

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
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PROCEEDINGS: **STATUS CONFERENCE**

BEFORE: CHAIRMAN JULIA L. JOHNSON
 Prehearing Officer

DATE: Friday, August 29, 1997

TIME: Commenced at 9:15 a.m.
 Concluded at 10:55 a.m.

CONDUCTED FROM: Chairman Johnson's Office
 Teleconferencing
 Gerald L. Gunter Building
 2540 Shumard Oak Boulevard
 Tallahassee, Florida

REPORTED BY: JOY KELLY, CSR, RPR
 Chief, Bureau of Reporting
 Official Commission Reporter

DOCUMENT NO.
08782-97
8/29/97

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5 **BellSouth Telecommunications, Inc.**

6 **VICKI KAUFMAN**, McWhirter, Reeves,
7 McGlothlin, Davidson, Rief and Bakas, 117 South
8 Gadsden Street, Tallahassee, Florida 32301, appearing
9 telephonically on behalf of **Florida Competitive**
10 **Carriers Association and Telecommunications Resellers**
11 **Association.**

12 **DONNA CANZANO**, Wiggins and Villacorta, P. O.
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14 **ERICK SORIANO**, appearing telephonically on behalf of
15 **Intermedia.**

16 **MARSHA RULE**, AT&T Communications of the
17 Southern States, Inc., 106 East College Avenue, Suite
18 1410, Tallahassee, Florida 32301, appearing
19 telephonically on behalf of **AT&T of the Southern**
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1 **APPEARANCES CONTINUED:**

2 **RICHARD D. NELSON**, Hopping Boyd Green Sams
3 and Smith, 123 South Calhoun Street, Tallahassee,
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1 **APPEARANCES CONTINUED:**

2 **MONICA BARONE, and BETH CULPEPPER, Florida**
3 **Public Service Commission, Division of Legal Services,**
4 **2540 Shumard Oak Boulevard, Tallahassee, Florida**
5 **32399-0870, appearing on behalf of the Commission**
6 **Staff.**

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P R O C E E D I N G S

(Hearing convened at 9:15 a.m.)

CHAIRMAN JOHNSON: Are all the parties --
did you take up preliminary attendance?

MS. BARONE: Yes, I did.

CHAIRMAN JOHNSON: Great. Then we'll go on
the record and I'll take appearances.

MS. WHITE: Nancy White with BellSouth.

MS. RULE: Marsha Rule, AT&T.

MR. MELSON: Rick Melson, MCI.

MS. KAUFMAN: Vicki Gordon Kaufman, FCTA.

MR. HORTON: Doc Horton with ASCI and
WorldCom.

MS. CANZANO: Donna Canzano, Intermedia.

MR. FINCHER: Ben Fincher with Sprint.

MR. WILLINGHAM: Bill Willingham on behalf
of TCG.

CHAIRMAN JOHNSON: Any other parties?

MS. BARONE: Monica Barone, and with me Beth
Culpepper.

CHAIRMAN JOHNSON: Any preliminary matters?

MS. BARONE: No, ma'am.

CHAIRMAN JOHNSON: Okay. I think the first
thing we had on our list -- I know we're quickly
approaching the hearing time so we're trying to do as

1 much orally or as quickly as we can on the ruling --
2 for the ruling from yesterday, I had an opportunity to
3 read the --

4 **MS. KAUFMAN:** Excuse me, Chairman Johnson,
5 this is Vicki Kaufman. I'm having a very hard time
6 hearing you.

7 **CHAIRMAN JOHNSON:** Really?

8 **MS. KAUFMAN:** That was better.

9 **CHAIRMAN JOHNSON:** Let me try that. Okay
10 I'm just changing the tone on this telephone.

11 **MS. KAUFMAN:** That's better.

12 **CHAIRMAN JOHNSON:** That's better. I had an
13 opportunity to review the -- I'll speak louder, too --
14 opportunity to review the transcript from yesterday's
15 arguments and all of the underlying motions and
16 documents.

17 With respect to that, and we'll be actually
18 issuing an order, but I'm going to grant the Motion to
19 Compel. I agree that one of the main criteria of the
20 checklist is that all of the interconnection
21 agreements must be provided to the new entrant on a
22 nondiscriminatory basis, and in that context I believe
23 there is some relevance to be gleaned from all of
24 those interconnection agreements actually being
25 reviewed.

1 Certainly we did rule earlier as it related
2 to what interconnection agreements had to be filed.
3 Even if that order had not been challenged, I don't
4 see that as directly relevant to the discovery
5 request.

