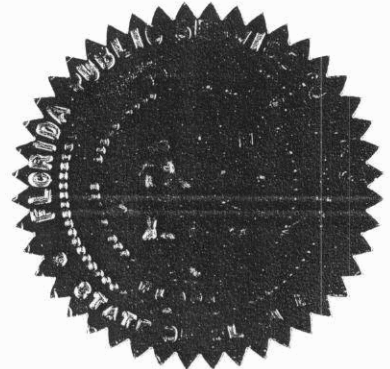


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 980946-TL

Petition for temporary waiver :
of physical collocation :
requirements set forth in the :
1996 Telecommunications Act and :
the FCC's First Report and :
Order, for the Daytona Beach :
Port Orange Central Office, by :
BellSouth Telecommunications, :
Inc. :



Petition for waiver of physical: DOCKET NO. 980947-TL
collocation requirements set :
forth in the Telecommunications:
Act of 1996 and the FCC's First:
Report and Order, for the Boca :
Raton Boca Teeca Central :
Office, by BellSouth :
Telecommunications, Inc. :

Petition for waiver of physical: DOCKET NO. 980948-TL
collocation requirements set :
forth in the 1996 :
Telecommunications Act and the :
FCC's First Report and Order, :
for the Miami Palmetto Central :
Office, by BellSouth :
Telecommunications, Inc. :

Petition for waiver of physical: DOCKET NO. 981011-TL
collocation requirements set :
forth in the Telecommunications:
Act of 1996 and the FCC's First:
Report and Order, for the West :
Palm Beach Gardens Central :
Office, by BellSouth :
Telecommunications, Inc. :

Petition for waiver of physical: DOCKET NO. 981012-TL
collocation requirements set :
forth in the Telecommunications:
Act of 1996 and the FCC's First:
Report and Order, for the North:
Dade Golden Glades Central :
Office, by BellSouth :

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 6489 MAY 21 88

FPSC-RECORDS/REPORTING

1 -----
 2 **Petition for temporary waiver : DOCKET NO. 981250-TL**
 3 **of physical collocation :**
 4 **requirements set forth in the :**
 5 **1996 Telecommunications Act and:**
 6 **the FCC's First Report and :**
 7 **Order, for the Lake Mary Main :**
 8 **Central Office, by BellSouth :**
 9 **Telecommunications, Inc. :**
 10 -----

6

7 **PROCEEDINGS: PREHEARING CONFERENCE**

8

9 **BEFORE: COMMISSIONER SUSAN F. CLARK**
Prehearing Officer

10

11 **DATE: Monday, May 17, 1999**

11

12 **TIME: Commenced at 3:30 p.m.**
Concluded at 4:00 p.m.

13

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

15

16 **REPORTED BY: H. RUTHE POTAMI, CSR, RPR**
FPSC Commission Reporter

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1 **APPEARANCES:**

2 **MONICA BARONE**, Sprint Communications Company
3 Limited Partnership, 3100 Cumberland Circle, Atlanta,
4 Georgia 30339, appearing on behalf of **Sprint**
5 **Communications Company and Limited Partnership.**

6 **NANCY B. WHITE**, c/o Nancy Sims, 150 North
7 Monroe Street, Suite 400, Tallahassee, Florida 32301,
8 appearing on behalf of **BellSouth Telecommunications,**
9 **Inc.**

10 **RICHARD D. MELSON**, Hopping Green Sams and
11 Smith, Post Office Box 6526, Tallahassee, Florida
12 32314, appearing on behalf of **ACI Corporation.**

13 **NORMAN H. HORTON, JR.**, Messer, Caparello, &
14 Self 215 South Monroe Street, Post Office Box 1876,
15 Tallahassee, Florida 32302-1876, appearing on behalf
16 of **e.spire Communications Company and North Point**
17 **Communications.**

18 **CHARLES J. PELLEGRINI**, Wiggins & Villacorta,
19 P. A., Post Office Drawer 1657, 2145 Delta Boulevard,
20 Tallahassee, Florida 32302, appearing on behalf of
21 **Intermedia Communications.**

22 **JOHN ELLIS**, Rutledge, Ecenia, Underwood,
23 Purnell and Hoffman, P. O. Box 551, 215 South Monroe
24 Street, Suite 420, Tallahassee, Florida 32302-0551,
25 appearing on behalf of **Teleport Communications Group,**

1 **Inc. and TCG South Florida.**

2 **APPEARANCES CONTINUED:**

3 **DAVID V. DIMLICH**, 2620 S. W. 27th Avenue,
4 Miami, Florida, appearing on behalf of **Supra**
5 **Telecommunications and Information Systems, Inc.**

6 **FLOYD R. SELF**, Messer, Caparello & Self, 215
7 South Monroe Street, Post Office Box 1876,
8 Tallahassee, Florida 32302-1876, appearing on behalf
9 of **WorldCom Technologies, Inc. (MCI WorlCom, Inc.)**.

