

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 981941-TL

Investigation into telephone :  
exchange boundary issues in :  
South Polk County (Ft. Meade :  
area). :

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Investigation into boundary : DOCKET NO. 990184-TL  
issues in South Sarasota and :  
North Charlotte Counties :  
(Englewood area). :

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Request for review of proposed: DOCKET NO. 990223-TL  
numbering plan relief for the :  
941 area code. :

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PROCEEDINGS: PREHEARING CONFERENCE

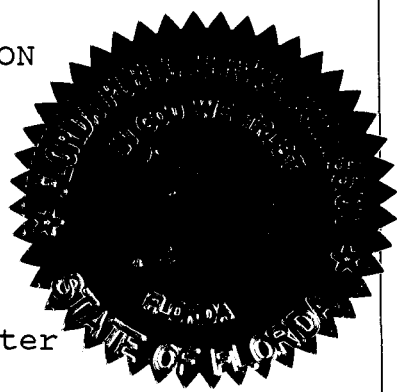
BEFORE: COMMISSIONER JULIA L. JOHNSON  
Prehearing Officer

DATE: Thursday, April 1, 1999

TIME: Commenced at 9:00 a.m.  
Concluded at 12:25 p.m.

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

REPORTED BY: H. RUTHE POTAMI, CSR, RPR  
KIMBERLY K. BERENS, RPR  
FPSC Commission Reporters



DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

1 **APPEARANCES:**

2                   **KIMBERLY D. WHEELER**, Morrison & Foerster  
3 LLP, 2000 Pennsylvania Avenue, N.W., Washington, D.C.  
4 20006-1888, appearing telephonically on behalf of  
5 **Lockheed Martin IMS North American Numbering Plan**  
6 **Administrator.**

7                   **CHARLES J. REHWINKEL**, Sprint-Florida, Post  
8 Office Box 2214, Tallahassee, Florida 32316, appearing  
9 on behalf of **Sprint-Florida, Incorporated.**

10                   **KIMBERLY CASWELL**, GTE Florida Incorporated,  
11 Post Office Box 110, FLTC0007, Tampa, Florida  
12 33601-0110, appearing on behalf of **GTE Florida**  
13 **Incorporated.**

14                   **MARTHA YOUNG BURTON**, Assistant County  
15 Attorney, 18500 Murdock Circle, Port Charlotte,  
16 Florida 33948-1094, appearing on behalf of **Charlotte**  
17 **County, Florida.**

18                   **KATHLEEN F. SCHNEIDER**, Assistant County  
19 Attorney, 1660 Ringling Boulevard, 2nd Floor,  
20 Sarasota, Florida 34236, appearing on behalf of  
21 **Sarasota County, Florida.**

22                   **FRANK HEATON**, Cellular One, 2100 Electronics  
23 Lane, Fort Myers, Florida 33912, appearing on behalf  
24 of **Wireless One Network L.L.P. d/b/a Cellular One.**

25

1 **APPEARANCES CONTINUED:**

2           **D. BRUCE MAY** and **SAMUEL J. MORLEY**, Holland &  
3 Knight, 315 South Calhoun Street, Suite 600,  
4 Tallahassee, Florida 32302, appearing on behalf of  
5 **Florida Cellular Service, Inc. d/b/a BellSouth**  
6 **Mobility.**

7           **JAMES A. MINIX**, Senior Assistant County  
8 Attorney, Manatee County, Post Office Box 1000,  
9 Bradenton, Florida 34206-1000, appearing on behalf of  
10 **Manatee County.**

11           **MARK CARPANINI**, County Attorney, 330 West  
12 Church Street, Drawer BC01, P. O. Box 9005, Bartow,  
13 33831-9005, appearing telephonically on behalf of **Polk**  
14 **County Board of County Commissioners.**

15           **CHARLES J. BECK**, Deputy Public Counsel,  
16 Office of Public Counsel, 111 West Madison Street,  
17 Room 812, Tallahassee, Florida 32399-1400,  
18 appearing on behalf of the **Citizens of the State of**  
19 **Florida.**

20           **JUNE MCKINNEY**, Florida Public Service  
21 Commission, Division of Legal Services, 2540 Shumard  
22 Oak Boulevard, Tallahassee, Florida 32399-0870,  
23 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 9:00 a.m.)

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3           **COMMISSIONER JOHNSON:** We're going to  
4 convene the prehearing this morning. Counsel, could  
5 you please read the notice?

6           **MS. MCKINNEY:** Yes, Commissioner. By notice  
7 issued March 4th, 1999, this time and place was set  
8 for a prehearing conference in Docket No. 990223,  
9 request for review of proposed numbering plan relief  
10 for the 941 area code.

11           **COMMISSIONER JOHNSON:** Thank you. We'll  
12 take appearances. Mr. May?

13           **MR. MAY:** Bruce May with the law firm of  
14 Holland & Knight appearing on behalf of BellSouth  
15 Mobility.

16           Commissioner Johnson, also with me today is  
17 Sam Morley with our office who will be participating  
18 in this.

19           **COMMISSIONER JOHNSON:** Thank you.

20           **MS. CASWELL:** Kill Caswell with GTE Florida.

21           **MR. REHWINKEL:** Charles Rehwinkel on behalf  
22 of Sprint-Florida.

23           **MR. CARPANINI:** Mark Carpanini --

24           **COMMISSIONER JOHNSON:** Hold on.

25           **MR. CARPANINI:** -- Polk County Board of

1 County Commissioners.

2           **MS. MCKINNEY:** Excuse me, sir. Could you  
3 spell your name for the record?

4           **MR. CARPANINI:** Yes, ma'am.  
5 C-A-R-P-A-N-I-N-I.

6           **COMMISSIONER JOHNSON:** I'm going to go ahead  
7 and allow you to repeat your name. But I understand  
8 that we do have people participating by phone, and at  
9 the appropriate time I'll acknowledge you to speak.  
10 That way we can proceed in a more orderly fashion,  
11 because there are quite a few people here.

12           But, sir, since you've already provided us  
13 with your name, could you say that name again and the  
14 spelling again, because I didn't catch that.

15           **MR. CARPANINI:** Yes, ma'am. Mark Carpanini,  
16 C-A-R-P-A-N-I-N-I.

17           **COMMISSIONER JOHNSON:** And you're  
18 representing --

19           **MR. CARPANINI:** Polk County.

20           **COMMISSIONER JOHNSON:** Polk County. Okay.

21           **MS. BURTON:** Marty Burton here representing  
22 Charlotte County, Florida.

23           **MS. SCHNEIDER:** Kathleen Schneider  
24 representing Sarasota County, Florida.

25           **MR. HEATON:** Frank Heaton Representing

1 Wireless One Network.

2           **COMMISSIONER JOHNSON:** Okay. I know that  
3 Polk County is participating by phone, and did you  
4 say -- I still didn't get the -- did your name start  
5 with a "T"?

6           **MR. CARPANINI:** No, ma'am; "C" as in cat.

7           **COMMISSIONER JOHNSON:** Okay. And I  
8 understand that someone from the North American  
9 Numbering Plan Administration was also --

10          **MS. MCKINNEY:** Kim Wheeler.

11          **COMMISSIONER JOHNSON:** She was supposed to  
12 call in? Kim, are you there?

13          **MS. MCKINNEY:** She's not participating;  
14 she's just listening, Commissioner Johnson.

15          **COMMISSIONER JOHNSON:** Okay. Welcome,  
16 Ms. Wheeler.

17          **MS. WHEELER:** Thank you.

18          **MR. BECK:** Commissioner Johnson, my name is  
19 Charlie Beck with the Office of Public Counsel.

20                 Although we have not intervened at this  
21 point, I would like to ask your permission to address  
22 the prehearing conference about a procedural matter,  
23 probably about the time you take up motions.

24          **COMMISSIONER JOHNSON:** Yes, Mr. Beck. Thank  
25 You.

1           **MR. MINIX:** Commissioner Johnson, my name is  
2 Jim Minix, M-I-N-I-X, representing Manatee County.

3           We have currently before you pending motions  
4 to intervene and for extensions of time to present our  
5 prehearing testimony.

6           **COMMISSIONER JOHNSON:** Okay.

7           **MS. MCKINNEY:** Commissioner Johnson,  
8 Mr. Heaton doesn't have a qualified representative  
9 status. Staff would recommend that you grant him  
10 temporary status today, and that he file any  
11 information, or apply for a permanent status prior to  
12 hearing; and I think some parties might want to  
13 address that issue also.

14           **COMMISSIONER JOHNSON:** And your appearance?

15           **MS. MCKINNEY:** June McKinney from Commission  
16 Staff.

17           **COMMISSIONER JOHNSON:** Okay. Mr. Heaton,  
18 you had asked us -- and I'm sorry; I was focusing on  
19 something else -- you said that we need to grant him  
20 qualified representative status for purposes of  
21 participating in this particular prehearing and then  
22 he's going to file something more formal at a later  
23 date?

24           **MS. MCKINNEY:** Well, that's at your  
25 discretion. I think the parties have some discussion

1 pertaining to that.

2           Traditionally on qualified representatives,  
3 as a witness status we don't normally have someone who  
4 is a qualified representative act as a witness in the  
5 proceedings. So that's an issue. If it did occur  
6 once a long time ago, I believe the Commission's  
7 decision to permit it was based on meeting  
8 requirements of the Rules of Professional Conduct.

9           So there's a question out there. And I know  
10 that Sprint specifically addressed it in their motion,  
11 but I wanted to bring it up at the beginning before we  
12 started the preliminary matters, if you want to  
13 address it now, or you could wait until we get to  
14 Sprint's motion.

15           **COMMISSIONER JOHNSON:** Okay. We can address  
16 that issue now since it's been raised. Mr. Rehwinkel?

17           **MR. REHWINKEL:** Yes, I'd like to address  
18 that briefly.

19           Commissioner Johnson, as you're aware, the  
20 Commission Rule 25-21 dealing with, among other  
21 things, what used to be called Class B practitioners  
22 has been replaced by Model Rule 28-106.105 and  
23 28-106.106.

24           And pursuant to 28-106.105(4), a qualified  
25 representative, which would be someone who is



1 otherwise qualified and not a member of the Florida  
2 Bar, is required to file a -- is allowed to be deemed  
3 a qualified representative until the presiding officer  
4 makes the determination about whether that person  
5 meets the qualifications set out in the Model Rules.

6 Under the circumstances of this case, and  
7 because we raised the issue yesterday in our filing  
8 that we made at the Commission, I have no objection to  
9 Mr. Heaton being deemed a qualified representative;  
10 but in light of some of the events of this case and  
11 the procedural matters that we have been forced to  
12 address, I would reserve our opinion and objection  
13 that we might raise about Mr. Heaton's status as a  
14 permanent matter throughout the rest of the case.

