

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Motions of AT&T ) Docket No. 971140-TP  
 Communications of the Southern )  
 States, Inc. and MCI )  
 Telecommunications Corporation )  
 and MCI Metro Access )  
 Transmission Services, Inc. to )  
 compel BellSouth )  
 Telecommunications, Inc. to )  
 comply with Order PSC-96-1579- )  
 FOF-TP and to set non-recurring )  
 charges for combinations of )  
 network elements with BellSouth )  
 Telecommunications, Inc. )  
 Pursuant to their agreement. )

PROCEEDINGS: PREHEARING CONFERENCE  
 BEFORE: SUSAN F. CLARK, COMMISSIONER  
 DATE: Friday, February 27, 1998  
 PLACE: Betty Easley Conference Center  
 Hearing Room 152  
 2450 Shumard Oak Boulevard  
 Tallahassee, Florida  
 REPORTED BY: Lisa Girod Jones, RPR, RMR

BUREAU OF REPORTING

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## 1 APPEARANCES:

2 RICHARD D. MELSON, Esquire, Hopping, Green, Sams &  
3 Smith, 215 South Calhoun Street, Tallahassee, Florida 32301;  
4 appearing on behalf of MCI Telecommunications Corporation  
5 and MCI Metro Access Transmission Services, Inc.

6 THOMAS BOND, Senior Attorney, Southern Region, MCI  
7 Telecommunications Corporation, 780 Johnson Ferry Road,  
8 Suite 700, Atlanta, Georgia 30342; appearing on behalf of  
9 MCI Telecommunications Corporation, and MCI Metro Access  
10 Transmission Services, Inc.

11 NANCY B. WHITE, General Attorney, and BENNETT  
12 ROSS, General Attorney, BellSouth Telecommunications, Inc.,  
13 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
14 30375-0001; appearing on behalf of BellSouth  
15 Telecommunications, Inc.

16 TRACY HATCH, Attorney, AT&T Communications of the  
17 Southern States, Inc., 101 North Monroe Street, Suite 700,  
18 Tallahassee, Florida 32301; appearing on behalf of AT&T  
19 Communications of the Southern States, Inc.

20 CHARLES PELLEGRINI, Staff Counsel, 2540 Shumard  
21 Oak Boulevard, Tallahassee, Florida 32399-0863; appearing on  
22 behalf of the Commission Staff.  
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24  
25

## PROCEEDINGS

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2           COMMISSIONER CLARK: Let's call the prehearing to  
3 order. Mr. Pellegrini, would you please read the  
4 notice?

5           MR. PELLEGRINI: This time and place having been  
6 set for a prehearing conference in Docket 971140-TP the  
7 motions of AT&T and MCI to compel BellSouth's  
8 compliance with the Commission's arbitration orders and  
9 the petition of MCI to set nonrecurring the charges for  
10 combinations of network elements pursuant to their  
11 agreement with BellSouth.

12           COMMISSIONER CLARK: We'll take appearances.

13           MS. WHITE: Nancy White for BellSouth.

14           MR. MELSON: Richard Melson, Hopping, Green, Sams  
15 & Smith on behalf of MCI Telecommunications Corporation  
16 and MCI Metro Access Transmission Services, Inc.

17           I'm also entering an appearance for Mr. Bond on  
18 behalf of the same two clients.

19           MR. HATCH: Tracy Hatch, appearing on behalf of  
20 the AT&T Communications of the Southern States, Inc.

21           MR. PELLEGRINI: Charles Pellegrini appearing on  
22 behalf of the Commission Staff.

23           MR. MELSON: Commissioner Clark, I'm not sure all  
24 the microphones are -- or the system is turned on.

25           COMMISSIONER CLARK: How is that? I don't know

1           how to work the one in here.

2                   Okay. I've read through the prehearing, and are  
3 there any changes to the prehearing order?

4           MS. WHITE: No.

5           MR. MELSON: No, ma'am.

6           MR. HATCH: No, ma'am.

7           COMMISSIONER CLARK: All right. So we don't need  
8 to do anything with respect to the prehearing order,  
9 but I understand we may need to go over the order of  
10 the witnesses; is that correct?

11           MR. PELLEGRINI: Yes, Commissioner Clark. Let me  
12 announce at this point that we have reserved March 20th  
13 as a continuation date, if it's necessary, at 10:30.

14           COMMISSIONER CLARK: What day is March 20?  
15 Friday?

16           MR. PELLEGRINI: I think it's a Friday. Problem?

17           COMMISSIONER CLARK: Okay.

18           MR. PELLEGRINI: Yeah, the only things we have to  
19 do, as far as I know, this morning is to establish the  
20 order of witnesses and to determine whether or not to  
21 consolidate the testimony of witnesses who have both  
22 direct and rebuttal testimony.

23           COMMISSIONER CLARK: All right. I guess I'm  
24 inclined to think because we have the one day we ought  
25 to combine the testimony. Is there any objection to

1 combining direct and rebuttal?