10 **MARC W. DUNBAR**, Pennington, Moore,
11 Wilkinson, Bell & Dunbar, 215 South Monroe Street, 2nd
12 Floor, Tallahassee, Florida 32302, appearing on behalf
13 of **Time Warner AxS of Florida, L.P.**

14 **CHRISTOPHER GOODPASTOR**, 700 13th Street NW,
15 Suite 950, Washington, D.C. 20005, appearing on behalf
16 of **Covad Communications, Inc. d/b/a DIECA**
17 **Communications.**

18 **BETH KEATING**, Florida Public Service
19 Commission, Division of Legal Services, 2540 Shumard
20 Oak Boulevard, Tallahassee, Florida 32399, appearing
21 on behalf of the **Commission Staff.**

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P R O C E E D I N G S

(Hearing convened at 3:30 p.m.)

COMMISSIONER CLARK: Let's call the prehearing to order. Would you please read the notice.

MS. KEATING: By notice issued May 11th, 1999, this time and place have been set for a prehearing conference in the consolidated petitions by BellSouth for waiver of the physical collocation requirements. The purpose is as set forth in the notice.

COMMISSIONER CLARK: Thank you very much. We'll take appearances starting with you, Ms. White.

MS. WHITE: Nancy White with BellSouth Telecommunications. Also appearing at the hearing on this matter will be Phil Carver and Michael Goggin.

COMMISSIONER CLARK: Michael who?

MS. WHITE: Goggin, G-O-G-G-I-N.

MR. HORTON: Norman H. Horton of Messer, Caparello & Self, Tallahassee, on behalf of e.spire Communications and North Point Communications.

MR. ELLIS: John Ellis of Rutledge, Ecenia, Purnell & Hoffman for TCG Teleport Communications Group.

COMMISSIONER CLARK: You need to speak up

1 louder so the court reporter can hear you and so can
2 I. Go ahead.

3 **MR. GOODPASTOR:** Chris Goodpastor for Covad
4 Communications.

5 **MS. BARONE:** Monica Barone with Sprint
6 Communications Company, Limited Partnership, 3100
7 Cumberland Circle, Atlanta, Georgia 30339.

8 **MR. MELSON:** Richard Melson and Gabriel
9 Nieto, N-I-E-T-O, of Hopping Green Sams and Smith, on
10 behalf of ACI Corp.

11 **MR. PELLEGRINI:** I'm Charles Pellegrini and
12 Patrick Knight Wiggins, Wiggins & Villacorta, on
13 behalf of Intermedia.

14 **MR. SELF:** Floyd Self, the Messer, Caparello
15 & Self Law Firm on behalf of WorldCom Technologies,
16 Inc., which is a subsidiary of MCI Worldcom, Inc. I'd
17 also like to enter an appearance for Donna McNulty,
18 also on behalf of WorldCom Technologies, Inc.

19 **MR. DIMLICH:** David Dimlich on behalf of
20 Supra Telecommunications & Information Systems.

21 **MS. KEATING:** And Beth Keating and Will Cox
22 appearing for Commission Staff.

23 **COMMISSIONER CLARK:** Is Mr. Dunbar here?

24 **MR. DUNBAR:** Yes, ma'am. Marc Dunbar.

25 **COMMISSIONER CLARK:** Come on up, Marc. Have

1 a seat.

2 **MR. DUNBAR:** Okay.

3 **COMMISSIONER CLARK:** Mr. Ellis, you're here
4 for -- okay.

5 **MS. KEATING:** We have just a couple of
6 preliminary matters before we go into the draft
7 prehearing order. I think the first one pertains to
8 North Point. North Point failed to file a prehearing
9 statement, and I believe Mr. Horton can address that.

10 **COMMISSIONER CLARK:** Mr. Horton, go ahead.

11 **MR. HORTON:** Yes, ma'am. North Point had
12 intervened in this proceeding. We did not file any
13 testimony. They did participate in the walk-throughs,
14 and it was just an oversight.

