

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 970109-TI
: Application for certificate :
to provide interexchange :
telecommunications service :
by KTNT Communications, Inc. :
d/b/a IDC Telecommunications.:



PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER SUSAN F. CLARK
Prehearing Officer

DATE: Friday, May 15, 1998

TIME: Commenced at 9:40 a.m.
Concluded at 9:45 a.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JOY KELLY, CSR, RPR
Official Commission Reporter

DOCUMENT NUMBER-DATE

05550 MAY 19 98

REC-RECORDS/REPORTING

1 **APPEARANCES:**

2 **PATRICK K. WIGGINS**, Wiggins & Villacorta,
3 P.A., Post Office Drawer 1657, 2145 Delta Boulevard,
4 Tallahassee, Florida 32302, appearing on behalf of
5 **KTNT Communications, Inc. d/b/a IDC Telecommunications.**

6 **MICHAEL GROSS**, Department of Legal Affairs,
7 Room PL-01, The Capitol, Tallahassee, Florida
8 32399-1050, appearing on behalf of the Office of the
9 **Attorney General.**

10 **CHARLES J. BECK**, Deputy Public Counsel,
11 Office of Public Counsel, c/o the Florida Legislature,
12 111 West Madison Street, Room 812, Tallahassee,
13 Florida 32399-1400, appearing on behalf of the
14 **Citizens of the State of Florida.**

15 **MARTHA CARTER BROWN**, Florida Public Service
16 Commission, Division of Legal Services, 2540 Shumard
17 Oak Boulevard, Tallahassee, Florida 32399-0870,
18 appearing on behalf of the Commission Staff.

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P R O C E E D I N G S

(Hearing convened at 9:40 a.m.)

COMMISSIONER CLARK: Call the prehearing to order. Ms. Brown or Ms. Pena, please read the notice.

MS. BROWN: By notice issued May 7th, 1998, this time and place was set for a prehearing conference in Docket No. 970109-TI in re: Application for certificate to provide interexchange telecommunications service by KTNT Communications, Inc. doing business as IDC Telecommunications.

COMMISSIONER CLARK: We'll take appearances, starting with you, Mr. Beck.

MR. BECK: My name is Charlie Beck with the Office of Public Counsel, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, appearing on behalf of the Florida citizens.

MR. GROSS: Michael Gross on behalf of the Attorney General's Office, PL-01, the Capitol, Tallahassee, Florida 32399-1050.

MR. WIGGINS: Patrick Wiggins, Wiggins & Villacorta, P. O. Drawer 1657, on behalf of KTNT Communications, et al.

COMMISSIONER CLARK: Okay.

MS. BROWN: Martha Carter Brown on behalf of the Florida Commission Staff.

1 **COMMISSIONER CLARK:** Are there any
2 preliminary matters we have to take up?

3 I have read the prehearing draft. It looks
4 okay to me. And I have been informed that the only
5 thing I had a question about, which was the protective
6 order, has been taken care of.

7 **MS. BROWN:** That's my understanding,
8 Commissioner Clark.

9 **COMMISSIONER CLARK:** Then let me just ask.
10 Are there any changes to the Prehearing Order?

11 **MR. BECK:** Commissioner, I know of one. I
12 discussed with Mr. Wiggins about the order of
13 witnesses and putting them up. And I think we've
14 agreed that Mr. Dees would take the stand first and
15 present both his direct and rebuttal at the same time.

16 **COMMISSIONER CLARK:** That sounds good.
17 We'll note that.

18 **MR. WIGGINS:** I would like the opportunity
19 for a brief opening statement.

20 **COMMISSIONER CLARK:** We'll note that as
21 well. Is this before a panel or the whole Commission?

22 **MS. BROWN:** It's the full Commission.

23 **COMMISSIONER CLARK:** Okay. When is it going
24 to be, the hearing?

25 **MS. BROWN:** The 28th.

1 MR. WIGGINS: Maybe I just misread it, but I
2 thought I checked the Web site last night and I
3 thought it said it was before a panel of
4 Commissioners.