6 Therefore, I'm going to go ahead and grant
7 that motion. To the extent that Bell would like to
8 further argue the legal issues or my ruling, I will
9 allow that opportunity at the beginning of our hearing
10 on -- whenever we start, on Tuesday. Just give us
11 notice so that Ms. Barone and I can prepare the
12 Commissioners to hear that if they need to.

13 I understood Bell's argument and there are
14 some legal arguments to be made on both sides of that.
15 For me I thought that those would probably be more
16 appropriately handled through the briefing process as
17 opposed to denying the discovery request. So with
18 that I'm granting Ms. Kaufman's motion.

19 **MS. WHITE:** May I ask a question,
20 Commissioner Johnson?

21 **CHAIRMAN JOHNSON:** Certainly.

22 **MS. WHITE:** Do you have a date by which
23 BellSouth is required to produce these documents?

24 **CHAIRMAN JOHNSON:** No, I do not. Let me ask
25 you -- (Laughter)

1 **MS. WHITE:** I'm probably a bad person to
2 ask.

3 **CHAIRMAN JOHNSON:** Why don't you -- let's
4 try to get that done today, but why don't you confer
5 with your client and then get with Monica; if you'll
6 confer with me and then we'll let you all know, but we
7 want to be reasonable on that.

8 **MS. KAUFMAN:** Chairman Johnson, if I could
9 just make one point in that regard, and of course, be
10 happy to work with Ms. White, but certainly it seems
11 to me we would want to have that information when the
12 Bell witnesses take the stand.

13 **MS. WHITE:** Well, that's Tuesday.

14 **CHAIRMAN JOHNSON:** We're going to all do the
15 best we can.

16 **MS. KAUFMAN:** Thank you. Maybe they may
17 need to be recalled. We'll see what we can work out
18 but I just wanted to make that point.

19 **CHAIRMAN JOHNSON:** Okay. And I understand
20 that, too, and we'll do the best we can because I am
21 just ruling on that today. I'm not sure of how
22 difficult this request will be for Bell.

23 There's also the side issue if they want to
24 bring them back before the full Commission. But we'll
25 endeavor to work through that as soon as you can talk

1 with you clients and get back with Ms. Barone, she'll
2 get back with me and we'll try to do this as
3 expeditiously as possible.

4 **MS. KAUFMAN:** Thank you.

5 **CHAIRMAN JOHNSON:** Now, the motion that
6 we're hearing today is it AT&T's motion?

7 **MS. RULE:** Yes, it is.

8 **CHAIRMAN JOHNSON:** Okay. Will Ms. Rule be
9 making an argument on that?

10 **MS. RULE:** Yes, I will.

11 **CHAIRMAN JOHNSON:** Great. I'm prepared to
12 have you go forward.

13 **MS. RULE:** And I realize, Chairman Johnson,
14 that you probably have not had a chance to look at the
15 interrogatories, so I'm going to try to speak about
16 them generally and categorize them.

17 **CHAIRMAN JOHNSON:** Actually, you can go in
18 detail; I have them here. I did have a opportunity
19 last night -- what a fun night, reviewing this.

20 **MS. WHITE:** On vacation.

21 **CHAIRMAN JOHNSON:** That will be fine. And
22 actually, the more specific you can get the better,
23 because I'd like for some of Bell's response,
24 particularly as it relates to the burdensome issue, to
25 be delineated clearly so that I can weigh this. Let

1 me just tell you up front that there is -- I mean, the
2 filing was made on the 11th; it does appear to be
3 quite a bit of information that's being requested, so
4 I'm going to do some serious balancing here. So to
5 the extent that you can articulate in detail why you
6 need this information, and not as this relates to
7 relevance, but how important it is, that will be quite
8 helpful.

9 **MS. RULE:** Thank you. Well, in general, as
10 you know, BellSouth raises two objections to our
11 interrogatories and I'd like to briefly cover them
12 before I talk about the interrogatories in context.

13 **CHAIRMAN JOHNSON:** Sure.

14 **MS. RULE:** The two general objections are
15 first, that the discovery is burdensome, overbroad and
16 not relevant. And second, that it requests
17 non-Florida information, and, therefore, is overbroad
18 and not relevant as to BellSouth's ability to satisfy
19 the checklist.

20 And first I'd like to address the relevance
21 issue. All of this information is directly relevant.
22 Our interrogatories and requests for documents fall
23 into two major categories. The first category -- and
24 I can give you a list of interrogatory numbers and
25 request numbers for each of our category -- the first

1 category is BellSouth's ability to provision services
2 and provision unbundled network elements requested by
3 ALECs. And the types of information we're seeking in
4 that category would be the numbers of orders they have
5 processed, how they were processed; for example, the
6 installation intervals and all sorts of experience
7 that could demonstrate whether BellSouth can provide
8 services in the quantities that competitors may demand
9 and at an acceptable level of quality. And the
10 interrogatories that fall into these categories are
11 Nos. 2 through 9, 18, 21 through 26, 28. The document
12 requests are Nos. 1 through 3, 7, 8, 11, 12, and 17
13 through 23.