15 Their positions would be the same as set
16 forth for e.spire, so we'd just simply like to adopt
17 those positions.

18 **COMMISSIONER CLARK:** Is there any objection
19 to that? (No response.) Without objection we'll show
20 you as adopting their positions.

21 **MR. HORTON:** Thank you.

22 **MS. KEATING:** Okay. And the second matter,
23 I believe that Ms. White wanted to bring something up.

24 **COMMISSIONER CLARK:** Yes, Ms. White.

25 **MS. WHITE:** Thank you, Commissioner Clark.

1 I've had a chance to talk to some of the
2 parties about this. I'm sure I haven't gotten to them
3 all, but I just wanted to give everyone a heads up
4 that BellSouth will be filing by the end of this week
5 a motion of stay of these proceedings based on the
6 recent FCC order that was issued. I believe the rules
7 in that order become effective on June 1st.

8 BellSouth is going to implement the vast
9 majority of the rules contained in the FCC order.
10 There are two or three issues on which I think
11 BellSouth is going to seek clarification. But the
12 reason for the stay would be so that BellSouth can get
13 with not only the parties to these dockets, but the
14 companies who have filed applications for physical
15 collocation in these six offices and look at these
16 offices again from the standpoint of the FCC order
17 that is in terms of bays and racks rather than square
18 footage.

19 The only thing that BellSouth has now of
20 what the companies want as far as physical collocation
21 is the square footage, and since that's no longer the
22 standard but rather bays and incremental racks are, we
23 need to talk with the parties and see what they're
24 looking for and then reassess the offices.

25 I don't want to pull the petitions for

1 waiver down only because I don't know what the
2 situation is going to be once this process is
3 completed of reassessment. And because we've gone
4 through the Staff audits and gone through so much, I
5 hate to just throw it out.

6 There's also an issue that probably is going
7 to have to be dealt with if the stay is granted, when
8 we come back to the Commission, which is probably
9 BellSouth seeking some assistance from the Commission
10 on dealing with the building officials'
11 interpretations of the codes, particularly in south
12 Florida.

13 I know a lot of the parties would say, well,
14 you don't have to go getting a building permit since
15 you're not building a wall, but we know in south
16 Florida that's how they're interpreting it, and I
17 don't want us to be in violation of anything.

18 So we may have to come back and seek some
19 assistance from this Commission and possibly the FCC
20 on speaking with them. But I just wanted to give a
21 heads up that BellSouth will be filing a motion for
22 stay of the proceedings by the end of the week.

23 **COMMISSIONER CLARK:** All right; by the end
24 of the week.

25 **MS. WHITE:** That's right.

1 **COMMISSIONER CLARK:** And this is scheduled
2 for the 9th through 11th of June. Does that give us
3 time to get it on the Agenda?

4 Who can issue the stay? I don't think I can
5 on my own.

6 **MS. KEATING:** I believe that this would need
7 to go to an Agenda Conference, but we can probably
8 schedule it --

9 **COMMISSIONER CLARK:** Well, you know, maybe I
10 can rule on a stay, but it has to be with the
11 Chairman's consent. Would you look into that?

12 **MS. KEATING:** We can certainly check into
13 that.

14 **COMMISSIONER CLARK:** If we do have to have
15 it on Agenda, alert everyone that we need to get it
16 on -- I guess, it would be on the June 1st Agenda?

17 **MS. WHITE:** The next -- the one after
18 tomorrow.

19 **MS. KEATING:** I think there is one on the
20 1st.

21 **COMMISSIONER CLARK:** I think it's on the
22 1st. Well, I've just asked that you be mindful of the
23 time constraints that might be required, given the
24 procedure we have to follow.

25 Any other comments on that?

1 **MR. GOODPASTOR:** I have a comment on behalf
2 of Covad, your Honor.

3 As you know, in Covad's prehearing statement
4 they asked the Commission to rule on what essentially
5 is a motion to dismiss the petitions because of the
6 new collocation requirements of the FCC order.

7 Although we're enthused about BellSouth's
8 motion, the proposed motion to stay, it is still
9 Covad's position that the petitions for waiver of the
10 space requirements are moot under the order; and if
11 BellSouth does intend to implement the order, that at
12 the very least, a stay is appropriate, but we would
13 like some clarification on what sort of measures will
14 follow if and when the stay is lifted, particularly in
15 light of the FCC order.

