

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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4 In re: Petition by MCI :
5 Telecommunications Corporation :
6 for an order requiring :
7 BellSouth Telecommunications, Inc. : Docket No. 970172
8 to remove its deregulated payphone :
9 investment and associated expenses :
10 from its intrastate operations and :
11 reduce the Carrier Common Line rate :
12 element of its intrastate switched :
13 access charges by approximately :
14 \$36.5 million as required by the :
15 Federal Telecommunications Act :
16 of 1996. :
17

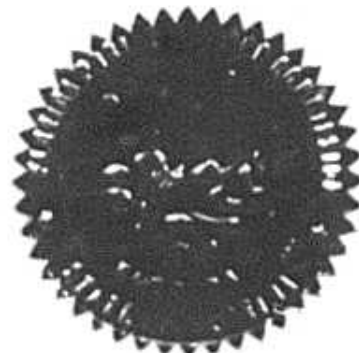
11 In re: Petition by MCI :
12 Telecommunications Corporation for : Docket No. 970173-TP
13 an order requiring GTE Florida, :
14 Incorporated to remove its :
15 deregulated payphone investment :
16 and associated expenses from its :
17 intrastate operations and reduce :
18 the Carrier Common Line rate :
19 element of its intrastate switched :
20 access charges by approximately :
21 \$9.6 million as required by the :
22 Federal Telecommunications Act :
23 of 1996. :
24

18 In re: Establishment of :
19 intrastate implementation : Docket No. 970281-TL
20 requirements governing federally :
21 mandated deregulation of local :
22 exchange company payphones. :
23

23 PROCEEDINGS: PREHEARING CONFERENCE
24 DATE: Wednesday, July 30, 1997
25

47 pgs.

FLORIDA PUBLIC SERVICE COMMISSION



DOCUMENT NUMBER-DATE

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FPSC RECORDS/REPORTING

1 BEFORE: COMMISSIONER SUSAN F. CLARK
Prehearing Officer

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3 TIME: Commenced at 9:30 a.m.
Concluded at 11:40 a.m.

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5 PLACE: Florida Public Service Commission
Room 152
2540 Shumard Oak Boulevard
Tallahassee, Florida

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8 REPORTED BY: JOY KELLY, RPR
Chief, Bureau of Reporting

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1 **APPEARANCES:**

2 **NANCY B. WHITE**, Southern Bell Telephone and
3 Telegraph Company, 150 South Monroe Street, Suite 400,
4 Tallahassee, Florida 32301, appearing on behalf Bell
5 South Telecommunications, Inc.

6 **ANTHONY GILLMAN**, GTE Florida Incorporated,
7 Post Office Box 110, MC7, Tampa, Florida 32301,
8 appearing on behalf of GTE Florida Incorporated.

9 **CHARLES J. REHWINKEL**, P. O. Box 2214,
10 MCFLTLH00107, Tallahassee, Florida 32301, on behalf of
11 Sprint-Florida, Incorporated.

12 **J. JEFFRY WAHLEN**, Ausley & McMullen, Post
13 Office Box 391, Tallahassee, Florida 32302, appearing
14 on behalf of ALLTEL Florida, Inc., Northeast Florida
15 Telephone Company, Inc., and Vista-United
16 Telecommunications.

17 **DAVID B. ERWIN**, Young, van Assenderp and
18 Varnadoe, P. A., P. O. Box 1833, Tallahassee, Florida
19 32302-1833, appearing on behalf of Florida
20 Telecommunications, Frontier Communications of the
21 South, Inc., Gulf Telecommunications, Indiantown
22 Telephone System, Inc., Quincy Telephone Company and
23 St. Joseph Telecommunications.

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1 **APPEARANCES CONTINUED:**

2 **TRACY HATCH**, AT&T Communications of the Southern
3 States, Inc., 101 North Monroe Street, Suite 700, Tallahassee,
4 Florida 32301, on behalf of AT&T Communications of the
5 Southern States.

6 **RICHARD D. MELSON**, Hopping Green Sams & Smith, P.A.,
7 P. O. Box 6526, Tallahassee, Florida 32314, on behalf of MCI
8 Telecommunications Corporation.

9 **ANGELA B. GREEN**, 125 South Gadsden Street,
10 Suite 200, Tallahassee, Florida 32301-1525, on behalf of
11 Florida Public Telecommunications Association.

12 **MARTHA CARTER-BROWN** and **WILLIAM P. COX**, Florida
13 Public Service Commission, 2540 Shumard Oak Boulevard,
14 Tallahassee, Florida 32399-0850, appearing on behalf of the
15 Commission Staff.

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P R O C E E D I N G S

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

COMMISSIONER CLARK: Call the prehearing to order. Please read the notice.

MR. COX: Pursuant to notice dated July 16, 1997, this time and place have been set for a prehearing conference in Dockets 970172-TP, 970173-TP and 970281-TL.

COMMISSIONER CLARK: We'll take appearances.

MR. NELSON: Richard Nelson, Hopping Green Sams and Smith, P.A, P. O. Box 6526, Tallahassee, appearing on behalf of MCI Telecommunications Corporation. Also appearing with me at the hearing will be Thomas K. Bond and Michael J. Henry of MCI in Atlanta.

MS. WHITE: Nancy White, BellSouth Telecommunications, 150 West Flagler Street, Miami, Florida, and appearing at the hearing with me will be Phil Carver.

MR. GILMAN: Tony Gillman on behalf of GTE Florida Incorporated, One Tampa City Center, Tampa, Florida.

MR. WAHLEN: Jeff Wahlen of the Ausley and McMullen law firm, P. O. Box 391, Tallahassee, Florida 32302, appearing on behalf of ALLTEL Florida, Inc,

1 Vista-United Telecommunications and Northeast Florida
2 Telephone Company, Inc.

3 MR. HATCH: Tracy Hatch, appearing on behalf
4 of AT&T, 101 North Monroe Street, Suite 700,
5 Tallahassee, Florida. Also appearing with me will be
6 Mark Logan of the Bryant, Miller & Olive law firm.

7 MS. GREEN: Angela Green on behalf of the
8 Florida Public Telecommunications Association, 125
9 South Gadsden Street, Suite 200, Tallahassee, 32301.

10 MR. REHWINKEL: Charles Rehwinkel on behalf
11 of Sprint-Florida, Incorporated, 1313 Blairstone Road,
12 Tallahassee, Florida 32301.

13 MR. ERWIN: I'm David B. Erwin, of the firm
14 of Young, van Assenderp & Varnadoe, 225 South Adams
15 Street, Tallahassee, appearing on behalf of Quincy
16 Telephone, St. Joseph Telephone and Telegraph, Flora
17 Telephone Company, Gulf Telecommunications and
18 Indiantown Telephone System and Frontier
19 Communications of the South.