14 The other broad category of information
15 we're seeking relates to BellSouth's ability to
16 provide nondiscriminatory access to its operations
17 service support systems. At parity, including test
18 data, the extent to which BellSouth relies on manual
19 processing of orders for itself and its competitors
20 and the reasons for the manual processing. And this
21 information relates directly to BellSouth's ability to
22 provide nondiscriminatory access to its network
23 elements and nondiscriminatory interconnection,
24 including access to its operation support system. All
25 of this is required by the checklist.

1 The interrogatories that fall into the
2 second category are Nos. 1 and through 20, 27, 29, 30
3 through 34, and the document requests are 4 through 6,
4 9, 10, 13 through 16, and 24 through 28.

5 Now, there is some overlap between the two
6 categories. I'm not insisting that they fall strictly
7 into one or the other, but this is the type of
8 information we're seeking.

9 Now, these are, as I said, directly related
10 to the checklist items and they are specific issues in
11 this docket. The issues are 2, 3, 3A, 15 and 15A.

12 With regard to the relevance, I would submit
13 that this is the very sort of information that
14 BellSouth should have submitted with its application.
15 This was recently made clear in the FCC's order
16 denying Ameritech 271 application. The FCC reiterates
17 throughout that order that it will require empirical
18 data. And, in fact, in order to meet the burden of
19 proof as explained by the FCC, it appears that
20 BellSouth must either produce evidence that their
21 operation support systems are fully tested on a
22 carrier-to-carrier basis, or produce actual data and
23 metrics showing that they are also providing
24 nondiscriminatory access. And that's the very type of
25 information we're seeking in our interrogatories and

1 in our document requests.

2 Now, both the carrier-to-carrier testing or
3 the metrics approach were options in the FCC order.
4 Clearly BellSouth has to meet one or the other of
5 these. And, in fact, if it cannot do so, I believe
6 you would be entitled to dismiss this case.

7 The fact that BellSouth states that it
8 cannot provide responses to the interrogatories and
9 document requests other than because it's burdensome
10 and they just can't get around to it, we would request
11 the Commission make a finding that BellSouth is unable
12 to produce this information.

13 Now, with respect to BellSouth's objection
14 that AT&T requests non-Florida data.

15 **CHAIRMAN JOHNSON:** Could you go back over
16 that last point where you were saying --

17 **MS. RULE:** I would ask the Commission to
18 make a finding that BellSouth is unable to produce
19 this data, if that's its argument in this case. That
20 is, if it say it can't produce the data, I want the
21 Commission to recognize that on the record, because I
22 believe that's an important admission that pretty much
23 dooms their case at the FCC. This data I think is
24 essential to proving BellSouth's case. BellSouth
25 should have filed it with its original testimony.

1 It's the type of evidence that will tend to test their
2 ability to provision the services they claim to be
3 providing in a nondiscriminatory basis.

4 **CHAIRMAN JOHNSON:** I understand.

5 **MS. RULE:** And moving on to the non-Florida
6 data, I simply can not agree with BellSouth's
7 assertion in this regard. In fact, I believe it
8 somewhat ludicrous.

9 BellSouth's testimony is full of references
10 to events and data that do not occur in Florida.
11 BellSouth relies on non-Florida data to show it can
12 meet the checklist requirement. If it's going to rely
13 on this data, the parties and the Commission are
14 entitled to test the validity of this information.

15 Also BellSouth has admitted through its
16 witnesses in deposition that its systems are the same
17 throughout the region. If BellSouth cannot provide a
18 checklist item in another state, it certainly can't do
19 so in Florida. And again we're entitled to test those
20 assertions.

21 And I can direct you to a number of
22 different references in testimony, in exhibits and
23 depositions where BellSouth relies on non-Florida data
24 to prove that it has the capability of delivering the
25 checklist item.

1 For example, Mr. Milner's rebuttal
2 repeatedly states that he talks about BellSouth for
3 example, collocation arrangements in Atlanta, he
4 asserts it provides switch ports in the nine-state
5 region; on many different pages reference to for
6 example, AIN database, mid-data in the nine-state
7 region. Mr. Scheye repeatedly refers to ALEC
8 arrangements throughout the nine-state region. There
9 are a number of assertions where it's not clear
10 whether BellSouth is relying on data that was
11 generated in Florida or not. And in deposition, when
12 asked, it became clear that BellSouth was relying, at
13 least in part, on data generated outside the state of
14 Florida.