15 We believe this is a significant matter. I  
16 have -- I feel obligated to say I have a lot of  
17 respect for Mr. Heaton and his experience. He may  
18 meet the qualified representative's standards that are  
19 called for in the rules and under traditional  
20 Commission practice; but nevertheless, we have some  
21 concerns about it, and I wanted to bring that to your  
22 attention and appreciate the opportunity to address  
23 the issue.

24 **COMMISSIONER JOHNSON:** Okay. Let me make  
25 sure I understood your position, Mr. Rehwinkel. So

1 for purposes of participating in this prehearing, you  
2 would waive your objection to qualified representative  
3 status, but on a going-forward basis you might want to  
4 object in general to him participating in the actual  
5 hearing?

6           **MR. REHWINKEL:** Not participating, but  
7 representing a corporation. Wireless One is not an  
8 insignificant party. There's a smaller cellular  
9 carrier that's represented by counsel here today.  
10 Mr. Heaton is the largest or second largest cellular  
11 carrier in the 941 area code; Mr. Heaton, Wireless  
12 One, operating under the Cellular One brand name.

13           I believe it would be appropriate for a  
14 party to be represented by counsel, and I believe  
15 that's what's required. It is very troubling that a  
16 witness for a party would also seek to be a  
17 representative for that party.

18           **COMMISSIONER JOHNSON:** So at what point  
19 would you expect to bring forth your objection and  
20 make the argument?

21           **MR. REHWINKEL:** Well, Commissioner Johnson,  
22 we were formally notified of Mr. Heaton's intent to  
23 participate in this status on Monday, so we have not  
24 really had an opportunity to do the research.

25           This is probably a case of first impression

1 for the Commission based on the replacement of your  
2 traditional rules, and I would note in the last case  
3 that Wireless One was before the Commission, they were  
4 represented by counsel.

5           **COMMISSIONER JOHNSON:** Okay. Are there any  
6 other objections or statements to be made on this  
7 issue?

8           Seeing none, I will, for purposes of moving  
9 the prehearing along, allow for Mr. Heaton to be  
10 deemed a qualified representative, or given that  
11 status for purposes of this prehearing, but I would  
12 ask -- and your ability to raise the more broader  
13 issue later, Mr. Rehwinkel, is not at all affected by  
14 the ruling in today's participation.

15           I would suggest and request that, however,  
16 to the extent that there is a broader objection to be  
17 made, that it be made in writing and that we handle  
18 that before the actual hearing through the prehearing  
19 officer.

20           We may need to do something on an expedited  
21 basis, and I'll ask you to get with Ms. McKinney with  
22 respect to seeing if we can do that on an expedited  
23 basis; but to the extent that we can take care of the  
24 matter before the hearing, I think we should do that.

25           **MR. REHWINKEL:** I would fully intend to do

1 that. We're on very short notice as to this issue.

2 COMMISSIONER JOHNSON: I understand. Okay.

3 Going then into the other preliminary  
4 matters, Ms. McKinney.

5 MS. MCKINNEY: Yes. I just want to make  
6 sure that everybody has a copy of the prehearing  
7 statement. I had it faxed to everybody yesterday, and  
8 if you don't have a copy, they're over there on the  
9 table.

10 Commissioner Johnson, there are a number of  
11 pending motions. First I'd like to start with the  
12 motion of consolidation filed by Sprint and GTE.

13 COMMISSIONER JOHNSON: Okay.

14 MS. MCKINNEY: Staff has a recommendation  
15 pertaining to the portion pertaining to Charlotte  
16 County and Sarasota. Staff would recommend that the  
17 Commissioner grant that portion of the consolidation  
18 motions.

19 The parties have stipulated to the issues  
20 being combined, and both Charlotte and Sarasota County  
21 are here; and if the Commissioner has any questions, I  
22 think there needs to be discussion pertaining to Fort  
23 Meade and that docket being consolidated.

24 I spoke to Mr. Rehwinkel earlier. There was  
25 a workshop on January 27th, 1999, in Fort Meade where

1 176 consumers showed up, and there was a stipulation  
2 between the parties and the industry at the conclusion  
3 of the issue ID that Fort Meade would be included in  
4 Polk County and retain the same area code as the rest  
5 of the county if there was a split.

6           There's some concern as to the notice that  
7 Fort Meade received pertaining to this prehearing and  
8 whether they'll be prejudiced if, in fact, there is a  
9 consolidation.

10           I know that Polk county is on the line  
11 today, and that's very helpful, because they're a  
12 party in the Fort Meade case, Docket No. 981941.  
13 Mr. Rehwinkel indicated earlier this week that he  
14 would have no problem putting a stipulation on the  
15 record, and I would not object to there being -- the  
16 dockets, the Fort Meade docket being consolidated with  
17 the rest of them if we have a stipulation from all of  
18 the parties.

19           There is one party not present today from  
20 the Fort Meade docket, Commissioner, and that is the  
21 City of Fort Meade is not here. So if we get a  
22 consolidation from all the parties, I would recommend  
23 that that consolidation be contingent on the City of  
24 Fort Meade also agreeing to the stipulation.

25           **COMMISSIONER JOHNSON:** Okay. So there's a

1 motion to consolidate. And with respect to South  
2 Sarasota and North Charlotte Counties with the  
3 original 941 area code, there are no objections at  
4 all, and all of the parties are in agreement with the  
5 consolidation?

6 **MS. MCKINNEY:** Yes.

7 **COMMISSIONER JOHNSON:** And with respect to  
8 south Polk County, all of the parties except for Fort  
9 Meade have agreed to the consolidation and have been  
10 either properly noticed or have agreed to the  
11 consolidation?

12 **MS. MCKINNEY:** Just for clarification, the  
13 only issue was Fort Meade, and the parties in that  
14 docket were from Fort Meade, so we need to speak to  
15 the representative from Polk County on the phone,  
16 because he has not been addressed with that issue.

17 **COMMISSIONER JOHNSON:** The consolidation  
18 issue?

19 **MS. MCKINNEY:** Yes.

20 **COMMISSIONER JOHNSON:** Polk County?

21 **MR. CARPANINI:** Yes.

22 **COMMISSIONER JOHNSON:** Have you had an  
23 opportunity to review and do you understand the nature  
24 of what we're trying to do in terms of the  
25 consolidation?

1           **MR. CARPANINI:** Maybe you could help me a  
2 little bit.

3           **COMMISSIONER JOHNSON:** Let me ask counsel,  
4 have we sent him anything?

5           **MS. MCKINNEY:** Mr. Carpanini, did you  
6 receive a copy of Sprint's motion to consolidate?

7           **MR. CARPANINI:** Yes, I believe I did.

8           **MS. MCKINNEY:** Okay. Let me bring you up to  
9 date. I've never spoken with him, because he just  
10 filed his motion in the Fort Meade case the day before  
11 yesterday, and we haven't had a chance to talk.

12           To bring you up to date, as you know, we met  
13 on January 27th with the Commissioners and the mayor,  
14 and there was a joint stipulation with Sprint. Are  
15 you aware of that?

16           **MR. CARPANINI:** Yes.

17           **MS. MCKINNEY:** Okay. And you know what the  
18 stipulation was to? Are you familiar with that?

19           **MR. CARPANINI:** My understanding is the  
20 stipulation was that the Fort Meade area would  
21 continue to remain a part of the Polk County 941 area  
22 code.

23           **MS. MCKINNEY:** Okay. Yes; that it would  
24 retain the same area code as the rest of Polk County.

25           **MR. CARPANINI:** Right.

1           **MS. MCKINNEY:** After that meeting a new  
2 docket was opened pertaining to the 941 area code, and  
3 there's a docket, and that's what we're here for today  
4 for prehearing, 990223 and what should actually happen  
5 with that area code, how the change should take place,  
6 the prehearing we're at now.

7           **MR. CARPANINI:** Okay.

8           **MS. MCKINNEY:** The stipulation, the oral  
9 stipulation that was made at the workshop on the issue  
10 ID on the 27th with Fort Meade, Sprint and the rest of  
11 the industry has agreed to make that issue an issue in  
12 this docket, because ultimately whatever happens in  
13 941 will affect Fort Meade.

14           For example, what if it isn't a split. What  
15 it's if it's an overlay, or what if the split is  
16 different and Polk County is not included. You  
17 understand how this docket can affect Fort Meade?

18           **MR. CARPANINI:** Right.

19           **MS. MCKINNEY:** And because your issue  
20 specifically is to have Fort Meade included with the  
21 rest of Polk County, Sprint and the rest of the  
22 industry made a motion to bring that issue into the  
23 docket that we have so that Polk County would be aware  
24 of what's going on with the docket and you could play  
25 a role in the proceedings pertaining to how the area



1 code change is made. Are you there with me?

2 **MR. CARPANINI:** Yup.

3 **MS. MCKINNEY:** So the question is, do you  
4 object to it or you don't. The industry has  
5 stipulated that the same issue that we had from the  
6 issue ID will be the issue in -- an issue in this  
7 docket, and that the same stipulation will be  
8 recommended to the Commission.

9 So this won't be an issue in which evidence  
10 is presented at the hearing; it will be a stipulated  
11 issue. It will be the same issue, and it will go out  
12 in the order if, in fact, there's a split.

13 Now, because evidence is going to be  
14 presented in the 941 docket, we don't know whether  
15 there will be a split, but if it's a split, then Fort  
16 Meade will retain the same area code as Polk County.  
17 Do you understand?

18 **MR. CARPANINI:** Yeah, I do. It's sounds as  
19 if we're preserving the same understanding that we had  
20 at the conclusion of the hearing down in Fort Meade.

21 **MS. MCKINNEY:** Correct. And so the question  
22 today is, do you agree on behalf of the County of Polk  
23 for the dockets to be combined since ultimately the  
24 941 docket can affect the Fort Meade docket. And that  
25 way you could participate in what's happening in the

1 941 docket. You'll be able to cross-examine  
2 witnesses, you'll be able to submit a brief and  
3 participate actively in that one, which ultimately  
4 could affect Polk County if, in fact, it's not a  
5 split. You'll be able to participate.

6           So the question the Commissioner is asking  
7 you is whether or not Polk County wants to go ahead  
8 and proceed with the stipulation that they have with  
9 the industry already, the oral stipulation, and join  
10 this docket; do they agree with that.

11           **MR. CARPANINI:** Right.

12           **COMMISSIONER JOHNSON:** Mr. Rehwinkel, you  
13 wanted to add something?

14           **MR. REHWINKEL:** Yes. Commissioner Johnson,  
15 before he answers the question, I think it needs to be  
16 fully understood that at the time we entered into the  
17 agreement with all the parties there was no docket,  
18 except for the matter in Fort Meade. Even the Port  
19 Charlotte issue had not arisen. And subsequently, of  
20 course, the other docket was raised, and it was raised  
21 on Mr. -- well, Mr. Heaton's letter on behalf of  
22 Cellular One questioning the assignment of the number.