20 MR. COX: William Cox and Martha
21 Carter-Brown and Charles Pellegrini on behalf of
22 Commission Staff.

23 COMMISSIONER CLARK: Mr. Cox, do we have
24 anything I have to take up preliminarily?

25 MR. COX: Yes. Commissioner Clark,

1 initially we'd like to actually adjourn for an one-
2 hour period to address some negotiations that have
3 been going on for some time now.

4 COMMISSIONER CLARK: Okay. Let me ask a
5 question: Do I have to rule on the Motion to Accept
6 Late-filed Prehearing Statement, or should that just
7 wait, too?

8 MR. COX: We can take that up when we come
9 back, or we could take it up now if you'd like.

10 COMMISSIONER CLARK: Sounds good. We will
11 adjourn until 10:35.

12 (Recess taken.)

13 COMMISSIONER CLARK: We'll call the
14 prehearing back to order. Mr. Cox.

15 MR. COX: Just one second.

16 COMMISSIONER CLARK: Okay. (Pause)

17 MR. COX: Commissioner Clark, there are two
18 preliminary motions. The first one I'm going to take
19 up is a motion filed, I believe, today by Florida
20 Public Telecommunications Association to accept their
21 late-filed prehearing statement. Staff has no
22 objections to their motion.

23 COMMISSIONER CLARK: Are there any
24 objections to the late-filed prehearing statement?
25 We'll accept the late-filed prehearing statement.

1 MS. GREEN: Thank you.

2 COMMISSIONER CLARK: Never again though,
3 Ms. Green. (Laughter)

4 MS. GREEN: It won't be again on my part.

5 COMMISSIONER CLARK: I'm sure this wasn't
6 either. Mr. Cox.

7 MR. COX: There's also a motion filed by
8 Sprint-Florida for reconsideration of the order that
9 you issued in this docket regarding their status in
10 the docket. Staff would request we take that up at
11 the end because we feel that if a stipulation can be
12 reached, that that motion may become moot.

13 MR. REHWINKEL: I agree with that,
14 Commissioner.

15 MS. BROWN: And now, Commissioner, I think
16 we're ready to go through the Prehearing Order, unless
17 the parties have any other preliminary matters. And
18 when we get to Issue 1 we can start dealing with some
19 of the discussions we have had about agreements.

20 COMMISSIONER CLARK: All right. Shall we go
21 right to Issue 1 then?

22 MS. BROWN: If the parties choose.

23 MR. COX: Excuse me. There is one
24 correction. The FPTA was incorrectly listed
25 throughout the prehearing order as the "FCTA" and it

1 needs to be corrected to "FPTA."

2 MR. REHWINKEL: I have a correction to make
3 to my basic position, if we can put that on the
4 record.

5 COMMISSIONER CLARK: Go ahead.

6 MR. REHWINKEL: About two-thirds of the way
7 down in our basic position on Page 10 there's a
8 sentence that starts "no rebuttal testimony."

9 COMMISSIONER CLARK: Hold on. That's not
10 where I have your --

11 MR. REHWINKEL: Oh, I'm in a --

12 COMMISSIONER CLARK: I don't show Sprint on
13 Page 10 at all.

14 MR. REHWINKEL: You may have a previous last
15 version of the --

16 (Counsel hands document to
17 Commissioner Clark.)

18 COMMISSIONER CLARK: Go ahead,
19 Mr. Rehwinkel.

20 MR. REHWINKEL: Thank you, Commissioner.

21 About two-thirds of the way down where it
22 starts off "no rebuttal testimony," at the end of that
23 sentence, before the period, it should say "regarding
24 Sprint-Florida."

25 COMMISSIONER CLARK: Okay. Anything else?

1 **MR. REHWINKEL:** Not on that, no.

2 **MR. WAHLEN:** Commissioner Clark, I think
3 we're going to get to it in a minute. There's been a
4 considerable amount of discussion on a stipulation
5 that would take the small companies out of the case
6 basically. And if that happens, we would need to
7 eliminate Harriet Eudy as a witness, and probably
8 revise the basic positions of the small companies to
9 say --

10 **COMMISSIONER CLARK:** Okay. Are there any
11 other matters that don't hinge on dealing with the
12 stipulation that we should take up? All right. Then
13 let's go to Issue 1.

14 **MS. BROWN:** Commissioner, the first thing we
15 need to deal with in Issue 1 is because we have
16 several different parties and different numbers
17 involved in that issue, in the Prehearing Order we
18 would like to divide it up into 1A, 1B, 1C,
19 identifying each company with a different letter so if
20 we have reached an agreement with one and not with
21 another we can show that.

22 **COMMISSIONER CLARK:** That's acceptable to
23 me. Is that acceptable to the parties? Okay.

24 **MS. BROWN:** And, Commissioner, now I think
25 Mr. Wahlen and Mr. Erwin would like to explain to you

1 the agreement that we have reached with respect to
2 Issue 1 and the small companies.

3 MR. ERWIN: Mr. Wahlen is going to explain
4 all of this so that we can save some time. He's
5 speaking for me, too, as far as he speaks.

6 COMMISSIONER CLARK: Thank you.

7 MR. WAHLEN: He says that now. He may
8 change his mind. (Laughter)

9 We have worked diligently with Staff and the
10 other parties to reach a stipulation that we think
11 resolves all of the issues in this case as to the
12 small companies and the basic terms of the entire deal
13 are as follows. The annual subsidy amounts for the
14 small companies are as follows: Vista-United is
15 234,900; ALLTEL is 66,600; St. Joseph is 25,740;
16 Quincy is 10,980; Gulf is 9,900; Indiantown is 5,760,
17 Northeast is 7,020; Frontier is 1,980 and Florala is
18 1,080.

19 With the exception of Quincy and Indiantown,
20 these subsidy amounts will be eliminated by the small
21 LECs via intrastate switched access rate reductions
22 effective April 15, 1997.

23 Indiantown and Quincy's subsidy will be
24 eliminated in accordance with the Commission's
25 decision on Issue 3.

1 To the extent that a small LEC is required
2 to reduce intrastate switched access rates on or
3 before October 1, 1997, by 5%, the rate reductions
4 made to eliminate the subsidy in this docket will be
5 considered to be a part of, rather than in addition
6 to, the 5% rate reductions required by the statute.