15 For example, Mr. Scheye's deposition he says
16 this at Page 8 Lines 11 through 14, "I think the
17 Commission can certainly look at LITE experience in
18 Florida as well as the other eight other BellSouth
19 states where we've provided comparable capability
20 under negotiated or arbitrated agreements." And
21 that's in response to a direct question about how he
22 proposes the Commission to ascertain that BellSouth
23 has fully implemented the 14-point checklist item.

24 In essence, I don't think BellSouth can have
25 it both ways. They can't rely on non-Florida data and

1 then claim that it's for discovery purposes. If they
2 chose to submit Florida data only, I guess we probably
3 would be stuck with that, although I still think it
4 would be relevant as to whether they can provision
5 some of the systems they are currently provisioning in
6 Florida, but they haven't chosen to do so.

7 The only thing that is Florida-specific in
8 this case is the state of competition. The state of
9 competition that the Commission must determine is, of
10 course, Florida-specific, but beyond that the data
11 that BellSouth relies upon, the information that the
12 Commission is entitled to hear, and the information
13 that we're entitled to test is region-wide.

14 I admit a lot of this stuff is voluminous.
15 It probably does take a lot of work to put it
16 together. However, again, this is the very type of
17 information that BellSouth should have ready.
18 BellSouth should be relying upon its test metrics, if
19 indeed it has any. And if it doesn't, I don't believe
20 the FCC is going to be prepared to grant their
21 application.

22 I'd like to reserve just a moment for
23 rebuttal after Ms. White.

24 **CHAIRMAN JOHNSON:** Okay.

25 **MS. WHITE:** Yes. This is Nancy White with

1 BellSouth.

2 First off, I'm not sure whether Ms. Rule is
3 arguing a motion to dismiss or a Motion to Compel.
4 I'll start with the latter.

5 Essentially what they've asked us to do is
6 take a look at every single order for an unbundled
7 network element or a resold service, an order that has
8 been taken in the nine-state BellSouth region and
9 perform an analysis on it. That is over 8,000 orders
10 and growing every day.

11 It will take people, time to look through
12 all of the orders because they are not maintained on a
13 state-by-state basis. So people will have to manually
14 go through each one of those orders. They will have
15 to then take those orders, separate out the Florida
16 ones, and perform the analysis for Florida that AT&T
17 has requested, as well as the analysis for the rest of
18 the region.

19 These people who would be performing this
20 work are the people who provide support to the ALECs.
21 So you're going to be taking them away from supporting
22 the ALECs in order to answer AT&T's interrogatories
23 and production of document requests.

24 **CHAIRMAN JOHNSON:** Let me be clear. You're
25 saying most of the work the folks have to do cannot be

1 done electronically --

2 **MS. WHITE:** Absolutely. None of the work
3 that AT&T has asked us to do can be done
4 electronically.

5 **CHAIRMAN JOHNSON:** Okay.

6 **MS. WHITE:** So we think that is way over the
7 top in terms of reasonableness. We think it's way
8 over the top in terms of the amount of work that's
9 required on BellSouth's part. Plus I think it's quite
10 interesting the fact that even though Ms. Rule made
11 much of the fact that BellSouth should have filed this
12 stuff with their testimony, AT&T did not ask for it
13 until August 11, which was the last day upon which
14 testimony -- discovery could be filed and responded to
15 in order to meet the discovery cutoff. Moreover, the
16 discovery request was served on BellSouth after 5
17 o'clock on August 11.

18 Discovery has been going on in this case for
19 over a year. It is not appropriate at the last minute
20 for AT&T to be filing such broad and all encompassing
21 interrogatories and production of document requests.
22 If they were going to do it, it should have been done
23 much earlier.

24 Let's see. With regard to the non-Florida
25 information, what this Commission has to decide is

1 whether BellSouth has met the checklist in Florida,
2 not in other states.

3 For unbundled network elements or checklist
4 items where there is no Florida experience we have
5 shown the Commission other states. That has nother to
6 do with whether the operation support systems in
7 Florida are ready or not. What they are asking for is
8 information concerning the operational support systems
9 and we do have that information in Florida because
10 they are being used in Florida. So what the other
11 states have to say about this specific item is not
12 relevant.

13 I think that's about all I have to say. I
14 don't know whether I should go on to Sprint because
15 Sprint filed a "me too" interrogatories and PODs that
16 essentially said everything that AT&T asked for, give
17 us the same thing.

