Hearing none. Is the exhibit list correct
16 for Mr. Baeza?

17 MS. WHITE: Yes, that's correct.

18 COMMISSIONER KIESLING: And for Mr. Mayne?

19 MS. LARSON: There's one typographical, the
20 date in the first exhibit should be October 17, 1996.

21 COMMISSIONER KIESLING: Oh, we have another
22 of those.

23 MR. PELLEGRINI: I'm sorry, October 7?

24 MS. LARSON: October 17, 1996.

25 COMMISSIONER KIESLING: And that's the

1 extent of the exhibits?

2 **MR. ERWIN:** Excuse me. At the deposition
3 yesterday there were a number of things asked for by
4 Staff of Mr. Mayne, and I don't know whether some of
5 those will -- the Staff would want to make exhibits or
6 just exactly how they want to handle that. But there
7 were eight or nine or ten different late-filed
8 exhibits, deposition exhibits, asked for yesterday,
9 some of which, it occurs to me, may be pertinent to
10 this proceeding when the information comes in.

11 **COMMISSIONER KIESLING:** Well, then, I assume
12 Staff will have a Staff exhibit, or they will come in
13 as part of a deposition, one way or the other.

14 **MR. PELLEGRINI:** Staff's present position is
15 to introduce all of them as exhibits.

16 **COMMISSIONER KIESLING:** But you don't have
17 them yet?

18 **MR. PELLEGRINI:** We don't have them yet.
19 They are scheduled for Thursday.

20 **COMMISSIONER KIESLING:** Okay. And are there
21 any stipulations? Have we tried to reach any
22 stipulations?

23 **MR. WAHLEN:** The camps are pretty well
24 divided, it looks to me like.

25 **COMMISSIONER KIESLING:** Okay. I've already

1 dealt with the pending motions. So are there any
2 other matters that need to come before us?

3 Okay. I would just remind the parties that
4 in the Broward County area code change, in our final
5 order on that, we set out the criteria that we were
6 going to use a pretty good amount of detail. And just
7 so everyone is on notice, those are going to be the
8 criteria we are going to apply again here with any
9 additions that may become apparent and needed to
10 resolve this case.

11 So in terms of looking at what everyone's
12 burden is and what they should be addressing, those
13 are the criteria that we have established, and we'll
14 be applying them again.

15 MR. HERRON: Commissioner Kiesling, I have
16 one question.

17 COMMISSIONER KIESLING: Yes.

18 MR. HERRON: Prior to the hearing
19 Mr. Pellegrini informed us that three-way split may be
20 an issue that we need to be looking at. Is that your
21 view of where the case is going?

22 COMMISSIONER KIESLING: My view of where the
23 case is going is that we are not limited to the three
24 options that are proposed. That if the data is in the
25 record, the population data and the projected growth

1 data and all of that, that we are not -- that there's
2 no artificial limitation to divisions on LATA
3 boundaries or anything else. So it's anything that's
4 possible.

5 MR. HERRON: Okay, thank you.

6 COMMISSIONER KIESLING: And that's certainly
7 not because I have spoken with anyone else about it,
8 but just -- I mean, you need to know that anything is
9 possible as long as the data is in the record to
10 support it.

11 Anything further? If not, we're concluded.

12 Oh, I do have one question: Does anybody
13 have any doubts about the amount of time we have set
14 aside for hearing? We are going to finish it in one
15 day?

16 MS. LARSON: I would think so.

17 COMMISSIONER KIESLING: Okay.

18 (Thereupon, the hearing concluded at

19 8:55 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 Prehearing
6 Conference in Docket No. 961153-TL was heard by the
7 Prehearing Officer at the time and place herein
8 stated; it is 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 16 pages, constitutes a true
13 transcription of my notes of said proceedings

10

11

DATED this 3rd day of December, 1996.

12

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ROWENA NASH HACKNEY
Official Commission Reporter
(904) 413-6736

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