7 If the small LEC is required to reduce
8 intrastate switched access rates by 5% on or before
9 October 1st, 1997, the tariff changes necessary to
10 make the required rate reductions to eliminate the
11 subsidy in this docket shall be made in accordance
12 with the time schedule in Order 97-0604-POF-TP.
13 Otherwise, the tariff filings shall be made no later
14 than 30 days of the final order in this case.

15 **COMMISSIONER CLARK:** Okay. In my Prehearing
16 Order I don't have Frontier listed with a letter. Are
17 they in there and I've just missed them?

18 **MR. COX:** In Staff's position.

19 **MS. BROWN:** Commissioner Clark, look on
20 Page 16. You see the list of companies there?

21 **COMMISSIONER CLARK:** Yeah. They didn't take
22 a position on -- they are not otherwise listed.

23 **MR. COX:** Commissioner Clark, they did not
24 file a prehearing statement in this.

25 **COMMISSIONER CLARK:** Okay.

1 **MS. BROWN:** Commissioner Clark, the way I
2 envision memorializing this is in the Prehearing Order
3 at positions for the issues that are involved, as well
4 as in the stipulation section. So the parties will
5 have -- and the Commissioners will have an opportunity
6 to see exactly what it's going to say.

7 **COMMISSIONER CLARK:** And it will be moved to
8 the stipulation section and at the beginning of the
9 hearing we'll take a vote on the stipulations?

10 **MS. BROWN:** Yes. Now, I do think we need to
11 go through with each of the parties to get their
12 position on Issue 1. I'm uncertain in every case just
13 what that position is. And that is important to
14 indicate whether we have a full stipulation or not.
15 But I did intend to then memorialize this in the
16 stipulation section.

17 Also when we're done with that, we need to
18 discuss an agreement from the small LECs to stipulate
19 the interrogatory responses that they filed in
20 response to Staff's interrogatories in order that the
21 Commission will have a record basis to approve the
22 stipulation.

23 **COMMISSIONER CLARK:** I'm a little confused.
24 I thought they had just given their position, at least
25 the small companies, on the issues, and that it would

1 be reflected as a stipulation on the subparts with
2 respect to those companies.

3 MS. BROWN: Well, we have the other parties
4 here as well: MCI, Bell, GTE, AT&T and Sprint, who I
5 think need to --

6 COMMISSIONER CLARK: Maybe I'm confused.
7 Are you suggesting the small companies would be taking
8 a position on those?

9 MS. BROWN: The other parties.

10 COMMISSIONER CLARK: All right. But we have
11 a stipulation with respect to the small companies and
12 we're not going to go through them. We're going to go
13 through BellSouth.

14 MS. BROWN: We need to have the other
15 parties weigh in on their agreement.

16 COMMISSIONER CLARK: By "other parties" you
17 mean BellSouth, Sprint, okay.

18 MS. BROWN: So I think we need to go through
19 Issue 1 and get every party's position on Issue 1.

20 MR. WAHLEN: Would it simplify things if we
21 just heard from the parties whether the proposal I
22 just recited is acceptable or not objectionable, and
23 if that is the case, that would be reflected in the
24 stipulation section, and then --

25 COMMISSIONER CLARK: Does anyone object to

1 those stipulations? Mr. Hatch.

2 MR. HATCH: Let me ask one question of
3 Mr. Wahlen before I do that. Did I understand you
4 when you read your stipulation that those subsidy --
5 and I'm assuming the subsidy numbers are correct --
6 that the reductions would go to switched access
7 charges?

8 MR. WAHLEN: With the exception of Quincy
9 and Indiantown, which will be disposed of in
10 accordance with the Commission's decision on Issue 3,
11 but the other small LECs will make switched access
12 charge rate reductions.

13 COMMISSIONER CLARK: Anything else?

14 MR. ERWIN: I could elaborate on that just a
15 bit. It would appear that BellSouth has proposed to
16 do their subsidy in a way other than through switched
17 access charges. And if that position should be
18 sustained at the end of the proceeding, then
19 Indiantown and Quincy would not be obliged to make
20 their reduction on switched access charges because the
21 Commission would not have proposed a particular manner
22 or element for the reduction to take place in. So
23 we're going to basically -- the bottom line is we do
24 whatever BellSouth does in this case.

25 COMMISSIONER CLARK: Okay. Mr. Hatch.

1 **MR. ERWIN:** I think that states what the
2 essence of the agreement was with the Staff.

3 **COMMISSIONER CLARK:** Mr. Hatch.

4 **MR. HATCH:** That's fine.

5 **COMMISSIONER CLARK:** Then we'll show all
6 parties -- or show the stipulation between the parties
7 and the Staff and no objection by other parties to the
8 case.

9 **MR. REHWINKEL:** Yes, Commissioner, just to
10 make sure on behalf of Sprint-Florida, Incorporated,
11 we take no position, which means that we would not
12 enter into a stipulation, but we would not contest it
13 as a party.

14 **COMMISSIONER CLARK:** All right.

15 **MR. WAHLEN:** I guess in terms of the
16 Prehearing Order, there's two options. If the
17 Commission would like to have a position on each of
18 these issues for all of the small companies, the
19 position could be "see stipulation." Otherwise, my
20 recommendation would be to simply take the position
21 that these items -- say all of these issues have been
22 stipulated by the small companies and not reflect a
23 position for them under each of these issues.

24 **MS. BROWN:** That's really fine. And we can
25 work with the parties to come up with what is the best

1 way to show this.

2 COMMISSIONER CLARK: All right. So that
3 leaves us with --

4 MS. BROWN: GTE, Sprint and Bell.

5 COMMISSIONER CLARK: Let's start with Bell.

6 MS. BROWN: My understanding, Commissioner,
7 is that we don't have any agreement with respect to
8 Bell on the numbers at this time.

9 MS. WHITE: No, we don't. And I guess
10 Bell's concern with Issue 1 is that Staff has put
11 forward a figure on Page 16 for BellSouth as the
12 amount of the subsidy that BellSouth contests and is
13 different from what BellSouth has put forward. And
14 BellSouth's concern is that apparently Staff is not
15 going to have a witness for BellSouth to cross about
16 the methodology and the calculation of that particular
17 number. So we're kind of at a loss as to how that
18 number is going to be put in the record and supported.

19 MR. COX: Staff's position is that we plan
20 to contest the number of BellSouth through cross
21 examination of their witness, and that's where Staff
22 stands at this point.

23 COMMISSIONER CLARK: Let me ask a question.
24 Does BellSouth take the position that there is no
25 subsidy?

1 **MS. WHITE:** No. BellSouth takes the
2 position that the subsidy for BellSouth is \$6,501,000.

3 **COMMISSIONER CLARK:** Oh, all right. And
4 Staff's position?

