

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

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In the Matter of

DOCKET NO. 960254-TI

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Proposed Part VII - Rules  
Governing Prepaid Calling  
Services; Rules 25-24.900,  
F.A.C., Scope and Waiver;  
25-24.905, F.A.C., Terms and  
Definitions; 25-24.910, F.A.C.,  
Certificate of Public  
Convenience and Necessity  
Required; 25-24.915, F.A.C.,  
Tariffs or Price Lists;  
25-24.920, F.A.C., Standards  
for Prepaid Calling Services  
and Consumer Disclosure;  
25-24.925, F.A.C., Refunds;  
25-24.930, F.A.C., Adequacy  
of Service; 25-24.935, F.A.C.,  
Discontinuance of Service;  
25-24.940, F.A.C., Penalties  
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**PROCEEDINGS:**

**PREHEARING CONFERENCE**

**BEFORE:**

**COMMISSIONER JOE GARCIA  
Prehearing Officer  
Teleconferencing from  
Miami, Florida**

**DATE:**

**Wednesday, January 14, 1998**

**TIME:**

**Commenced at 9:30 a.m.  
Concluded at 9:43 a.m.**

**PLACE:**

**Bettyasley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida**

**REPORTED BY:**

**JOY KELLY, CSR, RPR  
Chief, Bureau of Reporting**

**DOCUMENT NUMBER-DATE**

**00764 JAN 14 8**

**FILED IN RECORDING**

1 **APPEARANCES:**

2 **MARION E. BULLS**, AT&T Communications of the  
3 **Southern States, Inc.**, 101 East College Avenue,  
4 **Suite 700, Tallahassee, Florida 32301-1509**, appearing  
5 **on behalf of AT&T Communications of the Southern**  
6 **States, Inc.**

7 **MONICA MARONE**, Sprint Communications  
8 **Company, Limited Partnership, 3100 Cumberland Circle,**  
9 **Atlanta, Georgia 30339**, appearing on behalf of Sprint  
10 **Communications Company, Limited Partnership.**

11 **B. GARY BRIDY**, Akerman, Senterfitt & Eidson,  
12 **P.A., 216 South Monroe Street, #200, Tallahassee,**  
13 **Florida**, appearing on behalf of BellSouth Mobility.

14 **TOM BOND**, 700 Johnson Ferry Road, Atlanta,  
15 **Georgia**, appearing on behalf of NCI  
16 **Telecommunications.**

17 **KENNETH A. HOFFMAN**, Rutledge, Encenia,  
18 **Underwood, Furnell & Hoffman, 215 South Monroe Street,**  
19 **Suite 420, Tallahassee, Florida 32301**, appearing on  
20 **behalf of Global Link Telecom.**

21 **DIANA CALDWELL**, FPSC Division of Appeals,  
22 **Gerald L. Gunter Building, 2540 Shumard Oak Boulevard,**  
23 **Tallahassee, Florida 32399-0850**, appearing on behalf  
24 **of the Commission Staff.**

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

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

COMMISSIONER SANCHEZ: Let's get started. Is  
Ms. Caldwell there?

MS. CALDWELL: Sorry about that. I'm ready  
and I'm here.

COMMISSIONER SANCHEZ: We'll call this  
hearing to order. Staff counsel, will you please read  
the notice.

MS. CALDWELL: Notice is given that on this  
time and date a prehearing conference scheduled for  
9:30 a.m. in this room and will be called to order --  
will be held.

COMMISSIONER SANCHEZ: Okay. We'll take  
appearances.

MS. SANCHEZ: Monica N. Barone on behalf of  
Sprint Communications Company, Limited Partnership,  
3100 Cumberland Circle, Atlanta, Georgia 30339.

COMMISSIONER SANCHEZ: Ms. Barone, I was  
looking forward to welcoming you back but not this  
quickly.

MS. SANCHEZ: I thought I would be back in  
about three weeks, not three days.

MS. SANCHEZ: Marsha Rule, AT&T, 101 North  
Monroe Street, Suite 700, Tallahassee 32301.

1           **MR. BOND:** Tom Bond on behalf of MCI  
2 Telecommunications, 780 Johnson Ferry Road, Atlanta,  
3 Georgia.

4           **MR. EARLY:** Gary Early, on behalf of  
5 BellSouth Mobility, 216 South Monroe Street,  
6 Tallahassee.