16 There are new space exhaustion verification
17 requirements, and we would hope those would be
18 complied with as well as any other exhaust
19 verification requirements that may be -- or any other
20 requirements under the FCC order.

21 My only concern with the motion for stay is
22 that if the stay is lifted, we essentially start out
23 from the same position that we ended --

24 **COMMISSIONER CLARK:** Wait a minute. Wait a
25 minute. I think we should deal with the stay when

1 it's filed. Whether or not it's -- the conditions of
2 it being lifted are for another day, as far as I'm
3 concerned.

4 **MR. GOODPASTOR:** Okay. Well, I would
5 just -- then as a preliminary matter, Covad would
6 still like to assert its motion to dismiss the
7 petitions.

8 **COMMISSIONER CLARK:** Well, I'm not -- where
9 is the motion to dismiss? I haven't seen one.

10 **MS. KEATING:** I'm not familiar --

11 **MR. GOODPASTOR:** Well, I don't -- I'm not
12 sure if a motion to dismiss is called for or
13 contemplated by the procedural rules, so, therefore,
14 we put it in as a preliminary matter to be addressed
15 by the Commission before we continued with the
16 proceeding.

17 **COMMISSIONER CLARK:** Well, you know what?
18 We're drawing a lot of blanks over here. Was that in
19 your prehearing statement?

20 **MR. GOODPASTOR:** Yes, your Honor, it was.

21 **MS. KEATING:** I apologize, Commissioner. I
22 don't recall seeing that in there. It may have been,
23 but in light of the fact that it wasn't filed as an
24 actual motion, it was not included; and it was not
25 filed as a motion to dismiss.

1 **MR. GOODPASTOR:** It was included in the
2 section under preliminary matters to be addressed by
3 the Commission.

4 As I stated, I don't believe --

5 **COMMISSIONER CLARK:** Give me a page in the
6 prehearing.

7 **MS. KEATING:** Well, we thought that in view
8 of the fact that there was not an actual motion on
9 file, we considered that an oversight, because there
10 is not a motion to dismiss on file, so we just --

11 **COMMISSIONER CLARK:** I'm looking at their
12 preliminary statement. Maybe it's --

13 **MR. GOODPASTOR:** On Page 8 of Covad's
14 prehearing conference statement, under Statement of
15 Pending Motions or Other Matters, it says "Presently
16 no motion is submitted by Covad. However, it
17 respectfully requests Commission to address the
18 preliminary issue of law identified above at the
19 prehearing conference on May 17th, 1999."

20 **COMMISSIONER CLARK:** I'll tell you what,
21 Mr. Covad (sic); if you want it ruled on as a motion,
22 you better file it as a motion. Okay?

23 **MR. GOODPASTOR:** Yes, your Honor.

24 **COMMISSIONER CLARK:** I'm not in a position
25 to take it up here, and if it is a motion to dismiss,

1 the whole Commission would have to hear it anyway.

2 **MS. KEATING:** That's correct.

3 **COMMISSIONER CLARK:** All right. As I
4 understand it, you will file a motion for stay of the
5 proceedings by the end of the week.

6 **MS. WHITE:** That's correct.

7 **COMMISSIONER CLARK:** How long do parties
8 have to respond to that?

9 **MS. KEATING:** That depends on whether it's
10 served by hand or by mail. It's seven days.

11 **MS. WHITE:** Well, we'll either serve it by
12 hand or overnight or fax, whatever will make it
13 easier.

14 **COMMISSIONER CLARK:** I am concerned that we
15 may run into some time lines, deadlines that we can't
16 make, if it has to come to Agenda before the hearing.
17 I would like it to come so that we could rule on it
18 and people would know enough in advance that we are or
19 are not going to have the hearing.

20 **MS. KEATING:** Well, as far as the motion to
21 stay, Mr. Wiggins actually just made a suggestion, was
22 that perhaps tomorrow at the Agenda Conference the
23 other Commissioners could give you the authority to
24 rule on the motion for stay in view of the short time
25 frames. That's an unusual procedure. I'm not

1 familiar with it, but, you know, in view of this
2 unusual circumstance, I would think it was at least --

3 **COMMISSIONER CLARK:** Why don't we look into
4 that, and if we find that the whole Commission has to
5 do it, we may shorten up the time frames for
6 responding to it so that Staff can get it on the
7 Agenda.

8 **MS. KEATING:** Okay.