5 **MS. BROWN:** Commissioners, let me get to
6 that. Staff's preliminary position, I might point
7 out, pursuant to -- as it's stated in the Prehearing
8 Order -- hold on just a minute -- \$7,502,000. That
9 is a preliminary position, and I would refer BellSouth
10 also to the South Florida Natural Gas case where we
11 don't necessarily have to put on a witness in order to
12 take a position and conduct cross examination on a
13 particular matter.

14 **MS. WHITE:** Well, I'm not questioning
15 Staff's right to cross examine BellSouth's witness. I
16 guess what I'm contesting is the fact that Staff's
17 preliminary position -- there's nothing that BellSouth
18 can go cross examine on where they got that position,
19 who is going to support that position, how that number
20 was made up, how it was calculated. BellSouth can
21 cross -- I mean Staff can cross BellSouth's witness on
22 BellSouth's number and contest BellSouth's number but
23 if Staff is going to put forward a specific number, it
24 seems to me that Staff has to put forward a witness to
25 support it and whom BellSouth can cross.

1 **COMMISSIONER CLARE:** Well, you know, they
2 could put forth no position at all.

3 This is a battle we've fought ever since I
4 have been here. This is to give you an idea where
5 they are coming from. It is preliminary in nature.
6 Their job is to investigate on our behalf. They are
7 not a party. And they are going to have to put in the
8 record the evidence they need to support whatever
9 position they come up with. And I don't think they
10 are required to put on a witness.

11 **MS. WHITE:** Well -- and I understand that,
12 and I guess it just starts to look more like a party
13 when they put forward a specific number.

14 **COMMISSIONER CLARK:** Would you rather not
15 know any number?

16 **MS. WHITE:** If they are not going to put
17 forward a witness, I mean, now we know the number, but
18 I'd just as soon have them say "no position."

19 **COMMISSIONER CLARK:** Ms. White, we've gone
20 back and forth on this numerous times. And we finally
21 came to the conclusion it's better to sort of give you
22 a preliminary position as far as where Staff is coming
23 from and -- with the understanding that it depends on
24 what comes out of the hearing.

25 **MS. WHITE:** I understand. And I just wanted

1 to make --

2 **COMMISSIONER CLARK:** If BellSouth wants to
3 take the position that Staff should take no position
4 and you have no clue as to where they are coming from,
5 that's okay with me, too.

6 **MS. WHITE:** BellSouth doesn't want to take
7 that position, but BellSouth did want to make the
8 Commissioner aware that we have this problem with the
9 Staff position.

10 **COMMISSIONER CLARK:** I appreciate that,
11 Nancy, and it's --

12 **MS. WHITE:** It's just a little awkward.

13 **COMMISSIONER CLARK:** Yes, it is. But we're
14 doing the best with it being awkward.

15 I guess we've gotten off on a tangent, and I
16 appreciate your frustration with having that number,
17 but is there anyone -- I assume -- let me back up.
18 The issues are going to be -- 1A is the subsidy issue
19 with respect to BellSouth. All right. And Staff has
20 taken their preliminary position. What about the
21 other parties?

22 **MR. GILMAN:** Commissioner Clark, I think
23 there may be a stipulation with respect to GTE.

24 **COMMISSIONER CLARK:** Let me back up. I
25 wanted to know if there were any party positions on

1 BellSouth's number on that issue.

2 MR. NELSON: Commissioner Clark, MCI would
3 take the position the amount of BellSouth's intrastate
4 subsidy is no less than 6,501,000, no more than
5 7,502,000 (laughter) and we'll brief based on whatever
6 the evidence shows at the hearing. Seriously, we're
7 not presenting evidence, but --

8 COMMISSIONER CLARK: I guess are you taking
9 no position, or are you taking a position that it's
10 between those two numbers?

11 MR. NELSON: At this point I'm taking a
12 position it's between those two numbers.

13 COMMISSIONER CLARK: Is anyone else taking a
14 position on 1A?

15 MR. HATCH: With respect to AT&T, we find
16 ourselves in the same boat as MCI. We don't stipulate
17 or agree with BellSouth's number. Certainly we're
18 more inclined to the Staff's number, but we have not
19 quantified ourselves yet what we truly believe that
20 number is.

21 Now, you can say that's either no position
22 or however you want to characterize it, but that's
23 essentially it. And until we have completed cross
24 examination and the rest of our investigation in this
25 case, we can't tell you a number, even within a

1 particular range, really.

2 **COMMISSIONER CLARK:** All right. So your
3 position as stated on Page 15 is the correct one at
4 this time.

5 **MR. HATCH:** Yes.

6 **COMMISSIONER CLARK:** What about FPTA?

7 **MS. GREEN:** The FPTA is in the same position
8 as what Mr. Hatch described for AT&T, and that is --
9 well, maybe slightly different. We would agree it's
10 at least as much as proposed by BellSouth, but until
11 we finish our cross examination and reach the end of
12 the hearing, we don't know what the final number would
13 be.

14 **COMMISSIONER CLARK:** All right. Then your
15 position has changed. The subsidy amount is at least
16 as much as indicated by BellSouth, but your final
17 position awaits completion and review of discovery in
18 the dockets.

19 **MS. GREEN:** Completion of the hearing. I
20 mean, that is everybody. I mean everybody is really
21 in that kind of a position on anything that's fact-
22 driven.

23 **COMMISSIONER CLARK:** Okay. I'm just trying
24 to get -- with respect to 1A, the parties that have a
25 position are BellSouth, AT&T, MCI, FPTA and then the

1 Staff; is that correct? Okay.

2 MS. BROWN: Commissioner, I'm not clear what
3 MCI, AT&T and FPTA's position is.

4 We were having a discussion earlier about
5 the necessity of parties to take positions at the
6 prehearing conference, and I don't know that -- I'm
7 not certain how I feel about taking a position that is
8 within a range, because Staff has presented a
9 preliminary position of a number for the parties.
10 Then to back off and say, "Well, I guess now we don't
11 really know whether we have a position or not," I
12 think they have an affirmative obligation to do more
13 than that at this point, and to take some sort of a
14 position on this, and I'm not sure that the hedge is
15 sufficient.

16 COMMISSIONER CLARK: Let me leave pending
17 the AT&T, MCI and FPTA with respect to BellSouth.
18 It's my understanding that we will at least go to
19 hearing on that issue with respect to BellSouth. So I
20 think the parties can take no position at this point
21 because it hasn't become a moot issue.

22 Let's go to GTE and then Sprint, because I
23 think if there's agreement between Staff, if there's
24 agreement between the parties who were -- who had
25 positions on the issues, then taking no position, in

1 my view, eliminates the issue. But let's go to you,
2 Mr. Gillman.