23           So the assignment of the number was proposed  
24 as part of the industry consensus under the NANPA  
25 guide lines based on growth. And we did not expressly

1 agree that Fort Meade would retain 941; we agreed that  
2 Fort Meade should be included with whatever area code  
3 the rest of Polk County got so that they would have  
4 7-digit dialing to the county seat.

5           So 7-digit dialing was the basis, not what  
6 number they would ultimately have; because Cellular  
7 One has raised a legitimate issue for the Commission  
8 to consider on the assignment of the numbers. I just  
9 wanted to make sure it's clear what the agreement was.

10           **COMMISSIONER JOHNSON:** Okay. And, Mr. Beck,  
11 did you want to add something? Mr. Beck is with  
12 Public Counsel.

13           **MR. BECK:** Yes, Commissioner. Thank you. I  
14 think what -- the matter I wanted to raise is related  
15 to this, so if I might.

16           **COMMISSIONER JOHNSON:** Okay.

17           **MR. BECK:** Back in the end of January, I  
18 think there were three meetings, if you would, that  
19 were held in Polk County. The first one was in  
20 Bartow. It was an undocketed Staff workshop, and that  
21 workshop, was very well attended. We had a number of  
22 people testify under oath, including a legislator. We  
23 had members of the county, state government  
24 jurisdiction, the cities, and a number of citizens  
25 spoke.

1           Then that afternoon we had a meeting in Fort  
2 Meade in the undocketed workshop. That is the one  
3 where there were over 100 people present. A number of  
4 people spoke, but certainly not anywhere near the  
5 hundred people that were present. That was followed  
6 immediately by a meeting in the Docket 981491, which  
7 is the Polk County issue that was spoke to earlier.

8           My concern is this: Even consolidating the  
9 dockets does not bring in the customer testimony that  
10 was presented both in Bartow and in Fort Meade.  
11 Again, we had witness testimony under oath. I believe  
12 the people who spoke believed they were providing an  
13 input to the Commission's decision concerning the area  
14 code at both those workshops that were very well  
15 attended.

16           Unless some procedure is taken in this  
17 docket, those people's concerns, can't be considered  
18 by the Commission. No Commissioners were at that  
19 workshop, and unless their transcripts of their  
20 testimony are put into evidence, for example, there  
21 will be no way that you can consider the concerns that  
22 were raised at that point.

23           So it seems to me there's two possibilities.  
24 Maybe there are others. One is to try to get a  
25 stipulation from all the parties to allow transcripts

1 of those proceedings to be put into evidence. I've  
2 spoken with some counsel, but not all. I think the  
3 people I spoke to generally agreed, subject to being  
4 able to see what was said, of course; because I don't  
5 think those proceedings have been transcribed yet, at  
6 least to my knowledge.

7           The other possibility is simply holding  
8 Commission hearings in Bartow and Fort Meade to give  
9 the people there an opportunity to present their views  
10 to the Commission.

11           **COMMISSIONER JOHNSON:** Thank you.

12           **MS. MCKINNEY:** Commissioner, could you hold  
13 on a minute, please?

14           **COMMISSIONER JOHNSON:** Sure. I'll ask the  
15 other parties, would there be any objection to  
16 allowing the transcripts to be introduced as to -- oh;  
17 you all haven't seen the transcripts, have you?

18           **MR. REHWINKEL:** I would just -- I have no  
19 objection, Commissioner. I was at those meetings. My  
20 only concern is whether a tape exists of them.  
21 Hopefully, they do.

22           **COMMISSIONER JOHNSON:** I understand Mr. Beck  
23 to say that he's not sure if there's a transcript, but  
24 that there was a court reporter there and they were  
25 recorded?

1           **MS. MCKINNEY:** I could clarify. Which one  
2 are you talking about?

3           **COMMISSIONER JOHNSON:** We're talking about  
4 the Bartow and the Fort Meade Staff workshops.

5           **MS. MCKINNEY:** Those were tape recorded,  
6 Commissioner, by Staff.

7           **COMMISSIONER JOHNSON:** And did you swear the  
8 witnesses in?

9           **MS. MCKINNEY:** No, Commissioner, we did not.

10          **COMMISSIONER JOHNSON:** Mr. May, Mr. Beck  
11 would have -- hold on. One at a time. Go ahead --

12          **MR. BECK:** Again, I wasn't -- I couldn't  
13 remember well enough about that tape recording. I  
14 think even if it were tape recorded, if all parties  
15 agreed to a stipulation of testimony that if those  
16 people were sworn, that's what their testimony would  
17 be, that's permissible as long as all parties agree to  
18 it.

19                 Otherwise, I guess the other procedure is  
20 for the Commission to hold hearings. I think the  
21 people who were there very strongly felt that was  
22 their input into this proceeding. So something needs  
23 to be done one way or another, I believe.

24          **COMMISSIONER JOHNSON:** Yeah. I would think  
25 that we would try to come up with a process whereby we

1 can get that testimony into the record. Particularly  
2 for those that have already testified, I'd hate to  
3 tell them that they have to come back and do it again,  
4 if they thought that that was sufficient, in order to  
5 let their thoughts and concerns be known.

6 Mr. May?

7 **MR. MAY:** BellSouth Mobility would not have  
8 a problem with that procedure conceptually, with the  
9 understanding that we would have an opportunity to  
10 review whatever testimony was provided prior to it  
11 being entered into the record.

12 **COMMISSIONER JOHNSON:** Any of the other  
13 parties have any -- I think we can accommodate your  
14 request.

15 Any other requests with respect to reviewing  
16 the information in the testimony of those witnesses  
17 that participated in the Bartow and Fort Meade  
18 hearings and allowing that to be entered into the  
19 record of this proceeding after you've all had an  
20 opportunity to review it?

21 To the extent that there is an objection,  
22 the prehearing officer will entertain that objection.  
23 To the extent that that objection is sustained, then  
24 we may just have to have more public hearings with  
25 Public Counsel in order to make sure that those

1 customers do have the opportunity to participate and  
2 influence this process.

3 **MR. CARPANINI:** Ma'am, if --

4 **COMMISSIONER JOHNSON:** One second, Polk  
5 County; one second. I don't think Mr. May was quite  
6 finished.

7 **MR. CARPANINI:** I'm sorry.

8 **MR. MAY:** I just wanted clarification as to  
9 whether the testimony would be entered as customer  
10 service testimony, or would it be entered as  
11 evidentiary testimony?

12 **COMMISSIONER JOHNSON:** It will be entered as  
13 customer service testimony. However, we're also  
14 stipulating that although it wasn't sworn, it is the  
15 testimony that they would have given had it been  
16 sworn. Therefore, Commissioners can rely upon that in  
17 making our final decisions, as we would with any  
18 customer type testimony.

19 **MR. MAY:** Right.

20 **COMMISSIONER JOHNSON:** Any other questions?

21 **MS. SCHNEIDER:** Commissioner, Sarasota  
22 County has no objection as long as we also can review  
23 the testimony.

24 But I did have a question, and maybe this  
25 isn't the appropriate time. But at the hearing last



1 week in Englewood, we also had -- a Staff workshop  
2 rather -- there were a number of people that  
3 participated in that, and I don't believe they were  
4 sworn in either. And I'm not familiar with the  
5 process to know if that testimony is then not  
6 considered to be part of the record, because I believe  
7 that the assumption there was the same as it would  
8 have been at the other Staff workshop. And we would  
9 request that those -- that testimony also be  
10 considered.

11 **COMMISSIONER JOHNSON:** Any objection to  
12 including that testimony also? (No response.)

13 So we'll just have to make sure that it's  
14 all -- it's transcribed and that we get that to the  
15 parties, that they have an opportunity to review it;  
16 and if there are no objections, then we will have that  
17 entered into the record of this current proceeding in  
18 such a way that the Commissioners can read and rely  
19 upon that when we make our final decision.

20 **MS. SCHNEIDER:** Thank you.

21 **COMMISSIONER JOHNSON:** But if there are  
22 objections, could you bring that to the attention of  
23 the prehearing officer? Because if there are  
24 objections, we'll have to ensure that we have a  
25 vehicle in order to have the customer testimony in the

1 record so that the Commissioners can have that as we  
2 continue our deliberations and analyses to reach final  
3 resolution.

4 Thank you, Public Counsel, for bringing that  
5 to our attention.

6 Now back to the consolidation. I'm going  
7 to -- with respect -- do you have something else?

8 **MS. MCKINNEY:** Perhaps Mr. -- Carpani?

9 **MR. CARPANINI:** Carpanini.

10 **MS. MCKINNEY:** Carpanini; sorry. Perhaps he  
11 has comments about the position that Polk County has  
12 in this matter.

13 **MR. CARPANINI:** I mean, here's my concern.  
14 I represent the Polk County Board of County  
15 Commissioners. I don't represent any of the citizens  
16 individually who appeared at the workshops and gave  
17 their comments, nor do I represent the City of Fort  
18 Meade.

19 When all of this shook out, a lot of the  
20 people left, or all of the people left, thinking that  
21 this was nothing that they had to worry about anymore.  
22 And now I'm hearing, well, that's not the case. I  
23 mean, maybe something could change in this and that  
24 it's still a fluid situation.

25 There's been hearings scheduled in this, I

1 believe, for April 8th and 9th, and I don't want to do  
2 anything that's going to prejudice the ability of  
3 anybody in Polk County to participate at the hearings.  
4 It's a pretty short time for people in Polk County to,  
5 you know, rearrange their schedules and get either to,  
6 I guess, Sarasota or Fort Myers. So, I mean, to that  
7 extent I've got some concerns.

8           You know, Polk County would not have a  
9 concern, nor do I think the people in Fort Meade would  
10 have a concern, if we could rely on the result being  
11 achieved that Polk -- that people in Fort Meade would  
12 not have a different area code than 941, which was  
13 what my understanding was the stipulation at those  
14 workshops. So I hope -- I hate to be simplistic about  
15 it, but I'm just trying to address the concerns.

16 (Technical difficulties with telephonic connection.)

17           **COMMISSIONER JOHNSON:** Mr. Rehwinkel.

18           **MR. REHWINKEL:** Yes, Commissioner Johnson.

19 Again, as I stated, that was not the stipulation. It  
20 never was intended to be.

21           As far as Fort Meade and City of Fort Meade  
22 and Polk County, I served them both with the motion.  
23 I believe I faxed it to them the very same day, and I  
24 have a record of that. Everyone in this docket is  
25 equally harmed by any time schedule that's been

1 established by the Commission. We've all had to  
2 operate under a very short time frame. We all have to  
3 look for that April 8th and 9th hearing.

4           It is our strong position in this docket  
5 that it would do no good to go and rush to an  
6 April 8th and 9th hearing and have outlier proceedings  
7 that could come by and undo everything that was done  
8 as it relates to the April 8th and 9th hearing.