9 **COMMISSIONER CLARK:** But I presume you'll
10 know something by tomorrow to tell me.

11 **MS. KEATING:** We'll know something by this
12 evening.

13 **COMMISSIONER CLARK:** All right. Thanks.

14 Mr. Goodpastor, if you do want to file that
15 motion to dismiss, please do it as a motion to
16 dismiss.

17 **MR. GOODPASTOR:** Yes, Commissioner.

18 **COMMISSIONER CLARK:** Any other preliminary
19 matters?

20 **MS. KEATING:** There are some outstanding
21 motions, but I suggest we just take them up in the
22 motion section of the order.

23 **COMMISSIONER CLARK:** You don't want me to do
24 them now?

25 **MS. KEATING:** It's --

1 **COMMISSIONER CLARK:** You've put out a nice
2 little list for me, so maybe we can dispose of them.

3 I understand there is a request by Staff for
4 leave to file supplemental direct testimony. I
5 understand that supplemental testimony was filed
6 before the rebuttal.

7 Is there any objection to granting the
8 request to file the supplemental direct testimony?
9 (No response.) Show that granted without objection.

10 There was a motion to file prehearing
11 statement one day late on behalf of Supra. Is there
12 an objection to that motion? (No response.) Seeing
13 no objection, show that granted.

14 Intervenor's motion for leave to file
15 testimony one day out of time, was there an objection
16 to that motion? (No response.) Show that one
17 granted.

18 **MS. KEATING:** There are also two outstanding
19 requests for confidential treatment, but we're still
20 sorting through issues with that.

21 And there are -- BellSouth has four
22 outstanding motions for protective order, but it's my
23 understanding that some of those have been resolved
24 between the parties.

25 **MS. WHITE:** Excuse me. I think all of those

1 were resolved by the parties signing a protective
2 agreement with BellSouth.

3 **COMMISSIONER CLARK:** All right. Well, let
4 me just run through the list.

5 There's BellSouth's objection, a motion for
6 protective order which was filed on March 8th.
7 Another one was filed on the 12th of April. Another
8 was filed on the 19th of April, and then one on the
9 6th. Show all those -- indicate that those motions do
10 not need to be ruled on because they have been
11 resolved between the parties. Okay.

12 **MS. KEATING:** Very well. And I believe that
13 Sprint has indicated they have one preliminary matter.

14 **MS. BARONE:** Yes. Thank you. Monica Barone
15 with Sprint.

16 And I just spoke with Nancy White about
17 this. It may be helpful, and we're requesting, that
18 we could have a 30-minute opening presentation for the
19 Commissioners so that BellSouth can make a
20 presentation on each of the six offices why it
21 believes that there isn't space in each of the
22 offices, and that the ALECs would have an opportunity
23 to do that as well. We think it might help set up the
24 stage for the testimony that will be coming. And I
25 don't know if BellSouth would agree to that, but I

1 think that it may be helpful for the Commissioners.

2 **MS. WHITE:** I didn't have a chance to ask
3 you one question, Monica. Would that 30 minutes on
4 your side be for all the parties on that side?

5 **MS. BARONE:** Yes.

6 **MS. WHITE:** Not 30 minutes each?

7 **MS. BARONE:** Right.

8 **COMMISSIONER CLARK:** No, it wouldn't be 30
9 minutes each. I can tell you that.

10 **MS. BARONE:** I would never suggest that.

11 **MS. WHITE:** Just thought I'd double-check.

12 **MS. BARONE:** I don't think we could talk
13 that long.

14 **MS. WHITE:** If it is, then I need to add
15 some more people to my side. (Laughter.)

16 Yes, that's fine.

17 **COMMISSIONER CLARK:** I kind of think -- you
18 envisioned something in the nature of a walk-through
19 on their part as to why they think it's not -- there
20 is not room available, and then a response on your
21 part with the assumption that the record evidence
22 will, in fact, support your positions.

23 **MS. BARONE:** Yes, ma'am.

24 **COMMISSIONER CLARK:** You know, I'm inclined
25 to -- if the parties think that's helpful, that would

1 be fine. Can I see if we couldn't do it in 20 minutes
2 each? Would that be possible?

3 **MS. WHITE:** Well, I guess I worry about if
4 we're going to do it, then it's six offices and, say,
5 use five minutes per office.

6 **COMMISSIONER CLARK:** Okay. All right.
7 Let's indicate that that is going to be the procedure.
8 And if you would, please -- is this a full Commission?