3 **MR. GILMAN:** The Staff, in their position,
4 has taken the position that there's no subsidy for
5 Florida, and, of course, we agree to that. That's
6 consistent with ours. And it's my understanding that
7 there may not be any objections to stipulating that
8 the subsidy for GTE is zero in this case.

9 **COMMISSIONER CLARK:** Is there any objection
10 to that? All right. Then we can move that to the
11 stipulation section. Sprint of Florida.

12 **MR. REHWINKEL:** Commissioner Clark, subject
13 to the issues that we've raised that we have put off
14 to the end of the prehearing conference, if necessary
15 we have the same position that GTE does, that we have
16 no subsidy and if there are no objections, the issue
17 ought to be considered stipulated as to
18 Sprint-Florida.

19 **COMMISSIONER CLARK:** Is there any objection?

20 **MS. GREEN:** I would like to ask
21 Mr. Rehwinkel a question. Is it that you have no
22 subsidy left, or you had a subsidy of approximately
23 \$1.5 million, which you've taken care of through your
24 filing? And I think that's an important distinction.

25 **MR. REHWINKEL:** I can answer that question.

1 The filing that we made was made under a time
2 constraint that we meet with the best information
3 available at the time. We made a reduction on what
4 our preliminary calculation showed the subsidy to be.
5 Subsequently, we have revised based on more accurate
6 information and the methodology we understand is to be
7 used, which shows no subsidy. So that's how --
8 there's that apparent discrepancy there.

9 MS. GREEN: FPTA has no problem as
10 clarified.

11 COMMISSIONER CLARK: Okay. So Sprint will
12 be moved to the stipulation.

13 MR. ERWIN: I just need one clarification
14 there on the record, and that is that even though
15 Sprint has now determined that there's no subsidy,
16 they have no intention of going back and revising
17 that --

18 MR. REHWINKEL: That is correct,
19 Commissioner.

20 MR. GILMAN: Commissioner Clark, this may go
21 to the other issues, but since there is no subsidy,
22 then there would be no rate reductions required to be
23 made under this docket. That would be part of the
24 stipulation as well?

25 MR. GREEN: No, I would not agree to that.

1 No reductions required to be made as a result of this
2 proceeding or the stage we're at.

3 MR. GILMAN: I said "this docket."

4 MS. GREEN: There's a docket that needs to
5 remain open so --

6 MR. GILMAN: "This proceeding" would be
7 fine.

8 COMMISSIONER CLARK: Okay. All right.
9 Let's go back to the BellSouth just for a minute, and,
10 Ms. Brown, you're concerned about the positions MCI
11 and FPTA want to take.

12 As I understand it, AT&T's position is the
13 same. Will you provide a position on completion of
14 your review on the discovery in this case?

15 MR. HATCH: Commissioner Clark, this may be
16 something that gives you no comfort at all, but my
17 position, if you want it to be more precise, it's at
18 least as big as what BellSouth has proffered.

19 Now, further investigation and cross
20 examination and the record in this case may well
21 determine that that number is not what BellSouth has
22 proffered. That is the problem in picking a number.
23 I haven't quantified what that is going to be.

24 COMMISSIONER CLARK: Let me back up. I want
25 a position articulated from AT&T, FPTA. And, MCI, *

1 you've given it to me. Do you have to repeat it?

2 MR. NELSON: I can. The amount of
3 BellSouth's intrastate subsidy is no less than
4 6,501,000 and no more than 7,502,000.

5 COMMISSIONER CLARK: Ms. Brown.

6 MS. BROWN: You want Staff's position?
7 Staff's position on this --

8 COMMISSIONER CLARK: Do you have a problem
9 with them taking that position?

10 MS. BROWN: Yes, but I won't say any more.

11 COMMISSIONER CLARK: Well, it seems to me on
12 this issue we're going to hearing. If you reach a
13 stipulation with BellSouth between then and now in the
14 hearing, then it will be up to them to object and be
15 prepared to present evidence if they want to move
16 forward with it.

17 MS. BROWN: I'm just curious to know if
18 Staff had taken no position at this time in this
19 prehearing matter as BellSouth indicated they wished,
20 what AT&T and MCI's position would have been then.
21 That's my concern.

22 MS. GREEN: Well, I think our positions
23 would be that that is at least the amount of the
24 subsidy, and that a hearing is based on disputed
25 issues of material fact. If there aren't disputed

1 issues of material fact, there's no reason to even be
2 going forward with the hearing. I mean, that was the
3 purpose of the cross examination is to test the
4 veracity -- we haven't had depositions, we haven't had
5 an opportunity to fully --

6 MS. BROWN: You have had the opportunity.

7 COMMISSIONER CLARK: Just a minute. I'm
8 just trying to get through the Prehearing Order.
9 That's MCI's position on Issue 1A.

10 MR. NELSON: Yes, ma'am.

11 COMMISSIONER CLARK: AT&T, what is your
12 position?

13 MR. HATCH: AT&T's position is that subsidy
14 amount for BellSouth is no less than 6,501,000.

15 COMMISSIONER CLARK: Okay.

16 MS. GREEN: The subsidy amount for BellSouth
17 is no less than 6,501,000.

18 COMMISSIONER CLARK: Okay. That takes care
19 of Issue 1.

20 MR. REHWINKEL: Just for the record,
21 Commissioner, we would like our position to be shown
22 as Sprint-Florida has no position. I just want to
23 make sure because --

24 COMMISSIONER CLARK: On what?

25 MR. REHWINKEL: On BellSouth.

1 **COMMISSIONER CLARK:** Okay. That's fine.

2 **MS. BROWN:** Commissioner, when we get to
3 exhibits and witnesses, Staff would like to mention
4 that we believe we have a stipulation on the
5 interrogatory responses, but we'll wait.

6 **COMMISSIONER CLARK:** Wait until the end to
7 support the issues. You have -- have the parties seen
8 the interrogatory responses that you want to have
9 stipulated into the evidence?

10 **MS. BROWN:** No, not specifically, but we'll
11 certainly get that to them as soon as we can.

12 **MR. ERWIN:** Can I ask a question?

13 **COMMISSIONER CLARK:** You need to come to a
14 microphone.

15 **MR. ERWIN:** That obviously must relate to
16 the small company numbers that we have just discussed.
17 And it seems to me that's a factual stipulation or a
18 stipulation as to fact; this is the number.