7           **MR. HOFFMAN:** Commissioner Garcia, Kenneth  
8 A. Hoffman of the firm Rutledge, Encenia, Underwood,  
9 Purnell & Hoffman, 215 South Monroe Street, Suite 420,  
10 Tallahassee, Florida 32301, appearing on behalf of  
11 Global Link Telecom.

12           **MS. CALDWELL:** Diana W. Caldwell, Florida  
13 Public Service Commission, 2540 Stumard Oak Boulevard,  
14 Tallahassee, Florida 32399-0862.

15           **COMMISSIONER GARCIA:** All right. Good  
16 morning to all of you. Ms. Caldwell, are there any  
17 preliminary matters?

18           **MS. CALDWELL:** Not that I'm aware of.

19           **COMMISSIONER GARCIA:** Okay. I believe I now  
20 turn this over to you, Ms. Caldwell. Is there  
21 anything else we need to deal with?

22           **MS. CALDWELL:** What we need to do is, I  
23 think everybody received or we have copies of the  
24 draft prehearing, draft order establishing procedures  
25 to be followed at the rulemaking hearing. Everything

1 is pretty -- we generally don't have a prehearing  
2 conference for a rulemaking, but everything will be  
3 pretty standard as far as the rulemaking hearing. If  
4 anybody has changes to the draft, I want to note that  
5 Staff will be providing a composite exhibit, and on  
6 Page 2 of the draft Prehearing Order it lists what  
7 will be available on the composite exhibit. Those  
8 will be provided to the court reporter, as well as all  
9 of the Commissioners, and we will have several  
10 available for reference for the people that are  
11 attending the hearing.

12           The order simply goes through the  
13 procedures, that Staff will present a summary of the  
14 hearing and the economic -- summary of the rules and  
15 Economic Impact Statement, and I think that needs to  
16 be changed to the Statement of Estimated Regulatory  
17 Cost.

18           **COMMISSIONER GARCIA:** Where is that?

19           **MS. CALDWELL:** That's on Page 2. I just  
20 noticed that.

21           **COMMISSIONER GARCIA:** Hang on, Ms. Caldwell,  
22 let me --

23           **MS. CALDWELL:** Under No. 1. Commission  
24 Staff will present a summary of the Statement of  
25 Estimated Regulatory Cost in the rule.

1           **COMMISSIONER GARCIA:** Okay. So let's make  
2 that change.

3           **MS. CRISWELL:** Then I think the only other  
4 things that we might want to discuss would be the  
5 order of -- we don't really have issues in this case,  
6 but what we might want to do is go through rule by  
7 rule, and since there are several rules that are  
8 proposed, go through and use those as your issues. So  
9 the first rule might be the scope, the second rule --  
10 and go down the line. And I suggest we use that  
11 instead of issues as far as our order. And I can  
12 include that in the proposed order. The only other  
13 thing is if we want to decide an actual order of  
14 presentation.

15           **COMMISSIONER GARCIA:** Okay. Do the parties  
16 have any objection to that?

17           **MS. BULN:** This is Marsha Buln. I have just  
18 a comment.

19           With regard to taking the rules as the  
20 issue, I don't really have a objection to it, but I'm  
21 provided today a copy of those proposed changes. And  
22 some of the changes I'm suggesting are just for  
23 consistency, and rather than go through it rule by  
24 rule, depending on what objections people have to  
25 rules and how they end up, what's the best way to

1 present them, it might be easier to say, okay, here's  
2 the big change I want and you also need to change a  
3 couple of rules to make it consistent. But, again,  
4 that's not an objection. It's just something to think  
5 about. And I haven't really explored any other  
6 people's concerns with the rules, so I don't know if  
7 that's the best way.

8           The only other thing is what you may wish to  
9 do with Item 4 about presentation is state that unless  
10 the parties agree on the order of presentation, then  
11 the order will be determined by the prehearing office.

12           And, again, without exploring everybody's  
13 differences, I'm not real clear who should go first.  
14 I assume since I asked for a hearing most people would  
15 want me to go first, but then again I don't really  
16 care.

17           **MS. CALDWELL:** Since there are only a few  
18 that actually filed comments, it may be we say AT&T  
19 will go first and interested persons who attend the  
20 hearing can follow up and really not establish a set  
21 order, because there may be companies that don't have  
22 a particular comment on that issue.