9 **MS. KEATING:** Yes, Commissioner.

10 **COMMISSIONER CLARK:** Would you make it clear
11 to Chairman Garcia that that is the procedure we have
12 agreed on?

13 **MS. KEATING:** Yes.

14 **COMMISSIONER CLARK:** Any other preliminary
15 matters?

16 **MS. KEATING:** I believe that's it.

17 **COMMISSIONER CLARK:** Okay. What I'd like to
18 do is ask if there are any changes to the first six
19 pages of the order, of the prehearing order. (No
20 response.)

21 Hearing none, I guess I would like to ask if
22 there are any changes to Pages 7 and 8 particularly --
23 and 9, particularly with regard to the order of the
24 witnesses?

25 **MR. DIMLICH:** Yes, Commissioner. David

1 Dimlich on behalf of --

2 **MS. WHITE:** Yes, BellSouth --

3 **COMMISSIONER CLARK:** Let me start down here.

4 **MS. WHITE:** BellSouth does have the changes
5 to the order of its witnesses. On direct, Mr. Milner
6 would be number one. Mr. Fortenberry would be number
7 two. That's on Page 8. The SCM panel would be number
8 three. The CCM panel would be number four. The PCM
9 panel would be number five. Ms. Cruit would be
10 number six. The CSCM panel would be number seven.
11 Mr. Mainer would be number eight, and Mr. Bloomer back
12 on Page 7 would be number nine. And if you'd like me
13 to change --

14 **COMMISSIONER CLARK:** Mr. Bloomer would be a
15 direct witness?

16 **MS. WHITE:** Yes; number nine.

17 **COMMISSIONER CLARK:** Okay.

18 **MS. WHITE:** And I can go through the ones on
19 rebuttal.

20 **COMMISSIONER CLARK:** Does he also have
21 rebuttal?

22 **MS. WHITE:** He does.

23 **COMMISSIONER CLARK:** Okay.

24 **MS. WHITE:** On Page 9 where the rebuttal
25 witnesses are, Mr. Milner again would be number one,

1 Ms. Cruit would be number two. The CSCM panel would
2 be number three. Mr. Mainer would be number four, and
3 Mr. Bloomer would be number five.

4 **COMMISSIONER CLARK:** Is it your intention
5 that direct and rebuttal would not be done together?

6 **MS. WHITE:** Actually I hadn't really --
7 Ms. Keating mentioned that the other day, and I have
8 not really thought about it. I'm willing to go with
9 what the parties and what the prehearing officer
10 thinks would be the best and fastest way to go.

11 **COMMISSIONER CLARK:** All right. Let's go
12 through the rest of the witness order and then see if
13 there's any consensus on how direct and rebuttal
14 should be handled.

15 Doc, you don't have a witness. Mr. Ellis,
16 any changes to yours? Do you have a witness?

17 **MR. ELLIS:** Yes, Commissioner Clark. The
18 listing of issues for our Witness Scott Stinson should
19 reflect that his testimony will concern Issues 1, 2,
20 3, 4, 5 and 6 as stated in the amended prehearing
21 statement that TCG filed, and that's both direct and
22 rebuttal.

23 **COMMISSIONER CLARK:** Okay. Mr. Goodpastor,
24 anything for you?

25 **MR. GOODPASTOR:** We'd also like to list

1 Mr. Tom Regan as a rebuttal witness for Covad on
2 Issues 1, 2, 3, and 4.

3 **COMMISSIONER CLARK:** Did you file rebuttal
4 testimony?

5 **MR. GOODPASTOR:** I don't believe we did.
6 However --

7 **COMMISSIONER CLARK:** When was rebuttal
8 supposed to be filed?

9 **MS. KEATING:** I believe it was May 7th.

10 **COMMISSIONER CLARK:** We require prefiled
11 testimony.

12 **MR. GOODPASTOR:** I understand, Commissioner.

13 **COMMISSIONER CLARK:** Then we will not be
14 listing him as a rebuttal witness. Okay?

15 **MR. GOODPASTOR:** I understand.

16 **COMMISSIONER CLARK:** No change for Sprint?

17 **MS. BARONE:** No changes.

18 **COMMISSIONER CLARK:** Mr. Melson, I've
19 forgotten who it is you're representing this time.

20 **MR. MELSON:** ACI, Commissioner. No changes
21 for ACI.