18 We have the same objections to Sprint's
19 interrogatories, but with one additional one, and that
20 is that they did not file their discovery request
21 until August 13th, which was -- means the ten-day
22 deadline would be up on August 22nd, 1997, which was
23 past the discovery cutoff date. So we would add that
24 additional reason to object to Sprint's discovery
25 request.

1 **MS. KAUFMAN:** Chairman Johnson, that is
2 Vicki Kaufman. I just would like to make a comment
3 whenever you think it's appropriate.

4 **CHAIRMAN JOHNSON:** Okay. Vicki, if you
5 could wait just a second. Actually, going back to
6 Ms. Rule, in the production -- the PODs, No. 1 -- I'm
7 getting real -- you were finished weren't you?

8 **MS. WHITE:** Yes. Thank you.

9 **CHAIRMAN JOHNSON:** Okay. Wanted to make
10 sure.

11 Number one, if I could find my copy, I have
12 some notes here on No. 1 and No. 4 and No. 6 exactly
13 what you're trying to get at on those.

14 **MS. WHITE:** And this is the document
15 request.

16 **CHAIRMAN JOHNSON:** Yes.

17 **MS. WHITE:** Okay.

18 **CHAIRMAN JOHNSON:** I should have asked you
19 these earlier, Ms. Rule.

20 **MS. RULE:** Okay. Number 1 requests
21 production of copies of all documents that discuss
22 status of orders received from CLECs from January '97
23 to the BellSouth region, and then status includes
24 numbers of orders completed, number pending, number
25 rejected. One of things at issue in this case is

1 BellSouth's ability to process orders received from
2 CLECs.

3 There are allegations in the case, and
4 there's proof on the table that you will be hearing
5 that says BellSouth has an inordinate number of
6 rejections of CLEC orders; that there are problems
7 with this. And we're entitled to find out what the
8 number is, how it relates to their provisioning of
9 their own orders, and then we need this information in
10 order to do that. This is the type of empirical data
11 referred to in the FCC's order.

12 **CHAIRMAN JOHNSON:** So what exactly are you
13 expecting them to put together for you?

14 **MS. RULE:** Any documents. See, part of the
15 thing is --

16 **CHAIRMAN JOHNSON:** It's so broad I was just
17 trying to -- candidly, I thought it was a pretty broad
18 request.

19 **MS. RULE:** Well, part of the nature of
20 document requests is you don't know what they call
21 them and you don't know what documents another party
22 may keep. For example, there may be some logs, there
23 may be notes, there may be provisioning data, there
24 may be summaries; we just don't know what they keep.

25 **CHAIRMAN JOHNSON:** Uh-huh. Okay.

1 **MS. RULE:** There was another one you wanted
2 to know about?

3 **CHAIRMAN JOHNSON:** No. 4.

4 **MS. RULE:** Okay. That's a copy of each
5 manual or electronic order form received or prepared
6 by BellSouth documenting orders of unbundled loops.

7 Well, I think we're entitled to know how
8 many unbundled loops people have ordered and how many
9 have been provisioned. Again, that's one of the
10 checklist items. They have to be able to provide
11 nondiscriminatory access to unbundled network
12 elements. If they haven't done so, we're entitled to
13 know that, too. They've done a number of them. We're
14 entitled to know how many.

15 **MS. WHITE:** I'll interrupt on No. 4. It
16 doesn't ask for how many; it says produce a copy of
17 each manual or electronic order form received or
18 prepared by BellSouth.

19 **MS. RULE:** I think that tells us how many.
20 We're not asking you to count them. We'll count them.

21 **CHAIRMAN JOHNSON:** Okay.

22 **MS. RULE:** That's a lot of information. No
23 two ways about it. But this is a big burden of proof
24 assumed by BellSouth. The fact that it's a big case
25 and a lot of information and a big burden of proof

1 doesn't mean they shouldn't have to meet it. There
2 was another one.

3 **CHAIRMAN JOHNSON:** 6.

4 **MS. RULE:** Documentation received from CLECs
5 regarding efforts to use BellSouth's systems including
6 gateways and interfaces for ordering, preordering
7 provisioning, maintenance, repair or billing.

8 There's a lot of correspondence, Chairman,
9 between BellSouth and other parties. That
10 correspondence tends to detail the types of problems
11 that various parties have had in getting access to
12 BellSouth's OSS. In fact, all of their systems. We
13 believe we're entitled to discover what types of
14 problems other parties have had because as the
15 evidence will show in this case, various parties have
16 taken different approaches to entering the business,
17 and AT&T's experience is not going to be the same as
18 everybody else's.

19 For example, in Florida the evidence will
20 show that we were attempting to enter through the
21 unbundled network element approach; other parties are
22 trying to use resale; other parties are using
23 facilities. We're settled to test the validity of
24 BellSouth's assertions that they can provide all of
25 these.