23           **COMMISSIONER GARCIA:** That makes sense,  
24 Ms. Caldwell. Do any of the other parties have any  
25 comments?

1           **MS. BRADEN:** Sprint doesn't object to that.  
2 That would be fine.

3           **COMMISSIONER GARCIA:** Then we'll make it so.  
4           **Ms. Caldwell,** you wanted to go through the  
5 different rules and then, **Ms. Rule,** you had some  
6 comments on those rules?

7           **MS. RULE:** You mean at the hearing or now?

8           **COMMISSIONER GARCIA:** I think **Ms. Caldwell**  
9 wanted to go through the rules that she has and list  
10 them as issues, if I understood correctly.

11           **MS. CALDWELL:** I think the way **Ms. Rule** was  
12 proposing doesn't take into consideration some of the  
13 other comments that were filed almost -- based on the  
14 comments that were filed, almost every rule was  
15 affected either in a major way or in a -- just, you  
16 know, more technical change, but still each rule as  
17 addressed.

18           I think we can go through -- start from the  
19 beginning, go through each rule. Some may take a  
20 moment. Others may go a little longer and more  
21 in-depth discussion.

22           **COMMISSIONER GARCIA:** Let me tell you the  
23 problem I have. I do not have the rules with me. How  
24 many are there?

25           **MS. CALDWELL:** There are nine rules.



1           **COMMISSIONER GARCIA:** Just so I can have  
2 something to follow along, why don't you get  
3 Ms. Bayo's office to fax them to me right now so I'll  
4 have something to look at, because I might have just  
5 left them at home this morning. And with that --

6           **MS. CALDWELL:** Commissioner Garcia, we're  
7 not going to go through the rules today. We just  
8 simply have nine rules that we will put in the order  
9 to establish --

10           **COMMISSIONER GARCIA:** I'm sorry. I thought  
11 you wanted to go through the rules.

12           **MS. CALDWELL:** No, sir, not today.

13           **COMMISSIONER GARCIA:** If everyone is fine  
14 with just these rules, then we're fine.

15           **MS. CALDWELL:** Right. What we may do, I  
16 think, is after we've established the procedure that's  
17 all we need to do with this prehearing conference  
18 today.

19           I think afterwards some of the parties, the  
20 participants here today may want to get together and  
21 discuss the proposals that AT&T has suggested and we  
22 can do that more on an informal basis, the fact that  
23 everybody is here. But we don't need to do that on  
24 the record and at the prehearing conference.

25           If something should result from that

1 conversation then you will actually hear from us at  
2 the hearing on Friday.

3 COMMISSIONER GARCIA: Okay. That said, is  
4 there anything else that needs to be taken up?

5 MS. CALDWELL: I have no further items.

6 COMMISSIONER GARCIA: Do any of the parties?

7 MS. BARONE: No, sir.

8 COMMISSIONER GARCIA: Okay. Well, then I  
9 guess what we're going to do, Ms. Caldwell, is that  
10 we're going to let this go forward. You're going to  
11 be discussing with the parties some of the rules and  
12 the wording that Ms. Rule has presented to you, as  
13 well as the other parties, and then we will take some  
14 type -- if we reach some kind -- of agreement to the  
15 hearing.

16 MS. CALDWELL: That's correct. We would  
17 then present to the Commission a stipulated set of  
18 rules rather than go through issue-by-issue and it may  
19 take a few minutes to explain the stipulations and  
20 make sure all of the Commissioners understand those.  
21 And we may be able to vote something out that day. If  
22 we can't reach an agreement, then we will go through  
23 and let the Commission decide.

24 COMMISSIONER GARCIA: Great. Then I guess  
25 we'll adjourn the hearing.

1 MS. CALDWELL: Thank you. I'll just make  
2 the changes as we discussed to the prehearing order.

3 COMMISSIONER GARCIA: There was only one,  
4 right, the wording on the economic --

5 MS. CALDWELL: That's correct.

6 COMMISSIONER GARCIA: Okay. Okay. Thank  
7 you.

8 (Whereupon, the hearing concluded at  
9 9:43 a.m.)

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1 STATE OF FLORIDA)  
2 COUNTY OF LEON )

CERTIFICATE OF REPORTER

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

5 DO HEREBY CERTIFY that the Prehearing  
6 Conference in Docket No. 960254-TI 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 11 pages, constitutes a true  
13 transcription of my notes of said proceedings.

14 DATED this 14th day of January, 1998.

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