22 I would like to suggest, though, that we
23 combine direct and rebuttal. I've talked with some of
24 the intervenors, and as far as I got, had no objection
25 from our side of the table of doing that. If we do

1 that, it then might make sense to do some minor
2 shifting in the overall intervenor witness order.

3 **COMMISSIONER CLARK:** Well, let me get
4 through the order then, and if there is consensus on
5 doing direct and rebuttal, we can decide the
6 appropriate order.

7 Mr. Pellegrini?

8 **MR. PELLEGRINI:** We're fine as listed,
9 Commissioner.

10 **COMMISSIONER CLARK:** Mr. Self?

11 **MR. SELF:** MCI WorldCom is fine as listed.

12 **COMMISSIONER CLARK:** Mr. Dimlich?

13 **MR. DIMLICH:** Commissioner, Supra requests
14 that the final line of Page 8 be amended to reflect
15 that David Nilson is going to be providing rebuttal
16 testimony on behalf of Supra for Issues 1 through 6;
17 1, 2, 3, 4, 5, 6.

18 **COMMISSIONER CLARK:** Okay.

19 Mr. Dunbar, do you have a witness?

20 **MR. DUNBAR:** Yes, we have a rebuttal
21 witness. And we have no changes. Joseph Gillan; 1,
22 2, 5 and 6. I guess we're sharing.

23 **COMMISSIONER CLARK:** Okay. Now, what is the
24 position on direct and rebuttal?

25 **MS. WHITE:** BellSouth would be happy to

1 combine them.

2 **COMMISSIONER CLARK:** Is that the consensus
3 of the group, that we do direct and rebuttal? (No
4 response.)

5 Seeing no objection to that, Mr. Melson, did
6 you want to suggest a change in the order if that is
7 done?

8 **MR. MELSON:** If that is done, my suggestion
9 would be that we take Joe Gillan, who is a rebuttal
10 policy witness on behalf of six companies, and make
11 him the first of the intervenor witnesses preceding --
12 I guess between Ms. Young and Ms. Closz.

13 **COMMISSIONER CLARK:** Okay.

14 **MR. MELSON:** And beyond that, the rest of
15 the order I had no suggestions.

16 **COMMISSIONER CLARK:** Any objection to that
17 change in the order? (No response.)

18 All right. Well, the prehearing order will
19 reflect that.

20 **MS. WHITE:** Just so I can be clear, the
21 order will remain as in the prehearing order except
22 for Mr. Gillan will be the first intervenor witness,
23 correct?

24 **COMMISSIONER CLARK:** Right. And I guess the
25 witness -- we'll just list the witness order and then

1 indicate out by the witness if they have direct and
2 rebuttal.

3 **MS. KEATING:** Yes.

4 **COMMISSIONER CLARK:** Are there any changes
5 to anyone's basic positions?

6 **MR. HORTON:** Commissioner, there was a line
7 left off of e.spire's. It's on page -- well, I've got
8 two of them -- it's on Page 12, I believe, or 13 of
9 the basic position. The first line should be "The
10 petitions for temporary waivers should be denied," and
11 I'll give that language to --

12 **COMMISSIONER CLARK:** That should be the
13 first statement of -- first sentence of your
14 statement?

15 **MR. HORTON:** Yes, ma'am. Yes, ma'am.

16 **COMMISSIONER CLARK:** Okay. Anyone else have
17 changes to their basic positions? (No response.)

18 Okay. Let's go to Issue 1. Are there any
19 changes to positions on Issue 1? (No response.)

20 Seeing no changes indicated, Issue 2. (No
21 response.)

22 Seeing no changes indicated, Issue 3.

23 **MS. BARONE:** Yes.

24 **MS. WHITE:** Yes. Go ahead.

25 **MS. BARONE:** Go.

1 **MS. WHITE:** BellSouth has one change in its
2 position on Issue 3. It left out one of the offices.
3 So in its position to Issue 3, (e) should be "North
4 Dade Golden Glades; none. And (f) would be: "Lake
5 Mary; none."

6 **COMMISSIONER CLARK:** We'll make that change.

7 **MS. WHITE:** Thank you.

8 **MR. ELLIS:** On behalf of TCG, TCG's
9 statement of position in response to Issue 3 is
10 contained in its amended prehearing statement.

11 **COMMISSIONER CLARK:** So it needs to be
12 changed to that in the amended.

13 **MR. ELLIS:** Yes.

14 **COMMISSIONER CLARK:** All right. We'll make
15 that change.