1 **CHAIRMAN JOHNSON:** Okay.

2 **MS. RULE:** If I can continue?

3 **CHAIRMAN JOHNSON:** Go ahead.

4 **MS. RULE:** I would invite you to look at
5 just a few selected paragraphs in the FCC order,
6 although throughout it talks about the need for data
7 and the type of information that the FCC wants to
8 review. For example, Paragraph 110 talks about the --

9 **CHAIRMAN JOHNSON:** The Ameritech order?

10 **MS. RULE:** Sorry. Ameritech order,
11 Paragraph 110 talks about the type of information that
12 the FCC will expect to be produced. Paragraph 212
13 gives a pretty explicit discussion of the type of data
14 with regard to OSS that the FCC will expect to see.
15 And paragraph 238 also discusses that.

16 **MS. WHITE:** And just to butt in for one
17 minute? That's all fine and dandy what the FCC
18 expects to see, but this Commission has to make its
19 own factual record, and it may or may not agree with
20 what the FCC has said needs to be looked at.

21 **MS. RULE:** I agree with you, Nancy, and
22 that's what we're trying to do here is make a record.
23 And I believe the record should be as complete as
24 possible. The FCC has set out a road map in that
25 order. Of course, BellSouth can choose to follow or

1 not follow that road map. But it's pretty clear that
2 the role of the states its very important, that the
3 state recommendation is very important to the FCC, and
4 that the FCC wants the states to have a full record
5 before them.

6 And I can give you many cites in
7 Mr. Scheye's testimony, Mr. Milner's testimony,
8 Mr. Stacy's testimony, their exhibits and their
9 depositions where BellSouth is relying on region-wide
10 data.

11 **MS. WHITE:** I guess, Ms. Rule, the bottom
12 line question that hasn't been answered is why did you
13 wait so long to file this broad a discovery?

14 **MS. RULE:** Two reasons. First, we're
15 entitled to. We got it in under the cutoff and we are
16 entitled to do that; there's no requirements in any
17 procedural order, or even informally, that we file
18 discovery at any particular time before the cutoff.

19 Second, I believe we're entitled to capture
20 the most recent data. If you'll notice we go back as
21 early as January of '97 in some -- and I think ones I
22 just looked at was February '97 -- but it goes through
23 the present. That's the information the Commission
24 should be looking at and that's the information we
25 want.

1 We believe BellSouth's ability to provision
2 and allow access has been improveing. We're not
3 looking at just the old data. We want the most
4 current we can get. And I believe we're entitled to
5 it.

6 **MS. BARONE:** Chairman Johnson, this is
7 Monica. May I ask a question?

8 **CHAIRMAN JOHNSON:** Sure.

9 **MS. BARONE:** Ms. Rule, on the PODs No. 4, 5
10 and 6 you want information back to February '96; is
11 that correct or is that a typo?

12 **MS. RULE:** Well, since --

13 **MS. WHITE:** 7 and 8.

14 **MS. RULE:** I'm looking at the same copy you
15 are, so if it's typo for you, it's a typo for me. I
16 think I misspoke a minute ago, and that is '96.
17 Again, I think we're entitled to look at the evolution
18 of BellSouth's effort. As I said, we believe
19 BellSouth is improving. We hope they are going to
20 continue to improve. This stuff is new for everybody.
21 Without assuming any bad motivation whatsoever on
22 anybody's part, this is hard to do and people are
23 getting better at it. But we're entitled to look at
24 the evolution of that, too. We're not just required
25 to look at a snapshot in time.

1 **CHAIRMAN JOHNSON:** Ms. Rule, understanding
2 your request and your rationale for that -- and
3 Ms. White, you're question you pose was well taken and
4 I will take into consideration this was filed on the
5 11th, as I balance through and read back through what
6 effort this might take and then what benefit it could
7 be to this particular proceeding.

8 Going to the interrogatories, another
9 question for Ms. Rule. I think it was No. 9, could
10 you better explain what you were requesting there?

11 **MS. RULE:** At No. 9 I request for Florida on
12 a region-wide basis, the number of requests for its
13 own basic exchange service that BellSouth received on
14 an average day, largest number that it has received on
15 any day within the last two years, and the largest
16 number that it's received on a particular day.

17 (Pause)

18 **MS. WHITE:** Hello?

19 **MS. RULE:** I'm looking at B and C, and, you
20 know, B and C don't seem that different to me right
21 now.

22 **CHAIRMAN JOHNSON:** Yeah. We were wondering
23 if that was the same or what else you were requesting
24 or what you were trying to get at.