9           The City of Fort Meade and Polk County are  
10 in as good a position as they could be in as a matter  
11 of law. The only issue that was raised by the folks  
12 down there was 7-digit dialing to their county seat,  
13 and we acknowledge that we had overlooked that aspect  
14 of where the line should be drawn if a split was to be  
15 recommended by those who participated in the industry  
16 consensus process.

17           So I would strongly urge the Commission to  
18 consolidate the dockets as a matter of fairness to  
19 everyone involved, because the folks in Fort Meade are  
20 adequately protected by the agreement that we have  
21 provided in written testimony that we agree with that;  
22 we provided in our prehearing statement, and there's a  
23 statement in the motion to consolidate, which, as an  
24 officer of the court, I am bound by and the company is  
25 bound by.

1           So I think there's adequate assurances for  
2 the folks in Fort Meade for purposes of consolidating  
3 these matters.

4           Thank you.

5           **COMMISSIONER JOHNSON:** Thank you. Polk  
6 County, did you have another statement to make?

7           **MR. CARPANINI:** No, ma'am.

8           **COMMISSIONER JOHNSON:** We have one issue,  
9 it's my understanding, though, with respect to the  
10 consolidation. It's not necessarily the ruling on the  
11 consolidation, it's the notice of hearing that may be  
12 a problem. So do we need to have some affirmation  
13 from Polk and Fort Meade with respect to not being  
14 noticed about a hearing that occurs on the 8th and the  
15 9th?

16           **MS. MCKINNEY:** Correct.

17           **COMMISSIONER JOHNSON:** That's a related but  
18 unrelated issue.

19           **MS. MCKINNEY:** Correct. It would have to be  
20 a stipulation contingent on the City of Fort Meade  
21 agreeing -- it would have to be an order ordering the  
22 stipulation contingent on the City of Fort Meade, who  
23 is the other party, because the only parties to the  
24 Docket 981941 are Sprint, GTE, the City of Fort Meade  
25 and Polk County. So the only party that is not

1 present is the City of Fort Meade.

2 I don't think that the consumers of Fort  
3 Meade would be prejudiced if, in fact, the transcripts  
4 of the tapes were provided to everybody. However, we  
5 would need to get the City of Fort Meade to agree to  
6 the stipulation and agree that they don't need the  
7 14-day notice.

8 **COMMISSIONER JOHNSON:** Do we also have to  
9 get that from --

10 **MS. MCKINNEY:** Polk County.

11 **COMMISSIONER JOHNSON:** -- Polk County?

12 **MS. MCKINNEY:** Yes. And just for the  
13 record, at Staff workshops witnesses are not sworn in.  
14 The workshops that you were mentioning earlier were  
15 Staff workshops. At Commission workshops and hearings  
16 they're sworn in.

17 **COMMISSIONER JOHNSON:** I am inclined to  
18 grant the motion to consolidate. However, we will  
19 need something filed from Polk County and from Fort  
20 Meade with respect to stipulating to the consolidation  
21 and stipulating to the waiver of the general 14-day  
22 hearing notice?

23 **MS. MCKINNEY:** Yes.

24 **COMMISSIONER JOHNSON:** Now, to the extent  
25 that we don't receive those waivers, then what's our

1 next course of action?

2           **MS. MCKINNEY:** Staff would recommend that  
3 the dockets don't be consolidated and that Fort Meade  
4 stay on the same course that it's on, and Staff will  
5 have to reevaluate the course with the industry,  
6 because it will definitely be affected by what happens  
7 in 941.

8           **COMMISSIONER JOHNSON:** So although we would  
9 consolidate these things, they just may have to be  
10 held at a later date?

11           **MS. MCKINNEY:** Correct. If it's  
12 consolidated, the issue becomes -- the issues which  
13 are, should the industry recommend its split boundary  
14 line be modified to include the southern boundary line  
15 of the Fort Meade exchange, and should the parties,  
16 GTE and Sprint, jointly file with the appropriate  
17 jurisdiction to modify the latter line to conform with  
18 the southern boundary exchange, since those issues are  
19 stipulated to, those will go in the recommendation in  
20 the Commission as the stipulation and go in the order.  
21 Evidence will not be presented pertaining to those  
22 issues at hearing, if we get a stipulation from the  
23 parties.

24           **COMMISSIONER JOHNSON:** Do the parties have  
25 anything to add to that?

1           **MS. SCHNEIDER:** Commissioner, for Sarasota  
2 County, I was just curious. Is there a way that the  
3 hearing could be postponed for one week? I don't know  
4 if that probably throws a wrench in everything. But  
5 then all the three dockets could be consolidated, and  
6 this being April 1, they could get their 14-day notice  
7 for an April 15 hearing.

8           I agree with Mr. Rehwinkel that it really is  
9 important that all three dockets be together so that  
10 we don't get a decision on the Englewood 941 docket  
11 and then have something else hanging out there in the  
12 Fort Meade docket.

13           **MS. MCKINNEY:** I'm looking at the Commission  
14 calendar, and of course the Commission calendar  
15 doesn't show everything that's scheduled, for those of  
16 you not familiar with the calendar. It doesn't appear  
17 that the end of April is booked.

18           However, I think you need to consider when  
19 asking for that, that this has been highly publicized  
20 for next Thursday and Friday, and getting the notice  
21 back out to the consumers who are coming would be  
22 difficult. So I'm just putting that out for you.

23           **COMMISSIONER JOHNSON:** And I have approved  
24 the motion for consolidation, and I'm hopeful that the  
25 procedural issues that we've raised with respect to



1 the notice, that those can be worked through and that  
2 we stay on our proper course for the 8th and 9th.

3 I believe we can do that, and counsel can  
4 work with Fort Meade and with Polk County to make sure  
5 they understand what we're trying to accomplish here,  
6 that the motion to consolidate was granted; and to the  
7 extent there are any noticing problems, try to ensure  
8 that they understand the process and see -- I think  
9 we'll be able to get -- I'm hopeful that they'll waive  
10 that and we'll be able to stay on course.

11 **MS. MCKINNEY:** And for the record,  
12 Commissioner, I did personally write all the parties  
13 and all the interested persons in Fort Meade and sent  
14 them the dates of the 941 hearing. I did it  
15 personally.

16 **COMMISSIONER JOHNSON:** Okay. That goes to  
17 the motion to consolidate. Other preliminary matters?

18 **MS. MCKINNEY:** Yes, Commissioner. There's  
19 also a motion to intervene by Mr. Heaton.  
20 Commissioner, I don't feel that there's a ruling  
21 necessary on that motion. Mr. Heaton was a petitioner  
22 in this case who initiated the complaint and,  
23 therefore, he's a party.

24 **COMMISSIONER JOHNSON:** Okay. Then show that  
25 there's no need to rule on the motion to intervene

1 and, given the nature of the complaint, Mr. Heaton is  
2 a party of interest.

3           **MS. MCKINNEY:** The next preliminary matter  
4 is Mr. Heaton's motion for extension of time. And  
5 before we get into great discussion, Sprint filed a  
6 preliminary objection to the late filing of both the  
7 direct and rebuttal testimony by Wireless One in a  
8 motion to strike.

9           **COMMISSIONER JOHNSON:** Okay.

10           **MS. CASWELL:** I'd like to add, I just saw  
11 that motion this morning, but we join in that motion;  
12 and I'd have a few other comments to make about that  
13 situation.

14           **COMMISSIONER JOHNSON:** Okay. Well, it looks  
15 like this is a good time to break, because I have to  
16 go to another hearing at 10:00. So we will stand in  
17 recess for -- until quarter after 10:00.

18           **MS. MCKINNEY:** Commissioner Johnson, I know  
19 that the parties have brought up to me -- and I'm  
20 trying to move this along, like maybe we could be  
21 working while you're gone -- that there are some  
22 issues as to what portions of Mr. Heaton's testimony  
23 are relevant to this issue. If, perhaps, we can make  
24 this a working break where we go over the testimony,  
25 and maybe we could come to a stipulation as to what

1 portions of his testimony are relevant and what  
2 portions aren't.

3 **COMMISSIONER JOHNSON:** Okay. I think that  
4 would that would be a good use of the next 20 minutes.

5 (Brief recess.)

6 - - - - -

7 **COMMISSIONER JOHNSON:** We're going to go  
8 back on the record. And, counsel, what's the status  
9 of the discussions, and where should we begin with  
10 respect to handling these preliminary matters?

11 **MS. MCKINNEY:** Commissioner Johnson, perhaps  
12 we should start with Mr. Heaton's motion for extension  
13 of time, because that would allow us to discuss  
14 Sprint's objections as well as any other parties and  
15 what we've done pertaining to the issues in the  
16 testimony.

17 So Sprint filed a preliminary objection to  
18 the late filing of both direct and rebuttal testimony  
19 by Wireless One in a motion to strike, if you'd like  
20 to begin there.

21 **COMMISSIONER JOHNSON:** Okay. Mr. Heaton, it  
22 was your motion for extension of time?

23 **MR. HEATON:** Yes, ma'am.

24 **COMMISSIONER JOHNSON:** And I've had the  
25 opportunity to read it, but if you wanted to make any

1 preliminary remarks on that motion, I'll allow those  
2 before entertaining the objections. Any preliminary  
3 statements needed?

4           **MR. HEATON:** I should have spoken up earlier  
5 in the context of my representing myself. Our  
6 previous counsel advised us in March that their firm  
7 now has a conflict of interest in further  
8 representation of us. We've spoken with two  
9 prospective counsels since then who both have decided  
10 their firms have conflicts of interest. We have a  
11 1:00 p.m. appointment on Monday with still another  
12 prospective legal representative. And that's one  
13 reason I'm here representing myself.

14           The other reason that I'm late filing in  
15 doing all this is because I'm not a lawyer, and  
16 it's -- it is a lot of effort to prepare these  
17 materials when you're not really familiar with or  
18 intimately familiar with all the procedures.

19           And, really, I thought when I realized what  
20 the schedule in this proceeding was, that the only  
21 opportunity I was going to have was, like, an  
22 overnight opportunity. I said I can't do it. The  
23 following week when I began receiving materials from  
24 Sarasota and Charlotte Counties, which I recognized to  
25 be late-filed materials, I realized maybe there's

1 still a window of opportunity. I tried to contact  
2 Ms. McKinney, but she was -- that was Wednesday of the  
3 week. By that time she was involved in preparation  
4 for the subsequent Sarasota workshop.

5           So I finally spoke with Martha Brown, I  
6 believe, late Thursday afternoon, and she said, go for  
7 it; you know, try to do it. And I tried to the best  
8 of my ability; had, you know, a package in the mail to  
9 all parties by Friday afternoon of last week.

10           **COMMISSIONER JOHNSON:** Okay. Thank you.  
11 And there were objections to the motion for extension  
12 of time? Mr. Rehwinkel?

13           **MR. REHWINKEL:** Thank you, Commissioner.