2 MR. MELSON: No objection.

3 MS. WHITE: No.

4 MR. HATCH: No objection.

5 COMMISSIONER CLARK: And the order of witnesses.

6 Where is that? Is that at the beginning?

7 MR. PELLEGRINI: On Page 6.

8 MR. MELSON: Chairman Clark, since MCI and AT&T  
9 are the moving parties, we believe our direct witnesses  
10 should precede BellSouth's, and I believe BellSouth has  
11 no problem with that.

12 COMMISSIONER CLARK: I agree with that. So who  
13 should go first?

14 MR. MELSON: Mr. Parker would be No. 1. Mr. Hyde  
15 would be No. 2. Mr. Eppsteiner would be No. 3.  
16 Mr. Walsh would be No. 4. Mr. Gillan would be No. 5.  
17 And this is the point at which we have a -- the parties  
18 have been unable to agree on an order from this point  
19 forward. MCI's position is that as the moving party,  
20 we typically would open and close, and we would like to  
21 have our witness, Mr. Martinez, who is a pure rebuttal  
22 witness go at the end. I believe BellSouth prefers for  
23 all of the MCI/AT&T witnesses to precede all the  
24 BellSouth witnesses.

25 MR. HATCH: AT&T is in the same position with

1 respect to Mr. Falcone.

2 COMMISSIONER CLARK: Ms. White, do you want to be  
3 heard on that? I guess my natural inclination is, you  
4 know, the only reason the rebuttal is going with the  
5 direct is to facilitate saving time. And I think both  
6 parties have the right to insist that their rebuttal,  
7 in fact, be presented as rebuttal.

8 MS. WHITE: That's fine, and all I was saying to  
9 the parties earlier was that we have had this  
10 occurrence happen before where there were witnesses who  
11 just had rebuttal testimony, and all the witnesses  
12 usually went in a group. So that's all -- the point I  
13 wanted to make. And if that makes any -- gives any  
14 sway to your decision, that's fine. If not, I can live  
15 with that too.

16 COMMISSIONER CLARK: It's all right. I'm still  
17 inclined to let it go as rebuttal. So it would be the  
18 direct -- it would be your direct and rebuttal and then  
19 their rebuttal.

20 MS. WHITE: Okay.

21 MR. PELLEGRINI: In that case, Commissioner Clark,  
22 Staff's Witness Young would follow Mr. Gillan, I  
23 believe. She would be Witness 6.

24 COMMISSIONER CLARK: If there is no objection to  
25 that, that's fine with me.

1 MS. WHITE: That's fine.

2 COMMISSIONER CLARK: And Ms. White, what about the  
3 order of your witnesses?

4 MS. WHITE: Mr. Varner would be No. 7.  
5 Mr. Hendrix would be No. 8. Mr. Landry would be No. 9,  
6 and Ms. Caldwell would be No. 10.

7 COMMISSIONER CLARK: Okay.

8 MS. WHITE: And I don't know how late you planned  
9 on going that Monday night, but Ms. Caldwell is going  
10 to have to catch a flight that night to South Carolina,  
11 so she may have to be moved ahead somewhat if it looks  
12 like we're anywhere near getting to her.

13 COMMISSIONER CLARK: Let's make that notation in  
14 the prehearing order, that if she is going to testify  
15 on the 9th, it will have to be early enough so she can  
16 catch a flight.

17 MS. WHITE: Thank you.

18 COMMISSIONER CLARK: Then who is 11 and who is  
19 12?

20 MR. MELSON: Mr. Martinez would be No. 11 and  
21 Mr. Falcone would be No. 12.

22 COMMISSIONER CLARK: All right. That's  
23 satisfactory to me. Anything else?

24 MR. HATCH: Just another notation with respect to  
25 Mr. Gillan. He really needs to go on Monday because he

1 has a prior commitment in another state on Tuesday and  
2 Wednesday.

3 COMMISSIONER CLARK: We'll make that note, and you  
4 all will have to work that out.

5 MR. HATCH: Yes ma'am, I understand. Just wanted  
6 to make you aware.

7 MR. PELLEGRINI: Are any of the witnesses  
8 unavailable on March 20th, at this point, to your  
9 knowledge?

10 MR. HATCH: I don't know. I'll have to check, but  
11 I will let you know.

12 MS. WHITE: We'll have to check that out as well.

13 And one more just procedural thing, Mr. Bennett  
14 Ross will be at the hearing trying the case with me.  
15 He's an attorney licensed to practice in Georgia in  
16 good standing, and I would ask that he be allowed to  
17 participate in this hearing for BellSouth.

18 COMMISSIONER CLARK: We'll allow him to make an  
19 appearance on behalf of BellSouth in this proceeding.

20 MS. WHITE: Thank you.

21 COMMISSIONER CLARK: Anything else?

22 MR. MELSON: No, ma'am.

23 COMMISSIONER CLARK: Thank you all very much. The  
24 prehearing is adjourned.

25 (Prehearing conference concluded at 9:37 a.m.)



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I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

*Lisa Girod Jones*  
Lisa Girod Jones, RPR, RMR

3/2/98  
Date