25 **MS. RULE:** This may well fall into the

1 category of stuff that seemed extremely meaningful in
2 its difference at the time, but has receded in
3 importance since then.

4 I would say -- let's see, give me one second
5 on that. I would say we could skip C and I think
6 there's another question like that; we'd be perfectly
7 happy.

8 **CHAIRMAN JOHNSON:** This may be -- and another
9 question for Ms. Rule, this may be difficult and we
10 may not have the time to do it, but as a part of
11 your -- one of my concerns was that perhaps we did not
12 need the region-wide information that you were
13 requesting, and that we should focus on Florida-only
14 or Florida-specific information. But you stated in
15 your argument that there are quite a few places where
16 Bell is relying upon some regional mechanisms,
17 regional processes to support their position here in
18 Florida. I know you cited to Scheye and cited to his
19 deposition at a point certain.

20 Now, do you have there delineated -- and
21 them tell me how long it would take for you to tell
22 me -- do you have delineated other references like
23 that?

24 **MS. RULE:** I have a number of references and
25 I'd be happy to give them to you.

1 I have not combed the entire record for all
2 of these references, but I've found in cursory review
3 a significant number.

4 CHAIRMAN JOHNSON: I'll tell you what, I'll
5 let you start because we may want to go back through
6 some of those to get a feel for this and if it's
7 getting real long, we'll just take a sampler.

8 MS. RULE: Okay. For example --

9 MS. BARONE: May I ask a question before we
10 move on so I don't forgot? Ms. Rule, in No. 9,
11 actually I need to ask Ms. White this: In Florida
12 they ask -- describe both for Florida and region-wide
13 basis the number of requests for its own basic
14 exchange service that BellSouth receives on an average
15 day. Where does BellSouth process its orders for its
16 own basic exchange service in Florida.

17 MS. WHITE: Where?

18 MS. BARONE: Are they processed in Florida?

19 MS. WHITE: I don't think so. I think it's
20 a central point. Maybe Atlanta and Birmingham, or
21 Birmingham or both. I'd have to check that out.

22 MS. RULE: Well --

23 MS. WHITE: I don't know the answer to the
24 question really is what I should say.

25 MS. RULE: With regard to its ability to

1 process orders, BellSouth is relying on region-wide
2 data. I would believe that because BellSouth is
3 saying it can comply with the checklist item based on
4 regional data, we're entitled to test that data. It
5 was BellSouth's decision to rely on regional data, not
6 AT&T's.

7 Okay. Now, B. With regard to Mr. Scheye's
8 testimony -- make sure I've got the correct copy here
9 before I keep going -- for example, on Page 23 of his
10 rebuttal there is information and he discusses the
11 local interconnection facilities-based guidelines for
12 ALECs. Talks about the handbooks that are documents.
13 Those are not Florida-specific; they are developed
14 region-wide.

15 Page 30 talks about how many interconnection
16 trunks have been provisioned throughout the BellSouth
17 region. Page 31 talks about the number of unbundled
18 loops in service. Page 32 --

19 **MS. WHITE:** If I may interrupt, right after
20 it says the regional number it says how many of those
21 are in Florida, I believe.

22 **MS. RULE:** Yes. That's true. But as long
23 as BellSouth relies on its ability -- reliance for its
24 ability to provision anything relies on anything
25 that's not in Florida: data, service centers,

1 personnel, tests, we're entitled to test that. And I
2 would point out that the 86 volumes of information
3 attached to Mr. Milner's testimony, very little of
4 that information was generated in Florida. Most of
5 the testing appears to have been done in Georgia. And
6 BellSouth is relying on that information.

7 Continuing on Page 33, also on Page 34 with
8 regard to number portability, Page 35 talking about
9 the number of orders, Mr. Milner's direct.

10 CHAIRMAN JOHNSON: Mr. Milner?

11 MS. RULE: Yes.

12 CHAIRMAN JOHNSON: His direct?

13 MS. RULE: His Exhibit 3 -- I'm kind of
14 going down a list here. Mr. Stacy's direct, he relies
15 heavily on data outside Florida. WNSC, for example,
16 WNSD, WNSE. Also according to the Ameritech order,
17 the comparison of Florida data to region-wide data may
18 be of help or useful to the Commission.

19 Mr. Milner's rebuttal, I think I went
20 through that already. I think that's it.

21 CHAIRMAN JOHNSON: That's a broad enough
22 sampling for us to go back and consider.

23 Is there anything else to ask?

24 MS. RULE: I would say if BellSouth does not
25 want to supply region-wide data, I'd be happy with

1 that as long as the Commission would agree to strike
2 all references to non-Florida data in their testimony
3 or in their exhibits.