5 MS. BROWN: Really?

6 MR. WIGGINS: Yes. Commissioners Clark --

7 MS. BROWN: I'm sorry.

8 MR. WIGGINS: -- Jacobs and Deason.

9 MS. BROWN: That changes, I guess, without
10 my knowing. I'm sorry. It was originally
11 scheduled --

12 COMMISSIONER CLARK: It might have been
13 changed.

14 MR. WIGGINS: -- as the full Commission.
15 But it is the 28th.

16 COMMISSIONER CLARK: Well, there's no
17 objection to the panel, then?

18 MR. WIGGINS: No.

19 COMMISSIONER CLARK: Mr. Beck, anything
20 else?

21 MR. BECK: That's all we have.

22 COMMISSIONER CLARK: Okay. Mr. Gross?

23 MR. GROSS: The Attorney General joins with
24 Public Counsel.

25 COMMISSIONER CLARK: Mr. Gross, we didn't

1 know if you were going to be here because it was a
2 joint filing, that's why we started. But welcome.

3 MR. GROSS: I apologize for being late.

4 MR. WIGGINS: Maybe I could, for just
5 hearing preparation purposes, inquire of you guys
6 whether both of you are going to be crossing Mr. Dees
7 or do you know yet? Have you talked about that or do
8 you think -- it's just going to be one of you?

9 MR. BECK: We haven't discussed it. I
10 assume we both have a opportunity. We filed
11 separately -- although we filed a joint prehearing
12 statement, we've intervened separately.

13 COMMISSIONER CLARK: All right.

14 MR. WIGGINS: I think you both have a right
15 to cross. I was just curious as to whether you
16 thought about it.

17 MR. GROSS: I think we have an obligation to
18 avoid duplication.

19 MR. WIGGINS: Great. Unless, of course, it
20 helps --

21 COMMISSIONER CLARK: Is there anything else
22 I need to take up?

23 MR. WIGGINS: Yes, ma'am. I do have a
24 sentence to add to our position on Issue 5, but I can
25 provide that to Ms. Brown, or I can read it into the

1 record now.

2 COMMISSIONER CLARK: Why don't you read it
3 to the parties now.

4 MR. WIGGINS: At the -- added at the very
5 end of the paragraph after the word "experience."

6 "In addition, attempting to restrict the use
7 of a valid service mark under these circumstances may
8 violate KTNT's right to commercial free speech."

9 MS. BROWN: Can I ask that be read one more
10 time?

11 MR. WIGGINS: Sure. "In addition,
12 attempting to restrict the use of a valid service mark
13 under these circumstances may violate KTNT's right to
14 commercial free speech."

15 MS. BROWN: Thank you.

16 COMMISSIONER CLARK: Anything else?

17 MS. BROWN: Commissioner Clark, I just have
18 one other thing with respect to the opening
19 statements. Do you want to put a time limit on it?

20 MR. WIGGINS: I can't imagine going more
21 than five minutes on that.

22 MS. BROWN: You can't.

23 COMMISSIONER CLARK: We'll put a time limit
24 of five minutes on it.

25 MS. BROWN: All right. Thank you.

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COMMISSIONER CLARK: Anything else? This
prehearing is adjourned. Thank you very much.

MR. WIGGINS: Thank you.

(Thereupon, the hearing concluded at
9:45 a.m.)

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

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

5 DO HEREBY CERTIFY that the Prehearing
6 Conference in Docket No. 970109-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 8 pages, constitutes a true
13 transcription of my notes of said proceedings.

14 DATED this 18th day of May, 1998.

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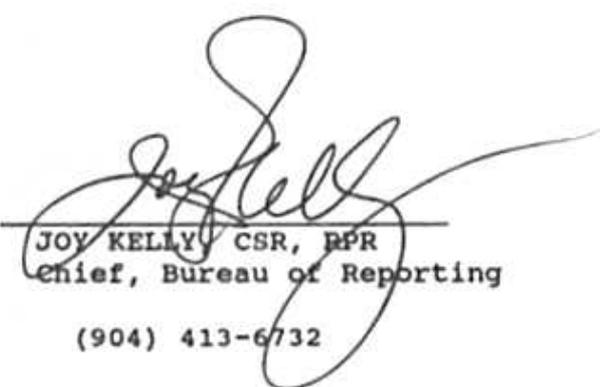
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