14           Yes, Sprint has an objection; that as  
15 Mr. Heaton notes, he mailed the first round of motions  
16 and testimony on Friday. I received Mr. Heaton's  
17 testimony and motion Monday morning in the mail.

18           We had a Tuesday all-day-long event out at  
19 the Commission, most of it dealing -- or a large part  
20 of it dealing with area code business. I came back to  
21 the office Wednesday, participated in the industry  
22 area code call that was discussed Tuesday; came back  
23 to prepare this motion, and received a faxed copy of  
24 Mr. Heaton's rebuttal testimony and motion for  
25 extension of time.

1           Our objection, Commissioner, is grounded in  
2 two fundamental points. The first one is prejudice.  
3 And I have not in this objection, which was filed on  
4 the fly with very little opportunity to really go into  
5 the issues -- is the prejudice objection is  
6 fundamental to us. This time frame was established on  
7 March 1st for this docket.

8           All parties, including Mr. Heaton, were  
9 notified by telephone, I believe on the 3rd or 4th of  
10 March, about an issue identification conference that  
11 was to be held on Monday, March 8th in this matter. I  
12 came out to the Commission and attended. Mr. Heaton  
13 and others attended by telephone. I've got a list of  
14 about 10 folks that participated on that call.

15           We discussed issues that day. We came up  
16 with one or two issues. At least one of them was  
17 included in a procedural order that you issued guiding  
18 the parties' filing of testimony in this docket.

19           At the very end of that meeting on  
20 March 8th, Ms. McKinney expressly discussed the filing  
21 of testimony, direct and rebuttal, and the dates of  
22 March 18th for direct and March 25th for rebuttal.  
23 All the parties were in the same position at the  
24 starting gate at that point.

25           We discussed issues of consolidation there,

1 but that's really neither here nor there right now.

2           We knew and Mr. Heaton knew with the same  
3 level of information that we did about these upcoming  
4 deadlines. We're a business just like Mr. Heaton is.  
5 We've got other things to do, but we had to set aside  
6 time, get a witness, get a position, develop the  
7 testimony, and get it filed; and that was a very short  
8 time frame, but we were able to work within that time  
9 frame and get something out.

10           Other parties filed testimony. Other  
11 parties got counsel and submitted testimony. On  
12 March 26th after the rebuttal deadline passed,  
13 Mr. Heaton faxed in, filed in -- actually, he mailed  
14 that testimony. There were rumors that he was going  
15 to fax it, but no one saw it that week and, of course,  
16 it was the first of this week before we received any  
17 testimony.

18           The hearing is scheduled for the 8th and  
19 9th. That's seven days from today. Mr. Heaton has  
20 filed testimony that also, I believe, is irrelevant or  
21 it is not directly relevant to the most immediate  
22 issue, which is whether there's a need for relief and,  
23 if so, what plans should be implemented.

24           We have probably four to five hours  
25 scheduled right now for a hearing. I don't know. We

1 have six or seven witnesses in the technical portion  
2 of the hearing. We have an unknown number of public  
3 witnesses that will testify at the morning and evening  
4 session in Sarasota. We don't have an opportunity to  
5 do discovery, to conduct any discovery and then  
6 prepare testimony. We basically would be asked to  
7 wing it and read his testimony and file something in  
8 response to it.

9           And he raises very serious issues of pricing  
10 of our services, of costs of our services, the  
11 configuration of our network, matters that I think you  
12 may recall we went into in excruciating detail during  
13 the arbitration hearing that lasted all day back in --  
14 one day in 1997.

15           We cannot fairly respond to this degree of  
16 testimony filed at this late date, and we think that  
17 we would be substantially prejudiced. There's not a  
18 countervailing good argument on Mr. Heaton's behalf  
19 that that would say that he ought to be allowed to  
20 file this testimony, because he was not prejudiced in  
21 notice. He had the same opportunity everyone else  
22 did, and he's got really no good reason stated that he  
23 should be given some sort of advantage to file not  
24 only a round of direct testimony, but a round of  
25 rebuttal testimony on top of that.



1           We have a serious problem about just the  
2 principle of filing the direct and rebuttal out of  
3 time. The aspect of the testimony with respect to  
4 relevance is a very serious concern to us just based  
5 on the amount of time that we have set aside.

6           There's been some discussion among the  
7 parties about adding a new issue about whether there  
8 is a need for area code relief at this time. We think  
9 that's something that the Commission wants to hear.  
10 We have some concerns about that being an issue, but  
11 we've agreed that it ought to be an issue based on the  
12 environment that we find ourselves in; but even so,  
13 that does not mean that such an agreement should allow  
14 Mr. Heaton to file testimony that substantially  
15 prejudices us and is really much beyond what was  
16 contemplated in this docket.

17           I find it quite ironic that Mr. Heaton in  
18 some of his pleadings discusses how he came --  
19 actually, it's the letter from February 25th -- how he  
20 came to the Commission and aired out all these issues  
21 with the Staff at the workshop, basically  
22 acknowledging that he had formulated these issues, was  
23 prepared to discuss them; but it's only a month later  
24 that they're reduced to writing and filed for a  
25 hearing that's, at the time they're filed, less than

1 two weeks away.

2 I guess I can stop here Commissioner, but we  
3 can't emphasize enough how much we feel that we've  
4 been prejudiced by this, or would be prejudiced if  
5 this testimony is allowed in. I don't think that  
6 there's any way that we could get discovery done and  
7 get prepared for the hearing that was contemplated  
8 prior to the filing of this testimony and then get  
9 testimony filed that would be adequately responsive to  
10 this testimony by Mr. Heaton.

11 Thank you.

12 **COMMISSIONER JOHNSON:** Thank you,  
13 Mr. Rehwinkel.

14 Ms. Caswell?

15 **MS. CASWELL:** Yes. As I said before, we  
16 join in the motion of Sprint to deny the motion for  
17 extension, and I concur fully in Mr. Rehwinkel's  
18 comments.

19 I think the objectively verifiable facts  
20 here point to the expectation that Mr. Heaton should  
21 have known when the testimony was due. And, further,  
22 even if we assume everything -- even if we assume that  
23 he didn't know until March 17th that testimony was  
24 due, I think there's also some expectation or some --  
25 that the party will act with sufficient urgency if

1 they expect a motion for extension to be granted.

2           In this case, Mr. Heaton waited nine days to  
3 even file a motion for extension, nine days after he  
4 knew when the testimony deadline was; waited 12 days  
5 to file that testimony. And as Mr. Rehwinkel pointed  
6 out, the testimony came in after the rebuttal  
7 testimony was already filed, and that raises a serious  
8 question of prejudice.

9           Moreover, the problems with the motion for  
10 extension of time are complicated by the fact that  
11 much of the testimony is not relevant to any of the  
12 issues in this proceeding.

13           Like Sprint, GTE agreed to adding the issue  
14 on whether the Commission should consider an area code  
15 relief plan, but I think that the parties agreed to  
16 that issue with the understanding that everybody  
17 should be on the same footing in addressing that  
18 issue.

19           So if we're going to have testimony on that,  
20 you know, or have some sort of procedure where the  
21 parties have more leeway to address that at the  
22 hearing, that's fine, but I think to allow one party  
23 the opportunity to address it before the issue has  
24 even been designated is prejudicial to all the other  
25 parties.

1 Thank you.

2 **COMMISSIONER JOHNSON:** Thank you. Any other  
3 comments? (No response.)

4 I actually have -- and I'll allow you a  
5 brief rebuttal, if you'd like -- but I have a comment,  
6 a question for Ms. Caswell and Mr. Rehwinkel.

7 To the extent that we add the issue of  
8 whether there is need for area code relief at this  
9 time, is the testimony that's been filed to date --  
10 excluding his because he's asking to have something  
11 filed -- is it sufficient for us to have information  
12 in the record for the Commissioners to make a decision  
13 on that?

14 **MS. CASWELL:** We didn't file any testimony  
15 going to that issue.

16 **COMMISSIONER JOHNSON:** So if we add that  
17 issue, you're going to have to file some additional  
18 testimony.

19 **MS. CASWELL:** Either we'll need to file  
20 additional testimony or the parties will have to have  
21 some kind of great leeway at the hearing to address  
22 that issue, you know, to the extent that we care to.

23 I mean, our only concern, like I said, is  
24 that everybody is on the same footing in addressing  
25 this issue that was just added today. But there's

1 nothing in the record as far as GTE goes on that.

2           **COMMISSIONER JOHNSON:** Mr. Rehwinkel?

3           **MR. REHWINKEL:** Yes, Commissioner Johnson.

4 You raised an excellent point.

5           I think that the requirement that this issue  
6 be added is borne out of the events of the recent  
7 past, and it occurs to me that the germaneness of the  
8 issue is really almost bound up in the legal issues  
9 that the Commission is pursuing with respect to  
10 jurisdiction, shared or not, with the federal  
11 authorities on this.

12           And it may be that like it or not, from our  
13 standpoint -- and I say like it or not from the  
14 standpoint of certainty and being able to plan for  
15 meeting the needs of our customers through access to  
16 codes -- like it or not, that issue may cause this  
17 docket to get reopened at some time or if there be  
18 subsequent proceedings that would incorporate any  
19 measures that the Commission would undertake if the  
20 Commission decided that they had the authority to  
21 impose certain number utilization regimes on the  
22 industry and the parties to this docket.

23           So it seems to me that, yes, we do need the  
24 opportunity to provide testimony on this, but I really  
25 don't know if that could meaningfully be done in one

1 week, because I really don't know if everyone is ready  
2 to take a position on what measures should be  
3 implemented or could be implemented faced with the  
4 jeopardy that's been declared by NANPA; and once  
5 having formulated that position, could they then take  
6 that position and convert it into testimony, again,  
7 all in one week and, again, all while you're trying to  
8 prepare for the part of the hearing that we do know  
9 about.

10           So I think the issue there is almost a  
11 placeholder issue for the Commission to take whatever  
12 action is appropriate and lawful at the time you make  
13 your decision, hopefully, giving parties the  
14 opportunity to have input and provide testimony under  
15 the appropriate circumstances. But right now I think  
16 you've still got to go back to that prejudice issue;  
17 can we formulate testimony that would adequately  
18 support our positions, our technical needs in seven  
19 days. And I think that's really where it comes right  
20 back down to.

21           I don't know if that answered your question.  
22 It may have been --

23           **COMMISSIONER JOHNSON:** No; that was helpful,  
24 because, as you've stated, we've been talking about  
25 the need for area code relief and what kinds of things

1 can be done to extend the life of an area code. So in  
2 that way it's ripe for discussion, and so I'm leaning  
3 towards having it as an issue to be addressed in the  
4 context of this docket.