19 Is it the Commission's requirement or desire
20 that you need to have something? These interrogatory
21 responses aren't going to really show a particular
22 precise number that we've agreed to. We have
23 stipulated the fact, I'm just wondering --

24 **COMMISSIONER CLARK:** If you stipulated, why
25 do you need anything in the record? The only thing

1 that I can suggest to you is that when we do fuel
2 adjustment, we tend to move all of the information
3 into the record that supports the stipulation.

4 MS. BROWN: Let me explain my concern.

5 We have proposed an agreement here, the
6 parties have, and Staff has no objection to the
7 agreement, and will before the Commission recommend
8 that it be approved. The Commission will have to
9 approve it and they will need to review it. And in
10 the utmost caution, I want to let them have a record
11 basis for doing that. That was my concern. If no one
12 else is concerned about this but me, then we certainly
13 won't push it. But that was the reason.

14 MR. ERWIN: It seems to me that the fact
15 that the Commission is going to consider what we have
16 established, and now we want to put some other things
17 in there, which are also facts, maybe they'd like to
18 look at in case they don't like this fact that we have
19 all agreed is the fact.

20 MS. BROWN: But may I respond? If we get to
21 the agenda on Staff's recommendation that the
22 stipulation be approved, and Commissioner Deason says,
23 "Where did this number come from --

24 COMMISSIONER CLARK: Back up. Aren't we
25 going to convene the hearing and take this

1 stipulation?

2 MS. BROWN: We can do it there or we can do
3 it -- we will have a hearing, so we will go --

4 COMMISSIONER CLARK: It's my understanding
5 the stipulation will be taken up at the beginning of
6 the hearing.

7 MS. BROWN: Then that's fine. We are still
8 in the situation where Staff will recommend that that
9 stipulation be approved. And if one of the
10 Commissioners says, "Where did you get that number?"
11 I want to be able to have something on the record that
12 shows where we got that number, or a range and then an
13 explanation of how we negotiated it.

14 COMMISSIONER CLARK: Let's not do this. I'm
15 not -- it's always been troubling to me if you have a
16 stipulation why you build a record. There may be
17 other reasons to do it in fuel adjustment because it's
18 an ongoing process.

19 In this case I would suggest we take up the
20 stipulation at the beginning, and then what Staff
21 might do as preliminary work is alert the other
22 Commissioners that there's a stipulation. If they
23 would like more information as to the numbers support
24 for that, they will provide it, but we're not planning
25 to move that -- the interrogatories into the record.

1 It will just be taking up the stipulation to vote it
2 up or down.

3 MR. ERWIN: I think that's an acceptable way
4 to go about it.

5 MS. BROWN: That's the way we'll do it.

6 COMMISSIONER CLARK: Good. Thank you.

7 Issue 2.

8 MR. COX: Issue 2, I don't believe we have
9 any stipulations on. Staff has no changes to its
10 response at this time. I don't know if the parties
11 have any changes.

12 COMMISSIONER CLARK: Any changes to the
13 positions on Issue 2?

14 MR. WAHLEN: We don't need to go through the
15 small company thing again, do we?

16 MR. COX: No.

17 COMMISSIONER CLARK: Issue 3.

18 MR. GILMAN: Commissioner Clark, and again I
19 don't know how this will affect GTE if we get
20 stipulated out. I mean we will really no longer have
21 a position on any of these issues anymore.

22 MR. ERWIN: Actually I believe on behalf of
23 Indiantown and Quincy with regard to Issue 2, I should
24 probably still have a position; that it is not the
25 FCC's requirement that the Public Service Commission

1 specify a particular rate element.

2 MS. WHITE: Why don't you list ALLTEL?

3 MR. ERWIN: ALLTEL might withdraw or not
4 have a position. They've already decided they are
5 going to do it a particular way. I don't know that we
6 need to do this but --

7 COMMISSIONER CLARK: BellSouth, your
8 position remains. GTE of Florida, what was your view,
9 that you didn't need a position on this issue anymore?

10 MR. GILMAN: In light of the stipulation, we
11 have no position on it.

12 MR. ERWIN: We'll just take ALLTEL's.

13 COMMISSIONER CLARK: Just a minute.

14 MS. WHITE: Just the wording.

15 MR. ERWIN: Wording is good.

16 COMMISSIONER CLARK: GTE of Florida's will
17 be no position as a result of the stipulation. Okay.
18 Sprint, no change to yours?

19 MR. REHWINKEL: I can go either way on it.
20 Our position is inapplicable, or we can take no
21 position. Whatever the Staff would --

22 COMMISSIONER CLARK: It's your position.

23 MR. REHWINKEL: I don't see any reason to
24 change it.

25 COMMISSIONER CLARK: Okay. ALLTEL.

1 **MR. WAHLEN:** Well, ALLTEL, and I guess all
2 of the small companies except Quincy and Indiantown,
3 this is no longer an issue because of the stipulation.
4 And you'll have to talk with Mr. Dave about their
5 position.

6 **MR. ERWIN:** Their position is now the ALLTEL
7 position, which is no longer a position.

8 **COMMISSIONER CLARK:** Mr. Erwin, just so I'm
9 clear, ALLTEL and the other small telephone companies,
10 with the exception of Quincy and Indiantown, will be
11 as Mr. Wahlen just stated. The position of Indiantown
12 and Quincy will be "If there's a subsidy to be
13 eliminated, the states must determine the intrastate
14 rate elements. However, the FCC order does not
15 specify specific rate elements to be reduced."

16 **MR. ERWIN:** That's correct.

17 **MS. BROWN:** Commissioner Clark, I just might
18 want to point out that when we get to the end of going
19 through this, and if any of the parties asked to be
20 excused from the hearing because they have reached any
21 settlements, we may need to go back and remove some of
22 these parties' positions from these issues. That was
23 my concern.

24 **COMMISSIONER CLARK:** I would presume they
25 are going to come to the hearing and request excusal

1 when they get the stipulation through. Okay?

2 AT&T. Your position is as stated?

3 MR. HATCH: Yes, ma'am.

4 COMMISSIONER CLARK: Okay. Issue 3.

5 MR. COX: With regards to Issue 3, I believe
6 there's no stipulation that has been reached to this
7 point. Staff has no changes to its position at this
8 time.

9 COMMISSIONER CLARK: GTE's position changes
10 to the same as Issue 2, and that's the same for the
11 small telephone companies, with the exception of
12 Indiantown and Quincy.

13 MR. WAHLEN: That's correct.

14 COMMISSIONER CLARK: Mr. Erwin, do you have
15 a position on Indiantown and Quincy on Issue 3?

16 MR. ERWIN: For Quincy it would be if we
17 need to specify something, it would be nonrecurring
18 charges. But the thrust of what I thought we had
19 agreed on in Issue 3 is whatever the Commission
20 decides would be appropriate.

