

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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 In the Matter of : DOCKET NO. 971399-TP  
 :  
 Petition of BellSouth :  
 Telecommunications, Inc. to :  
 lift marketing restrictions :  
 imposed by Order :  
 PSC-96-1569-POF-TP. :  
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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER SUSAN F. CLARK  
Prehearing Officer

DATE: Monday, June 1, 1998

TIME: Commenced at 1:30 p.m.  
Concluded at 1:40 p.m.

PLACE: Betty Easley Conference Center  
Room 152  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: H. RUTHE POTAMI, CSR, RPR  
Official Commission Reporter

1 **APPEARANCES:**

2           **MARY K. KEYER**, 675 West Peachtree Street,  
3 Northeast, #4300, Atlanta, Georgia 30375-0001,  
4 appearing telephonically on behalf of **BellSouth**  
5 **Telecommunications, Inc.**

6           **JOSEPH A. MCGLOTHLIN**, McWhirter, Reeves,  
7 McGlothlin, Davidson, Rief and Bakas, 117 South  
8 Gadsden Street, Tallahassee, Florida 32301, appearing  
9 on behalf of **Florida Competitive Carriers Association.**

10           **RICHARD D. MELSON**, Hopping Green Sams &  
11 Smith, P.A., Post Office Box 6526, Tallahassee,  
12 Florida 32314, appearing on behalf of **MCI**  
13 **Telecommunications Corporation.**

14           **MARSHA E. RULE**, 101 East College Avenue,  
15 Suite 700, Tallahassee, Florida 32301-1509, appearing  
16 on behalf of **AT&T Communications of the Southern States, Inc.**

17           **WILLIAM COX**, Florida Public Service  
18 Commission, Division of Legal Services, 2540 Shumard  
19 Oak Boulevard, Tallahassee, Florida 32399-0870,  
20 appearing on behalf of the **Commission Staff.**

21           **BARBARA D. AUGER**, Pennington, Culpepper,  
22 Moore, Wilkinson, Dunbar & Dunlap, P.A., 215 South  
23 Monroe Street, Tallahassee, Florida 32302-2095  
24 appearing telephonically on behalf of **Time Warner**  
25 **Communications.**

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

2                                    (Hearing convened at 1:30 p.m.)

3                                    COMMISSIONER CLARK: Call the prehearing to  
4 order.

5                                    MR. COX: Pursuant to notice issued May 1st,  
6 1998, this time and place have been set for a  
7 prehearing conference in Docket No. 971399-TP,  
8 petition of BellSouth Telecommunications, Inc. to lift  
9 marketing restrictions imposed by Order  
10 No. PSC-96-1569-FOF-TP.

11                                    COMMISSIONER CLARK: We'll take appearances.

12                                    MR. COX: We have two parties on the line.

13                                    COMMISSIONER CLARK: Why don't we start with  
14 you, Rick, and then we'll take who's on the line.

15                                    MR. NELSON: Richard Nelson appearing on  
16 behalf of MCI Telecommunications Corporation. I'd  
17 also like to enter an appearance on behalf of  
18 Thomas K. Bond at the address shown in the draft  
19 prehearing order. Mr. Bond will be handling the  
20 hearing.

21                                    MR. MCGLOTHLIN: Joe McGlothlin for the  
22 Florida Competitive Carriers Association.

23                                    MS. RULE: Marsha Rule for AT&T.

24                                    COMMISSIONER CLARK: And who do we have on  
25 the line?

1           **MS. KEYER:** Mary Keyer with BellSouth  
2 Telecommunications, Inc.

3           **MS. AUGER:** And Barbara Auger on behalf of  
4 Time Warner.

5           **MR. COX:** Will Cox on behalf of the  
6 Commission Staff.

7           **COMMISSIONER CLARK:** I have read the  
8 prehearing order. Is there anything we need to take  
9 up?

10           **MR. COX:** Staff has several -- two minor  
11 preliminary matters. I don't know if the parties have  
12 any additional matters. One I do know the parties  
13 would like to talk about, which is the position of  
14 MCI, AT&T and the FCCA on Issue 1; and I believe  
15 Ms. Rule would like to address you on that.

16           **MS. RULE:** Commissioner, we've split up our  
17 position in Issue 2 to provide a separate position for  
18 Issue 1, and I've already provided --

19           **COMMISSIONER CLARK:** Oh, okay.

20           **MS. RULE:** And I've already provided the  
21 language to Staff, but for the people on the telephone  
22 I'll try and make it intelligible. I'm happy to fax  
23 copies out later if I can't make it clear.

24           On Issue 1, instead of "See position on  
25 Issue 2," it will say "No," and then it will continue

1 with the first, one, two, three sentences of the  
2 position on Issue 2.

3           So it will start out "The Commission should  
4 not alter," and then it will end "for interLATA  
5 purposes." And that will be our position on Issue 1.

6           For Issue 2, the position will be "No relief  
7 is appropriate, thus, the Commission should not alter  
8 the requirements," and then continue again with the  
9 first sentence from the position on Issue 2.

10           At the end of that sentence skip down --

11           **COMMISSIONER CLARK:** Wait a minute. I'm  
12 confused. It will read "No relief is appropriate,"  
13 and then start with "thus"?

14           **MS. RULE:** Comma, "thus, the Commission  
15 should not alter."

16           **MR. COX:** It's the first sentence of their  
17 position on Issue 2. After the "thus the."

18           **MS. RULE:** And at the completion of that  
19 sentence, skip down to the fourth sentence, which is  
20 right where we left off. And that starts out  
21 "BellSouth's own evidence shows that," and then  
22 continue with the rest of the position statement.

23           **COMMISSIONER CLARK:** Okay.

24           **MS. RULE:** I realize it's a little difficult  
25 to follow, so I gave it to Mr. Cox in writing.