4 **CHAIRMAN JOHNSON:** Thank you for that
5 suggestion.

6 Any other information? Any on other issues,
7 Ms. Barone, that we need to handle?

8 **MS. BARONE:** I don't know if it would be
9 appropriate to ask this question: When going through
10 these interrogatories I notice that in some instances
11 the request is basically asking for percentages and
12 they are asking for percentages throughout the region.
13 And then other interrogatories then go into more
14 specifics of those percentages, then tell me how many
15 orders -- or how orders were processed specifically in
16 each of the states. And I guess my question is, is
17 there a way to compromise here, or is there a way to
18 get region-wide data that's easily collected in terms
19 of percentages versus the detailed information
20 regarding those percentages on a region-wide basis? I
21 guess my question would be to BellSouth on that.

22 **MS. WHITE:** I do not know the answer to that
23 question. I'd be guessing if I said anything.

24 **MS. BARONE:** Because if there's going to be
25 a balance, if in considering this the your argument

1 that the burden is great because of the magnitude, and
2 then considering relevance, if the Chairman believes
3 this information is relevant, then is there a way --
4 then we can look at it and see if there is a way to
5 lessen the burden if possible, and that's why I asked.

6 **MS. WHITE:** Well, all I could do would be to
7 go back to my client and say if the Chairman ruled
8 against us on this Motion to Compel, is there a way --
9 is there a way to somehow do percentages or
10 aggregation of the information and have to answer the
11 question in a shorter time frame than would be
12 required as written.

13 **MS. BARONE:** And I don't know if we need --
14 if you would need more guidance in terms of which
15 interrogatories that would be relevant to, and I don't
16 know how -- Chairman Johnson, if you want to proceed
17 on that or not.

18 **CHAIRMAN JOHNSON:** I'm going to think about
19 it and go back over these particular items and the
20 request. And to the extent that we want to -- if I
21 feel that the information is important enough that it
22 might outweigh the burden, then I will, Ms. Barone,
23 have you contact BellSouth and find out if there are
24 less burdensome ways that we could present this to get
25 the information that's been requested. We might have

1 to do that -- it may be a little premature to do that
2 now.

3 **MS. BARONE:** Okay.

4 **CHAIRMAN JOHNSON:** We'll be getting back to
5 the parties, particularly Ms. White, on some of the
6 issues.

7 **MS. WHITE:** All right. Thank you.

8 **MS. RULE:** Thank you.

9 **CHAIRMAN JOHNSON:** Is there anything else?
10 We'll try to work through these today, and
11 either have Monica call or send out a fax on how we're
12 going to handle this most recent request.

13 **MS. WHITE:** Would that include -- I keep
14 hating to bring up Sprint, would that include Sprint
15 as well?

16 **CHAIRMAN JOHNSON:** Yes, it definitely will.
17 Thanks for bringing that up.

18 **MS. WHITE:** Is Sprint on the line?

19 **MR. FINCHER:** Yes, I'm here.

20 **MS. WHITE:** Ben, I'm assuming you're joining
21 in qAT&T's Motion to Compel.

22 **MR. FINCHER:** Yeah, right. We support
23 everything AT&T said. And also we would point out
24 with respect to your comment about the late-filed part
25 of the Sprint request, AT&T's request was timely filed

1 and we were simply joining AT&T's request.

2 MS. WHITE: I disagree with that, but I mean
3 it was Sprint's request and it was filed on the 13th.
4 Discovery cutoff was the 22nd so --

5 CHAIRMAN JOHNSON: Okay. We'll be
6 responding to both.

7 MS. WHITE: Thank you so much.

8 MS. RULE: Thank you.

9 CHAIRMAN JOHNSON: Take care. Bye.

10 (Hearing concluded at 9:55 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
4 Reporting, Official Commission Reporter,

5 DO HEREBY CERTIFY that the Status Conference
6 in Docket No. 060786-TL was heard by the Prehearing
7 Officer at the time and place herein stated; it is
8 further

9 CERTIFIED that I stenographically reported
10 the said proceedings; that the same has been
11 transcribed by me; and that this transcript,
12 consisting of 35 pages, constitutes a true
13 transcription of my notes of said proceedings.

14 DATED this 29th day of August, 1997.

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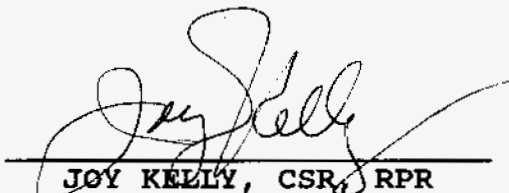
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