5 But in doing that, as you've stated, we need  
6 to have information that we -- Ms. Caswell,  
7 Mr. Rehwinkel and all of the parties including  
8 Mr. Heaton -- it's almost if we add this, everybody  
9 needs to file something and then everybody needs to  
10 file rebuttal to that, and so I'm concerned with  
11 respect to the timing of it.

12 And it wouldn't be necessarily that  
13 Mr. Heaton -- perhaps he's already done some of his  
14 work with respect to answering this issue, because  
15 some of his testimony does go to this particular  
16 issue. But as I was reflecting on what everyone else  
17 has filed, no one else has filed testimony as to that  
18 issue; and I think that the Commissioners would be  
19 just as interested in hearing your own case as we  
20 would be interested in hearing you rebut or  
21 cross-examine one witness.

22 That wouldn't be sufficient just to have his  
23 testimony in and you rebutting it. We'd also like to  
24 hear your suggestions and your ideas so that the issue  
25 becomes more of if we add this issue -- and,

1 Ms. McKinney, you can answer that -- what kind of a  
2 time schedule are we looking at to have them file  
3 their positions with respect to if there is a need for  
4 relief, and what kind of -- to the extent they say no,  
5 Sprint or GTE would have to delineate why there is a  
6 need or why there is not and the kind of things that  
7 can be done to speed it up or slow it down. So that's  
8 a question maybe for you, Ms. McKinney, to address.

9           But before you do that -- Mr. Heaton, if you  
10 have any final rebuttal to the arguments that were  
11 raised by Sprint and GTE with respect to your motion  
12 for extension of time --.

13           **MR. HEATON:** I have two points that I'd like  
14 to raise. One is that I've been provided absolutely  
15 no demonstration of urgency.

16           We have been since 1997 a 25 NXX code holder  
17 in the 941 area code, and I was never informed that  
18 this 941 number NXX exhaust was an issue of any  
19 significance. We were never invited to participate in  
20 any industry discussions of it. I've seen not one  
21 shred of factual information until the filing of  
22 Sprint's testimony that testifies to the number of  
23 NNXs in use in the GTE and Sprint service areas.

24           **COMMISSIONER JOHNSON:** Mr. Heaton, I need  
25 you to stick to why your motion for extension of time



1 should be granted and rebutting the arguments that  
2 they made, if you have --

3           **MR. HEATON:** That was the second point, and  
4 I will jump to that.

5           I filed a complaint, faxed on the 25th of  
6 February, which was acknowledged by the Commission, I  
7 believe, on the date of March 11, and I believe --  
8 maybe sooner. I have the letter. Maybe it was  
9 March 8th and I received it on the 11th. And it did  
10 not really state a docket has been established. It  
11 said the Commission was investigating.

12           Of course, by that time I knew a docket had  
13 been established, but I have not received -- had not  
14 received through March 16 when I got the Sprint-GTE  
15 motion for consolidation of the three proceedings, I  
16 hadn't received one piece of correspondence relating  
17 to this new docket. And I don't know -- I'm not  
18 saying they weren't mailed, but I haven't received  
19 them.

20           And when I wrote in my pleading that I  
21 had -- in my request for a motion of extension that I  
22 wasn't aware of these dates until March 17th, I did  
23 participate in that March 8th prehearing call, but I  
24 have absolutely no recollection of those dates being  
25 discussed.

1           Possibly I tuned out of that conversation.  
2 I had concluded the conversation was concluded because  
3 somebody said "Is that all," and it might have been in  
4 reference to the issues, and maybe I hung up on the  
5 call before these dates were discussed and  
6 established; but I have absolutely no recollection of  
7 those dates; that had I, I would have responded in the  
8 appropriate time frame.

9           **COMMISSIONER JOHNSON:** Thank you. Staff?

10           **MS. MCKINNEY:** Commissioner Johnson, there  
11 are several issues that I need to address at this  
12 time.

13           First of all, I've heard mention that  
14 there's rebuttal filed by Mr. Heaton, and Staff has  
15 not received that, for the record.

16           When we opened the docket on March 1st,  
17 1999, I personally called Mr. Heaton and spoke with  
18 him. I cannot tell you the other dates that I spoke  
19 to him, but I spoke to him several times after that.  
20 I'm the person that called and informed him of the  
21 issue ID, the date and time.

22           I discussed with him personally and asked  
23 him what role he wanted to play in this docket. I  
24 explained to him that he could either come to the  
25 service hearings and testify after he had been sworn

1 in before the Commission, or he could file testimony.  
2 And he did not respond as to which role he wanted to  
3 play when we had that conversation.

4 I understand the difficulty that the  
5 industry is facing in trying to prepare their  
6 testimony at this late date. I also feel that it's  
7 important that they address the new issue that we're  
8 contemplating and they're not prejudiced by him filing  
9 testimony and them not being able to.

10 Off the top of my head, I understand the  
11 urgency of this docket, too, because of the exhaustion  
12 of numbers, and I think I've talked to each of you  
13 about that. But off the top of my head, I think we  
14 should see if we could bifurcate the technical  
15 hearing -- I'm looking at the Commission calendar --  
16 go ahead and have the service hearings next week; see  
17 if we could get the parties to stipulate to no notice,  
18 because it would take me another month to notice it;  
19 to put it off into June or something; get the parties  
20 to stipulate and try to get one of these dates for a  
21 technical hearing -- for those of you not familiar  
22 with Commission procedures, that's when you bring your  
23 witnesses, et cetera -- at the latter part of April.

24 I'm looking at the calendar, and I know it's  
25 being updated, but April 22nd, 23rd, 29th and 30th are

1 available on my calendar. And hold a technical  
2 hearing at that time and try to get the rec out as  
3 soon as possible and do the rest so that the parties  
4 won't be prejudiced pertaining to the testimony.

5 I'm leaving it at your discretion as to  
6 whether or not to allow Mr. Heaton's testimony to come  
7 in. He was in the issue ID. I did go over the due  
8 dates at that time. Sprint did fax him a copy of the  
9 motion to consolidate which had the information in it.  
10 And Mr. Heaton when he was talking today himself  
11 admitted that he knew about the dates originally, and  
12 he looked at it and he said that he could not do it;  
13 but then when he got the second package, he said, oh,  
14 they're filing late, so maybe I'll do it.

15 And I'm just putting those facts before you,  
16 Commissioner Johnson, and letting it be at your  
17 discretion. But if his testimony comes in, there are  
18 issues pertaining to the testimony which prejudice the  
19 other parties that they haven't had the opportunity to  
20 respond to.

21 **MR. REHWINKEL:** Commissioner, I just want to  
22 correct something. I didn't fax -- I apologize if I  
23 made anyone think this. I did not fax the motion to  
24 consolidate to Mr. Heaton. I mailed that to him. But  
25 that is not the essence of my -- I just didn't want

1 you to rely on the assumption that I had faxed that  
2 motion to him on the 10th.

3           **COMMISSIONER JOHNSON:** I'm going have to  
4 look at the calendar, because I'm inclined to add the  
5 additional issue, but if we add the additional issue,  
6 we have to give the parties time.

7           To the extent we add the additional issue --  
8 but I'm looking at -- we have to coordinate with the  
9 Chairman on the calendar, and I can see now that April  
10 is out of the question, is not going to work, those  
11 days that you've stated. So we'd have to go into May  
12 and try to work through that.

13           And what are we looking at in terms of final  
14 decision kind of deadlines? I mean, what's our  
15 schedule like?

16           **MS. MCKINNEY:** Presently this was set to go  
17 to Agenda on May 18, and I was going to have the order  
18 out by June 7th. And again I want to reiterate the  
19 importance of this. Permissive dialing was supposed  
20 to start in March of '99 and permanent is supposed to  
21 start in September, so this is of great urgency.

22           I know previously the Chairman has been  
23 extremely concerned about this particular docket, and  
24 he had other things moved so that we could set these  
25 cases for the 7th and 8th. We just opened the docket

1 on March the 1st, but because of the urgency, we got  
2 those early hearing dates. So I'm sure he would try  
3 to help us out or help us facilitate an early date.

4 **COMMISSIONER JOHNSON:** But the permissive  
5 was supposed to be March?

6 **MS. MCKINNEY:** March, '99.

7 **COMMISSIONER JOHNSON:** And mandatory?

8 **MS. MCKINNEY:** September '99. And -- hold  
9 on a minute, please, Commissioner. (Pause)  
10 Nothing further at this time, Commissioner  
11 Johnson.

12 **MS. CASWELL:** Commissioner Johnson, maybe I  
13 need some clarification. Are we looking at the motion  
14 for extension of time and the addition of the issue to  
15 be inextricably linked so that if we have -- if you  
16 don't grant the motion, that the issue comes in or --

17 **COMMISSIONER JOHNSON:** I'll tell you what I  
18 was thinking.

19 **MS. CASWELL:** Okay.

20 **COMMISSIONER JOHNSON:** If we're going to add  
21 an additional issue I have to give everybody time to  
22 file testimony. I could strike his extension of time,  
23 because he's got to start over just like everyone  
24 else.

25 **MS. CASWELL:** Exactly. And that was my

1 concern, that if his -- if you grant -- if you deny  
2 the motion for extension of time and his testimony  
3 goes out, then everybody is sort of in the same place  
4 as to addressing this new issue, and, you know, I just  
5 hate to have a -- you know, push back, and have  
6 another hearing, especially since this issue is  
7 related to the two other issues. And maybe if we just  
8 had some kind of statements at the hearing on the 8th  
9 or something like that, I don't know if that will be  
10 enough for the Commission in regard to the issue, but  
11 maybe if we did something like that we could avoid a  
12 whole new hearing and whole nother round of testimony  
13 on the one issue.

14           **COMMISSIONER JOHNSON:** Because one of the  
15 issues is, we're -- I was trying to accommodate that  
16 and let everyone start over and file, but I don't know  
17 if we really have time.

18           **MS. CASWELL:** Right. And that was -- and I  
19 don't think -- and I agree with Mr. Rehwinkel. It  
20 would be really tough to do that, especially with the  
21 Easter holiday and, you know, we've got some time up  
22 there.

23           So I guess what I'm proposing is sort of  
24 a -- everybody gets a limited opportunity to address  
25 the issue rather than, you know, the opportunity you

1 otherwise would have with testimony and rebuttal  
2 testimony. And I guess if everybody's okay with that  
3 we could agree to do that, and if not, I guess we'll  
4 have to go --

5 **COMMISSIONER JOHNSON:** Now, how would we do  
6 that? You mean through opening statements or --

7 **MS. CASWELL:** Yeah. Just make an opening  
8 statement. Just -- the Commission could say that this  
9 issue has been added and if anybody has any statements  
10 to make, you know, that they would have made in  
11 testimony -- I guess direct testimony -- they can make  
12 them orally, and then you can have leeway to question  
13 the witness on their position at that time.

14 **COMMISSIONER JOHNSON:** But you won't have a  
15 witness on the position.