1           **MR. COX:** The only other matter that Staff  
2 had was to know if the parties wish to combine the  
3 direct and rebuttal testimony for the hearing.

4           **UNIDENTIFIED SPEAKER:** I don't have a  
5 problem with that.

6           **COMMISSIONER CLARK:** Barbara, was that you?

7           **MS. KEYER:** No. That was Mary Keyer with  
8 BellSouth.

9           **COMMISSIONER CLARK:** I'm sorry, Mary.  
10 We will combine direct and rebuttal unless  
11 anyone objects.

12           **MR. MCGLOTHLIN:** No objection.

13           **COMMISSIONER CLARK:** All right.

14           **MR. COX:** Actually there was a third item I  
15 forgot. We inadvertently left Ms. Auger off the  
16 appearance list in the draft prehearing order, and we  
17 would include her.

18           **COMMISSIONER CLARK:** So it will be Ms. Seay,  
19 Ms. Geer, and Ms. Auger?

20           **MR. COX:** No. Ms. Auger will be appearing  
21 on behalf of Time Warner. They don't have a witness  
22 in this proceeding.

23           **COMMISSIONER CLARK:** I guess my question is,  
24 what's the order?

25           **MR. COX:** The order is Ms. Geer and then

1 Ms. Seay, I believe. Actually -- but it has it the  
2 opposite. I see what you're saying. It would make  
3 more sense, I think, to have Ms. Geer --

4 COMMISSIONER CLARK: Ms. Seay and then  
5 Ms. Auger?

6 MR. COX: Ms. Auger is an attorney for Time  
7 Warner. She's not a witness in this proceeding.

8 COMMISSIONER CLARK: Well, is she going to  
9 appear as a witness?

10 MR. COX: I was referring to the appearances  
11 of counsel.

12 COMMISSIONER CLARK: I'm sorry.

13 MR. COX: That's okay. I didn't make that  
14 clear. Just on the first page of the prehearing  
15 order.

16 COMMISSIONER CLARK: Okay.

17 MR. COX: Her appearance on behalf of Time  
18 Warner. And I would recommend -- actually we have  
19 Ms. Seay first, but I would recommend Ms. Geer,  
20 because the petitioner in this case was BellSouth.

21 COMMISSIONER CLARK: That sounds fine to me.  
22 Any other changes? (No response.)

23 Anything else we need to take up? (No  
24 response.)

25 Thank you very much. This hearing is

1 adjourned.

2 MR. MCGLOTHLIN: I had something.

3 COMMISSIONER CLARK: I'm sorry, Joe.

4 MR. MCGLOTHLIN: Could we have five minutes  
5 for party opening statements?

6 COMMISSIONER CLARK: Sure. We'll make note  
7 of that.

8 MR. MCGLOTHLIN: And since there are only  
9 two things to respond to, could we have 120 words for  
10 the posthearing statements of position? That was done  
11 in the BSE case and I think it would be appropriate  
12 here, too; in other words, some relief from the  
13 limitation of 50 words.

14 COMMISSIONER CLARK: You mean 120 words for  
15 each position?

16 MR. MCGLOTHLIN: Yes.

17 COMMISSIONER CLARK: That's fine with me.  
18 But, Joe, I have to keep telling you, I think the  
19 longer it is, the more you lose your audience. But  
20 when there are only two issues, I would agree with  
21 you, it's probably harmless. Is that all right with  
22 Staff?

23 MR. COX: That would be fine.

24 COMMISSIONER CLARK: Okay. So we'll allow  
25 120 words per issue. I want to make it clear that

1 it's just because there are two issues, and it seems  
2 relatively innocuous in this case. Okay.

3 MS. RULE: I have a question, Commissioner,  
4 of Staff. Is Time Warner taking positions?

5 MR. COX: Time Warner has not filed a  
6 prehearing statement.

7 MS. RULE: I see. Thank you.

8 COMMISSIONER CLARK: Well, that's a good  
9 question. Ms. Auger, what is your intention? I  
10 guess -- are they too late for positions? They'll  
11 have to take the --

12 MS. AUGER: I have spoken with the Staff on  
13 this as this matter has progressed, and as it's  
14 progressed, we're supportive of the FCCA's position,  
15 and we're not taking an active role in the hearing.

16 COMMISSIONER CLARK: So you won't even be  
17 there?

18 MS. AUGER: No, we'll be there, but we're  
19 not going to take -- we will probably not take any  
20 active role, but just monitor.

21 COMMISSIONER CLARK: Okay. Is that  
22 satisfactory to all the parties, that they are  
23 supportive of FCCA, MCI, and AT&T's position?

24 MS. RULE: Okay. I was just idly wondering;  
25 that's all, wondering what to expect at the hearing.

1                   **COMMISSIONER CLARK:** Anything else?

2                   **MR. COX:** That's all that Staff has.

3                   **COMMISSIONER CLARK:** Thank you all very  
4 much. The prehearing is adjourned.

5                   (Thereupon, the hearing concluded  
6 at 1:40 p.m.)

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1 STATE OF FLORIDA)

2 COUNTY OF LEON )

CERTIFICATE OF REPORTER

3 I, H. RUTHE POTAMI, CSR, RPR, Official  
4 Commission Reporter,

5 DO HEREBY CERTIFY that the Prehearing  
6 Conference in Docket No. 971399-TP 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 10 pages, constitutes a true  
13 transcription of my notes of said proceedings,

14 DATED this 3rd day of June, 1998.

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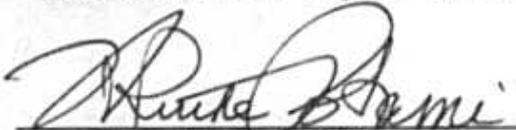
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