21 COMMISSIONER CLARK: Okay.

22 MR. ERWIN: And that's it. I don't have
23 anything specific for Indiantown other than it
24 wouldn't have to be any particular --

25 COMMISSIONER CLARK: Mr. Erwin, I appreciate

1 the discussion, but I want some specific language to
2 be memorialized in the Prehearing Order.

3 MS. BROWN: Commissioner Clark, I think this
4 issue is pretty much dealt with in the agreement that
5 has been reached that will be described in the
6 stipulation section, and we can refer to the
7 stipulation section if that works.

8 MR. ERWIN: That's what I had hoped we would
9 do.

10 MS. BROWN: We can do that.

11 MR. ERWIN: Specific language, however, is
12 what I just said for Quincy, and --

13 COMMISSIONER CLARK: But let me ask this,
14 Mr. Erwin. Staff will put in the stipulation the
15 language read by Mr. Wahlen and your caveat with
16 respect to your two companies, and so that for the
17 positions on these issues we can say "see the
18 stipulation."

19 MR. ERWIN: Correct.

20 COMMISSIONER CLARK: Okay. Issue 4.

21 MR. COX: I believe on Issue 4 we have
22 reached an agreement parties would agree to stipulate
23 to. I'll try to present that as best I can, if anyone
24 wants to correct me if I'm wrong.

25 Issue 4 is "If necessary, by what date

1 should revised intrastate tariffs that eliminate any
2 identified intrastate payphone subsidy be filed?"

3 The stipulation was as follows: If the
4 Commission makes the same decision that it did in the
5 PAA in this docket, the filings that have been made by
6 Sprint-Florida and BellSouth shall remain effective as
7 filed. If the Commission makes a different decision
8 in this docket and a different rate reduction is
9 required by the Commission, the tariff filings for
10 removal of the subsidy should be made within 30 days
11 of the issuance of the final order in this docket.

12 **COMMISSIONER CLARK:** Okay. Show that as the
13 stipulation for Issue 4.

14 **MR. WAHLEN:** As it relates to everybody but
15 the small companies.

16 **MR. COX:** That's correct.

17 **MR. WAHLEN:** The small companies are covered
18 by the --

19 **MR. COX:** By their separate stipulation.

20 **COMMISSIONER CLARK:** That's a stipulation of
21 all of the parties.

22 **MR. NELSON:** Yes. Commissioner Clark, I
23 would just ask whether Sprint-Florida should be
24 referenced in there because I believe we've stipulated
25 to no subsidy for them and I thought they would

1 essentially be out of these remaining issues.

2 MR. COX: That is true. We can remove
3 Sprint-Florida and make it just BellSouth on the first
4 part.

5 MR. REHWINKEL: That's fine.

6 COMMISSIONER CLARK: Okay. Issue 5.

7 MR. COX: Issue 5 is -- I believe we also
8 have a stipulation reached on Issue 5. Issue 5, April
9 15, 1997, the appropriate effective date for revised
10 intrastate tariffs that eliminate any identified
11 intrastate payphone subsidy.

12 I think we have agreement that if the
13 Commission makes the same decision it did in the
14 initial PAA order in this proceeding, the effective
15 date of those tariffs would have been when they were
16 filed in this case. I believe Sprint's was filed
17 somewhere around the April 15 date and BellSouth's was
18 filed on April 1st. If the Commission makes a
19 different decision and a rate reduction is required,
20 the effective date of the new rate reduction would be
21 April 15th, 1997, per the FCC's order.

22 COMMISSIONER CLARK: Any objection? Okay.

23 MR. COX: Issue 6, I believe we have
24 agreement from all of the parties and Staff to drop
25 this issue. It's a procedural issue that probably

1 should not have been included.

2 **COMMISSIONER CLARK:** Okay. Now, do we need
3 to go back to the witness list and the exhibit list?

4 **MR. COX:** Yes.

5 **MR. REHWINKEL:** Commissioner Clark, before
6 we do that, just to deal with that part of the end of
7 the draft Prehearing Order that references pending
8 motions, I guess barring a complete collapse of what
9 we've agreed to here at the hearing I consider this
10 motion to be -- there needs to be no ruling made on it
11 and I would withdraw it.

12 In case something happened and the
13 stipulations were not agreed to, I'd like to renew it
14 at that point in time, but I would consider it
15 withdrawn.

16 **COMMISSIONER CLARK:** We'll show it withdrawn
17 at this point but without prejudice to file it at
18 another time if the stipulation does not move forward.

19 **MR. REHWINKEL:** Yes. Thank you.

20 **COMMISSIONER CLARK:** Okay. How are we going
21 to handle the witnesses?

22 **MR. REHWINKEL:** Commissioner Clark, I would
23 like to just ask on behalf of Sprint-Florida if, based
24 on the status of the proceeding at this point in time,
25 if we could at least agree to stipulate testimony in

1 or allow it to be withdrawn, either way. I don't know
2 what the parties' preferences are.

3 **COMMISSIONER CLARK:** Let me go through it.
4 Who remains as a witness based on what stipulations
5 have been reached. Mr. Lohman.

6 **MS. WHITE:** Mr. Lohman does.

7 **MR. NELSON:** Ms. Reid.

8 **MR. HATCH:** Mr. Guedel.

9 **COMMISSIONER CLARK:** I would show everyone
10 as a witness and show the issues, but then indicate
11 for Olson, Scobie, Poag, Eudy that they will not
12 appear because of -- if the stipulation is approved
13 they do not have to appear as witnesses. Consistent
14 with what we've done with respect to the
15 interrogatories, I don't see the necessity of putting
16 their testimony into the record.

17 **MR. GILMAN:** Is there any way that the
18 witnesses would not have to appear at all that day; if
19 the stipulation doesn't get approved, maybe have it
20 adjourned?

21 **COMMISSIONER CLARK:** I guess it's -- maybe
22 you can check with the Chairman, but it would be my
23 recommendation that those witnesses not be there and
24 ready to go. And that if it does fall through we'll
25 find another date.

1 **WITNESS GILLAN:** That would be very good to
2 us. We'd appreciate that.

3 **COMMISSIONER CLARK:** You know what you might
4 do, when we're through -- the hearing is next
5 Wednesday.

6 **MR. GILMAN:** Thursday.

7 **MS. BROWN:** I'm sorry, Thursday.

8 **COMMISSIONER CLARK:** What I would suggest
9 you do is spend the latter part of this week informing
10 the other Commissioners that you've reached a
11 stipulation. Indicate that unless -- that if they
12 have a problem with the stipulation they need to let
13 us know so that we can have the witnesses there;
14 barring any information from them that they need the
15 witnesses there, we don't plan to have them available.