16 **MS. CASWELL:** Well, you know, we have a  
17 witness on the two other issues and I would  
18 contemplate that our witness, at least, would be  
19 addressing this issue as well, if it were added. I  
20 don't know about the other parties.

21 **COMMISSIONER JOHNSON:** Mr. Rehwinkel? I'm  
22 sorry, ma'am, were you --

23 **MS. BURTON:** Yes. Sorry. Marty Burton  
24 with Charlotte County. As I'm sure you're aware,  
25 Charlotte County has come into this matter late as



1 well, and the witnesses that we have filed prefiled  
2 testimony for so far do not address at all this new  
3 issue that we have discussed adding to the docket, nor  
4 do they have the technical expertise to address this  
5 issue, which I would imagine that the witnesses for  
6 the industry who are already part of the docket might  
7 have the experience to address. But being a local  
8 government we would certainly like to be involved to  
9 address this issue. We agree that it's an important  
10 issue for the Commission to start with, but are not  
11 sure that one week would allow us to be able to  
12 address it sufficiently and really do not think that  
13 our current witnesses could do that.

14           **COMMISSIONER JOHNSON:** Thank you. Any other  
15 comments?

16           **MR. REHWINKEL:** Yes. One other aspect of  
17 this that I want to raise, and I think that -- I'm  
18 here on behalf of Sprint-Florida, the local  
19 telecommunications division. We have another division  
20 affiliate that may be concerned about the addition of  
21 this issue, and not having been on notice that this is  
22 what the scope of the proceeding was going to be, they  
23 may want to intervene and file testimony. And you may  
24 have others, because this is a substantial change to  
25 the character of the docket, and I just raise that

1 concern. I don't even know if I have the authority to  
2 say that I could be okay handling this at the hearing.

3 **COMMISSIONER JOHNSON:** Thank you. With  
4 respect to the pending motion on the motion of  
5 extension of time to file the -- I guess you were  
6 asking for an extension of time to file direct and  
7 rebuttal. Although I know Staff said you haven't  
8 gotten the rebuttal, I'm going to deny that and not  
9 allow that.

10 As to -- I read the testimony, and in the  
11 first instance, it is late, and I'm understanding that  
12 all the parties were given notice of the dates, and  
13 for that reason I will not allow that to come in. And  
14 after reading it, it isn't relevant to -- and I guess  
15 we haven't gone through all of the issues. But to the  
16 issues that I was assuming, the two issues that are  
17 stated in the prehearing order, have those already  
18 been agreed to by the parties or is that still up in  
19 the air, too?

20 **MS. MCKINNEY:** Yes, Commissioner. Those  
21 were the issues agreed to at the issue ID.

22 **COMMISSIONER JOHNSON:** Okay. As to the  
23 third issue, I know you all have been working on and  
24 discussing and trying to find a way for us to consider  
25 that issue. I think that the Commission is going to

1 have to consider that in a separate docket.

2           Mr. Heaton, I think you will have other  
3 opportunities to address that issue, but not in the  
4 context of this docket next week. I'm hopeful that to  
5 the extent that we do have either other dockets that  
6 are opened or we open a docket, to the extent that we  
7 come up with mechanisms that can lead to some  
8 preservation, that we do that -- in conservation, that  
9 we do that expeditiously, but I think it's a little  
10 overly ambitious to think that we can do it by next  
11 week in this particular docket and have some  
12 resolution that would provide everyone with due  
13 process and the proper analysis before the Commission  
14 makes that kind of a decision.

15           So, with respect to the motion for extension  
16 of time to file late, I'm not going to allow that to  
17 come in. And, I guess, the subsequent motion would  
18 have been, had I allowed it in, to strike portions of  
19 it. We don't have to entertain that.

20           The next preliminary matter.

21           **MS. MCKINNEY:** Commissioner, what about the  
22 issue, should the Commission consider an area code  
23 relief plan for the 941 area code?

24           **COMMISSIONER JOHNSON:** We're not going to  
25 add that issue. If we were to add that issue we'd

1 have to allow parties to have witnesses and file  
2 testimony and then we should properly allow rebuttal,  
3 and we cannot do that in the next seven days with an  
4 Easter holiday and the things that are happening. I  
5 don't think we can accommodate that in this  
6 proceeding.

7           **MS. MCKINNEY:** There's a motion to intervene  
8 by Manatee County. If somebody could please let him  
9 have a mike. Staff is recommending that the motion be  
10 granted. Manatee County has a substantial interest in  
11 the 941 area code.

12           **COMMISSIONER JOHNSON:** Show it granted.  
13 Thank you, sir.

14           **MR. MINIX:** May I address your previous  
15 statements regarding the addition of the third issue?

16           **COMMISSIONER JOHNSON:** It won't be added.  
17 But you can -- do you have a question?

18           **MR. MINIX:** No. I just wanted to make a  
19 statement. Does this now mean that the third issue  
20 can be litigated in a whole new proceeding at a later  
21 date?

22           **COMMISSIONER JOHNSON:** I'm hopeful that the  
23 third issue, in more of a generic way, will be  
24 addressed at a subsequent date, but it won't be  
25 addressed next week.

1           **MR. MINIX:** Correct. I understand the  
2 Commissioner's ruling on that. But what I thought,  
3 and we of course agree with the Staff's recommendation  
4 on that, that this is now going to entail perhaps a  
5 second proceeding involving where you would start all  
6 over again on an issue that's really a fundamental  
7 issue that you would consider initially, not after you  
8 considered the other two issues. That's our position  
9 on that.

10           **COMMISSIONER JOHNSON:** Okay. Thank you.

11           **MS. MCKINNEY:** There's also an outstanding  
12 motion for extension of time by Manatee County, and  
13 Staff is recommending that Manatee's extension of time  
14 be denied since FPSC Rule 25-22.039 provides that  
15 intervenors take the case as they find it. If it's  
16 denied, Manatee County will still have the opportunity  
17 to file briefs and cross-examine witnesses, just as  
18 well as they could send people to the service hearings  
19 to provide information to the Commissioners. But  
20 Staff believes it's too late at this time to allow  
21 them to file additional testimony.

22           **COMMISSIONER JOHNSON:** Show the motion for  
23 extension of time to file additional testimony denied.  
24 Next issue.

25           **MS. MCKINNEY:** Is Polk County still on the

1 line?

2 MR. CARPANINI: Yes.

3 MS. MCKINNEY: Mr. Carpanini, I know that I  
4 have a motion from you for intervention on the Fort  
5 Meade docket.

6 MR. CARPANINI: Right.

7 MS. MCKINNEY: Did you intend to -- and you  
8 called asking to participate in this case, so I'm  
9 asking you for clarification. Did you mean to  
10 intervene in this docket also, the 941?

11 MR. CARPANINI: No. I think I just had the  
12 wrong docket number on.

13 MS. MCKINNEY: Okay. So you want to  
14 intervene in Fort Meade. You don't want to intervene  
15 in 941?

16 MR. CARPANINI: Correct.

17 MS. MCKINNEY: Okay.

18 MR. CARPANINI: Although what I heard  
19 earlier was Polk County was considered a party in the  
20 Fort Meade -- (technical difficulties with telephone  
21 connection) -- in any of it.

22 MS. MCKINNEY: Correct. That's why I was  
23 confused and I assumed that your motion to intervene  
24 should have been for the 941, since the 941 case  
25 affects Fort Meade.

1           **MR. CARPANINI:** Just -- I think at this  
2 point you can just disregard the motion.

3           **MS. MCKINNEY:** I didn't hear you, sir.

4           **MR. CARPANINI:** At this point I think you  
5 can just disregard the motion.

6           **COMMISSIONER JOHNSON:** We'll show the motion  
7 withdrawn. Any other preliminaries?

8           **MS. MCKINNEY:** Yes, Commissioner. There's  
9 an issue as to Pamela Kenworthy. She's the witness  
10 for Lockheed Martin that will be participating in the  
11 hearing. Previously in Commission hearings pertaining  
12 with area codes, the parties have stipulated that the  
13 witness from Lockheed Martin can testify and be  
14 cross-examined, but because Lockheed Martin is a  
15 neutral party and not participating or advocating,  
16 they will not have an attorney there, and I'm asking  
17 the parties for that same stipulation in this case.

18           **COMMISSIONER JOHNSON:** Any objections? Show  
19 it stipulated.

20           **MS. MCKINNEY:** Thank you. And the last  
21 preliminary matter that Staff has is, did everybody  
22 receive a copy of the map that was handed out that  
23 said Alternative 3? It was on the table.

24                   Alternative 3, Staff is modifying what they  
25 previously had as Alternative 3. And Alternative 3

1 adds in the Boca Grande area with Charlotte County, so  
2 if -- with this proposal everything in green,  
3 including Boca Grande, would get an area code  
4 together. So I'm just clarifying that for the record.

5 **COMMISSIONER JOHNSON:** Okay. Anything else?

6 **MS. MCKINNEY:** No, Commissioner, nothing  
7 additional at this time. We need to proceed to the  
8 prehearing order.

9 Excuse me. Commissioner, somebody has  
10 something to say.

11 **COMMISSIONER JOHNSON:** Oh, ma'am.

12 **MS. BURTON:** Thank you. I have a procedural  
13 question. Does this mean that the dockets are not  
14 consolidated as I thought that they were earlier?

15 **COMMISSIONER JOHNSON:** No. They're  
16 consolidated.

17 **MS. MCKINNEY:** They're consolidated. The  
18 Fort Meade is pending a written stipulation by the  
19 City of Fort Meade, and the county, which I'm going to  
20 attempt to get. So it's contingent based on that.

21 **MS. BURTON:** So all three dockets remain  
22 consolidated with that stipulation?

23 **MS. MCKINNEY:** Yes.

24 **MS. BURTON:** Thank you.

25 **COMMISSIONER JOHNSON:** Ma'am?



1           **MS. SCHNEIDER:** Commissioner, Kathleen  
2 Schneider for Sarasota County. And we had -- well,  
3 both Charlotte County and Sarasota had presented some  
4 amended prehearing statements this morning and we had  
5 filed those, and I didn't know if there was a  
6 procedure for incorporating what we had added.

7           Basically what we added was a position for  
8 Issue 2, because I had received my order, I guess,  
9 over the Internet and it didn't have an Issue 2 on  
10 there so I didn't know there was one. So I'm adding a  
11 basic position for Issue 2 today and also was  
12 reserving Sarasota County's right to add additional  
13 witnesses as necessary as the other parties have also  
14 reserved that.

15           So basically that's all we added in our  
16 amended prehearing statement. I just wanted to be  
17 sure that there wasn't a problem in incorporating that  
18 into the order.