16 **MS. BROWN:** We will do that.

17 **COMMISSIONER CLARK:** Okay.

18 **MR. GILMAN:** Commissioner Clark, we're still
19 on the witnesses. This is probably moot but just in
20 case the stipulation doesn't go forward, Mr. Scobie
21 filed rebuttal testimony and he's not listed.

22 **COMMISSIONER CLARK:** All right. Let's go
23 ahead and list him as filing rebuttal testimony.

24 Consistent with the conversation I had with
25 Mr. Erwin, it would seem to me that we simply wouldn't

1 put their testimony into the record. That the
2 stipulation has been reached and there's no necessity
3 of having that information in the record.

4 MS. BROWN: Yes, Commissioner Clark, that's
5 satisfactory to Staff. Satisfactory to GTE.

6 COMMISSIONER CLARK: And the same would be
7 true of their exhibits.

8 MS. WHITE: Commissioner Clark, of the three
9 witnesses left Mr. Lohman is the only one with
10 rebuttal testimony, we'd be willing to combine direct
11 and rebuttal at the hearing.

12 COMMISSIONER CLARK: Okay. That sounds
13 good.

14 MR. COX: Staff that is no problems with
15 that.

16 MR. NELSON: Commissioner Clark, this is
17 probably an exercise in futility since it sounds as
18 though Staff has questions for Mr. Lohman, we would be
19 willing, if the remaining parties were amenable, to
20 stipulate in, to waive cross essentially on the
21 testimony of all of the three remaining witnesses and
22 simply handle it through a briefing process based on
23 that written record.

24 MS. BROWN: Commissioner, Staff needs just a
25 second, but I don't think that Staff is ready to agree

1 to that.

2 MS. WHITE: BellSouth will not agree to
3 that. We have cross of AT&T's witness and MCI's
4 witness.

5 COMMISSIONER CLARK: That settles that. But
6 you can always change your mind.

7 MS. WHITE: Ms. Sims can always change her
8 mind. (Laughter)

9 COMMISSIONER CLARK: You know, we joke about
10 that and it's nice not to have cross examination if
11 you can avoid it, but I want to urge you not -- that's
12 something you need to review your case and make a
13 decision on and don't feel pressured in any way by the
14 Commission not to conduct what you believe is
15 necessary cross examination.

16 MS. WHITE: And I appreciate that. And I
17 have pressured Ms. Sims but she has rebuffed and said
18 we will have a hearing.

19 MR. HATCH: Commissioner Clark, just one
20 minor change to the witness list. I inadvertently
21 failed to identify issues for Mr. Guedel, 1, 2 and 3.

22 COMMISSIONER CLARK: Okay. Mr. Cox or
23 Ms. Brown, is there anything else we need to take up?

24 MR. WAHLEN: I have a question about what we
25 do about basic positions in light of all of the

1 stipulating that's been done. I guess at this point
2 the small company positions would be that the
3 stipulations should be adopted. Whether the
4 Commission would prefer to leave the basic positions
5 as they are and let this go on, that's fine with me,
6 too.

7 **MS. BROWN:** Commissioner, it's really the
8 parties' choice. We'll certainly put in the
9 Prehearing Order for you to sign as what the parties
10 would like us to put as basic positions. We can work
11 with them to get the proper language that they would
12 like. From Staff's perspective we don't care.

13 **MR. WAHLEN:** I don't want to be taking a
14 basic position that there's no subsidy and have a
15 stipulation down at the bottom that says there is and
16 have people get confused. I guess, unless Dave
17 disagrees, all the small company basic positions
18 should be that the small company stipulations should
19 be approved.

20 **MS. BROWN:** All right. We'll put that in.
21 We do intend to pass a draft of this around to all of
22 the parties for their review.

23 **COMMISSIONER CLARK:** Okay.

24 **MS. BROWN:** Any changes.

25 **COMMISSIONER CLARK:** I think that's the

1 appropriate way to go, to show it, so that it's your
2 position that the stipulation should be approved. If
3 it does not work out, then you have the opportunity to
4 say, "Well, if you're not approving the stipulation
5 our position is as initially stated."

6 MR. REHWINKEL: Likewise, Sprint-Florida
7 would be the same, especially in light of the way our
8 position reads today.

9 COMMISSIONER CLARK: So your position is the
10 stipulation should be approved.

11 MR. REHWINKEL: Yes.

12 MR. GILMAN: GTE, our basic position is
13 consistent with the stipulation. I'd be inclined to
14 leave ours as is and to maybe add a sentence that it
15 has been stipulated as such. But I think our basic
16 position should stay as is.

17 COMMISSIONER CLARK: And you can just add a
18 line that says that the stipulation is consistent with
19 your basic position.

20 MR. GILMAN: Uh-huh.

21 COMMISSIONER CLARK: Okay. Anything else?

22 MR. WAHLEN: Only one thing I wanted to say
23 was that Staff worked very diligently with all of the
24 small companies and ruined about four fax machines
25 trying to give everybody notice of all of the meetings

1 that were held, and it was a very involved process and
2 they drive a hard bargain and we're glad it worked out
3 the way it did.

4 COMMISSIONER CLARK: Thank you, Mr. Wahlen.
5 And let me indicate I appreciate it, too, and I have
6 recently gone over a deposition schedule that -- for
7 the BellSouth. And I appreciate you're working hard.
8 Maybe the public doesn't know it but we know you work
9 awfully hard and I know all the Commissioners
10 appreciate it. And thank you, Mr. Wahlen for
11 mentioning it.

12 MR. WAHLEN: Sure.

13 COMMISSIONER CLARK: Anything else? With
14 that the prehearing is adjourned. Thank you very
15 much.

16 (Thereupon, the hearing concluded at
17 11:40 a.m.)

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

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

5 DO HEREBY CERTIFY that the Prehearing
Conference in Docket No. 970172-TP, 970173-TP and
970281-TL was heard by the Prehearing Officer at the
6 time and place herein stated; it is further

7 CERTIFIED that I stenographically reported
the said proceedings; that the same has been
8 transcribed under my direct supervision; and that this
transcript, consisting of 46 pages, constitutes a true
9 transcription of my notes of said proceedings.

10 DATED this 31st day of July, 1997.

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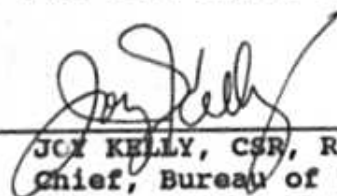
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