19           **COMMISSIONER JOHNSON:** What we'll do is go  
20 through page by page the prehearing order that Staff  
21 distributed, I guess, this morning or whenever it was  
22 distributed, and to the extent -- when we get to an  
23 item where you'd like to add an amendment, at that  
24 time direct my attention to that and the other parties  
25 and I'm sure -- from viewing what you've provided here

1 I'm sure there will be no objections, and then those  
2 things will be amended into the document. If there is  
3 an objection during the course of me going through  
4 this, then we will just entertain it and work that  
5 through.

6 **MS. SCHNEIDER:** Okay. Thank you.

7 **COMMISSIONER JOHNSON:** Any other questions?

8 Then turning to the prehearing order, the  
9 draft. I know that we may have some other parties to  
10 add to the appearances on Page 1 and Page 2. Any  
11 revisions or corrections on Page 2, the prehearing  
12 order, Roman Numeral I or II on that page? Seeing  
13 none.

14 Page 3 is pretty standard, procedure for  
15 handling confidential matters.

16 Page 4, continuing the confidential matters  
17 and the post hearing procedures, it's pretty standard.

18 Page 5, prefiled testimony and exhibits,  
19 standard. Going to Page 5, Roman Numeral VI, order of  
20 witnesses. Any changes there? No. Okay.

21 Page 6, Roman Numeral VII, basic positions;  
22 any changes?

23 **MS. SCHNEIDER:** Yes. Commissioner, the  
24 second paragraph of Sarasota County's basic position  
25 for Issue 1 that we had included in our prehearing

1 statement was omitted from the prehearing order.

2           **COMMISSIONER JOHNSON:** I'm on the -- is  
3 there any change in your basic position?

4           **MS. SCHNEIDER:** Well -- the prehearing  
5 statement that we had issued had actually two  
6 paragraphs of our basic position here.

7           **COMMISSIONER JOHNSON:** Okay.

8           **MS. SCHNEIDER:** And it's just omitted from  
9 this prehearing order, and plus we've added an extra  
10 sentence to the end of it which shows up in our  
11 amended prehearing statement.

12           **COMMISSIONER JOHNSON:** Okay. Because it's  
13 your basic position, what we will do is, the  
14 information that you'd like for us to provide, if you  
15 could make sure that Ms. McKinney, that she does have  
16 that, then we will just --

17           **MS. SCHNEIDER:** Yes. It's in the amended --  
18 the whole thing is in the amended prehearing statement  
19 on Page 2. It's our entire basic position as to Issue  
20 No. 1.

21           **COMMISSIONER JOHNSON:** Do you have that  
22 information, Ms. McKinney?

23           **MS. MCKINNEY:** She handed it to me. I can  
24 honestly say right now I can't place my hands on it.

25           **MS. SCHNEIDER:** I've got another one for

1 you.

2 **MS. MCKINNEY:** Thank you.

3 **COMMISSIONER JOHNSON:** We'll make sure to  
4 have that information added. It's a little confusing  
5 because we have basic positions, kind of a generic,  
6 and then we have, Issue 1, what's your position, Issue  
7 2, what's your position. So we'll work through that  
8 to make sure that we have things in the proper order  
9 for the county.

10 **MS. MCKINNEY:** I have it, Kathy.

11 **MR. MINIX:** Commissioner Johnson, for  
12 Manatee County, of course, we don't have a basic  
13 position placed in here. I will get with Ms. McKinney  
14 and give her our basic position so that it can be  
15 included in the final draft.

16 **COMMISSIONER JOHNSON:** Thank you. Any other  
17 changes on the basic positions. And that's Pages 6  
18 and 7 of the prehearing order.

19 Page 8.

20 **MS. BURTON:** Excuse me.

21 **COMMISSIONER JOHNSON:** Yes, ma'am.

22 **MS. BURTON:** Charlotte County is in the same  
23 situation as Sarasota County. We have this morning  
24 filed an amendment to our prehearing statement and  
25 just made a few changes to, again, our basic position,

1 and also added an Issue 2 because we don't have an  
2 Issue 2 in our prehearing statement. The reason we  
3 did not have an Issue 2 in our prehearing statement is  
4 because when the order, including the procedure for  
5 the prehearing statement was faxed to us, we had  
6 already sent in our prehearing statement.

7           **COMMISSIONER JOHNSON:** Okay. We will make  
8 sure that your positions are accurately reflected in  
9 the order, and you'll have an opportunity to meet with  
10 Ms. McKinney, and before it's finalized, review it and  
11 make sure that everything that you wanted to have  
12 included as relates to your positions, that we've  
13 included that.

14           **MS. BURTON:** Thank you.

15           **COMMISSIONER JOHNSON:** Issue 1. Any  
16 questions with respect to the wording of the issues or  
17 the position? And again, I understand that the  
18 counties may be filing to make sure that their  
19 positions are accurately reflected.

20           Issue 2. I know it stands for the counties.  
21 BellSouth Mobility.

22           **MR. MORLEY:** Again, Commissioner, I just  
23 wanted to confirm that Ms. McKinney --

24           **MS. MCKINNEY:** I have it.

25           **COMMISSIONER JOHNSON:** And Sprint, we have

1 yours?

2           **MR. REHWINKEL:** Commissioner, we would -- I  
3 can give this language to Jim, but for the record, we  
4 would say that we agree with the GTEFL position as  
5 stated in their prehearing statement.

6           **COMMISSIONER JOHNSON:** And adopt it as your  
7 own?

8           **MR. REHWINKEL:** Yes. We agree with what's  
9 stated here for GTE.

10           **COMMISSIONER JOHNSON:** The exhibits -- Page  
11 10, the exhibit list, any changes or additions? And  
12 for Sprint, Mr. Foley, any description on what that  
13 exhibit might be for Mr. Foley, Mr. Rehwinkel?

14           **MR. REHWINKEL:** It's the -- it's really the  
15 same letter that's PK-2. I think that's only -- yes.  
16 And Exhibit 1 is the same as PK-2, and Exhibit 2 are  
17 recommended dialing patterns. Thank you.

18           **COMMISSIONER JOHNSON:** Okay. Thank you.  
19 Any other -- I guess we've handled -- there are no  
20 proposed stipulations to be presented and there are no  
21 additional stipulations. And Section 11, pending  
22 motions, we've addressed them all, I believe.

23           **MS. MCKINNEY:** Yes, Commissioner. Did you  
24 want me to put in there about the Fort Meade  
25 stipulation under that stipulation section?

1 MS. CASWELL: That's the one that's still  
2 pending?

3 MS. MCKINNEY: Uh-huh.

4 COMMISSIONER JOHNSON: Sure. Anything else?  
5 Yes, ma'am.

6 MS. SCHNEIDER: Commissioner, I just have a  
7 question as to whether Staff plans on putting in the  
8 COCUS into evidence at all. There was some discussion  
9 about that for that -- for '98.

10 MS. MCKINNEY: We haven't gotten that far  
11 yet, Kathy.

12 MS. SCHNEIDER: Okay. If we wanted to ask  
13 about it then, do we have to put it in -- we don't  
14 have a copy of it. We haven't been able to get a copy  
15 of it.

16 MS. MCKINNEY: We don't have a copy of it.

17 MS. SCHNEIDER: Okay. Who does? NANPA? Or  
18 Lockheed Martin, I guess?

19 MS. MCKINNEY: Yes. They get it annually  
20 and it's my understanding it's boxes and boxes. It's  
21 voluminous. It's not like something simple that's in  
22 a chart. So that might not be exactly what you're  
23 looking for.

24 MS. SCHNEIDER: Okay.

25 MS. MCKINNEY: Because it has specifically

1 all the information about all the NXXs, so it's boxes  
2 and boxes.

3 **MS. SCHNEIDER:** Not specifically as to  
4 the -- because all we're concerned about is 941. It  
5 wouldn't --

6 **MS. MCKINNEY:** You would have to call them  
7 and ask if they can break it down.

8 **MS. SCHNEIDER:** I talked to Lockheed Martin  
9 and didn't really get an answer. They seem to think  
10 that you would have it or I could get information off  
11 of the Internet and wasn't able to do either.

12 **MS. MCKINNEY:** Part of that may be that some  
13 of the information is proprietary so you might not be  
14 able to get part of it.

15 **MS. SCHNEIDER:** So if we wanted to just  
16 question -- we don't -- I guess the problem is that we  
17 don't even know what it is, what it looks like,  
18 anything to even ask questions about it to Lockheed  
19 Martin. Because one of our issues, of course, is that  
20 the 941 area code be split into more than one split  
21 and divided differently and it's just --

22 **MS. MCKINNEY:** Kathy, a suggestion. Call  
23 Levent and let him explain the details of what you're  
24 asking and maybe he will put you down the road to get  
25 the information you want.



1                   **COMMISSIONER JOHNSON:** And to the extent  
2 that we need to add another exhibit, I think you can  
3 contact Ms. McKinney and we'll try to accommodate  
4 that.

5                   **MS. SCHNEIDER:** Thanks.

6                   **COMMISSIONER JOHNSON:** Any other questions?  
7 Any other matters to come before the prehearing  
8 officer, today?

9                   **MS. MCKINNEY:** No, Commissioner. I'd just  
10 like to go over the dates of the hearing.

11                   **COMMISSIONER JOHNSON:** Okay.

12                   **MS. MCKINNEY:** We're scheduled for April 8th  
13 in Sarasota at 10:00 a.m., and 6:00 p.m. for a service  
14 hearing. The technical hearing will be held at  
15 1:00 p.m. in Sarasota on April 8th. On April 9th, the  
16 service hearings will be at noon and 6:00 p.m. in  
17 Fort Myers. And I have nothing further at this time.

18                   **COMMISSIONER JOHNSON:** Thank you very much.  
19 This prehearing is adjourned. Thank you.

20                   (Thereupon, the hearing concluded at  
21 12:25 p.m.)

22                   - - - - -

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1 STATE OF FLORIDA)  
2 COUNTY OF LEON )

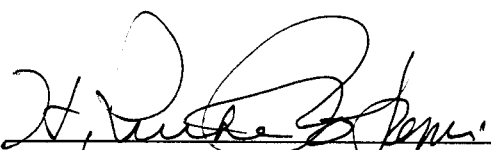
CERTIFICATE OF REPORTERS

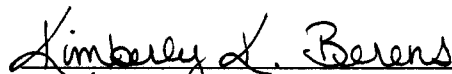
3 We, H. RUTHE POTAMI, CSR, RPR, and KIMBERLY  
4 K. BERENS, RPR, Commission Reporters;

5 DO HEREBY CERTIFY that the Prehearing  
6 Conference in Docket No. 990223 was heard by the  
7 Prehearing Officer at the time and place herein  
8 stated; it is further

9 CERTIFIED that we stenographically reported  
10 the said proceedings; that the same has been  
11 transcribed by us; and that this transcript,  
12 consisting of 73 pages, constitutes a true  
13 transcription of our notes of said proceedings.

14 DATED this 2nd day of April, 1999.

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H. RUTHE POTAMI, CSR, RPR

  
KIMBERLY K. BERENS, RPR

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