16 **MR. ELLIS:** And that would be the same
17 change for Issue 4 when that comes up.

18 **COMMISSIONER CLARK:** All right. We'll make
19 that change.

20 Ms. Barone?

21 **MS. BARONE:** Yes, with respect to the
22 Daytona Beach Port Orange office, we need to insert
23 between "square feet" and "have," "reserve for future
24 use." So that would read "approximately 1801 square
25 feet reserved for future use."

1 And that same change needs to be made in the
2 Miami Palmetto office, the West Palm Beach Gardens
3 office, the North Dade Golden Glades office and the
4 Lake Mary office. For example, Miami Palmetto would
5 read "approximately 2700 square feet reserved for
6 future use."

7 **COMMISSIONER CLARK:** All of them require
8 that statement; is that correct?

9 **MS. BARONE:** Yes, ma'am.

10 **COMMISSIONER CLARK:** All right. We'll show
11 those changes made.

12 **MS. BARONE:** Thank you.

13 **COMMISSIONER CLARK:** Anything else on
14 Issue 3.

15 **MR. MELSON:** Commissioner Clark, ACI would
16 simply adopt Sprint's position on Issue 3 in lieu of
17 the position currently stated.

18 **COMMISSIONER CLARK:** Any other changes?

19 **MR. SELF:** Yes, Commissioner Clark. On
20 Page 25 for MCI WorldCom's position, on the very first
21 line, there's a typographical error. There should be
22 the number "3" before the "(a)".

23 And then with respect to 3(c) for the Miami
24 Palmetto, on the third line just before the word
25 "outside," if you would insert "inside and." So that

1 would read "Potential space available inside and
2 outside."

3 And then the same change for the Lake Mary
4 statement for 3(f) on the third line; "available
5 inside and outside of the office."

6 **COMMISSIONER CLARK:** Okay.

7 **MR. SELF:** Thank you.

8 **COMMISSIONER CLARK:** Anyone else that has
9 changes to their positions on Issue 3? (No response.)

10 Issue 4, we'll make the change as indicated
11 by Mr. Ellis. We'll use the one in his amended
12 prehearing statement.

13 Seeing no other changes, Issue 5. (No
14 response.)

15 Seeing no changes, Issue 6. (No response.)
16 No changes to Issue 6.

17 Are there any changes to the exhibit list?

18 **MR. ELLIS:** On behalf of TCG, we would like
19 to substitute the particular floor plan that's listed
20 as an exhibit to the testimony of Mr. Stinson with a
21 floor plan for the central office, North Dade Golden
22 Glades, that was received on May 6th, the evening of
23 May 6th, the day before his testimony was filed; and I
24 believe there's no objection to that substitution.

25 **COMMISSIONER CLARK:** All right. Would you

1 make sure the other parties have the substituted map?

2 Is that what it is?

3 **MR. ELLIS:** Yes.

4 **COMMISSIONER CLARK:** Make sure the other
5 parties and Staff have a copy of the substituted map.

6 **MR. ELLIS:** I will do so.

7 **COMMISSIONER CLARK:** Ms. Barone?

8 **MS. BARONE:** Yes. Sprint would like to add
9 another exhibit to Michael D. West. It would be
10 MDW-4, and those are confidential floor plans for each
11 of the central offices that we received in response to
12 a production of document request.

13 **COMMISSIONER CLARK:** What was the number you
14 gave it?

15 **MS. BARONE:** MDW-4.

16 **COMMISSIONER CLARK:** And it will be a
17 confidential?

18 **MS. BARONE:** Yes, ma'am; floor plans for
19 each of the Central Offices.

20 **COMMISSIONER CLARK:** Okay. Any other
21 changes to the exhibit list? (No response.)

22 Anything else on the prehearing order? (No
23 response.)

24 Staff, do I have to make an indication on
25 the map of the office that was filed -- inadvertently

1 filed with the petition?

2 **MS. KEATING:** Actually, I think that we can
3 handle that.

4 **COMMISSIONER CLARK:** Through an order?

5 **MS. KEATING:** Actually, probably without an
6 order.

7 **COMMISSIONER CLARK:** All right. Anything
8 else that needs to come before the prehearing officer?
9 (No response.)

10 I'll expect to hear from you, Staff, on the
11 potential motion for stay and the appropriate
12 procedure to follow.

13 Thank you all very much.

14 **MS. WHITE:** And if we can file before
15 Friday, we will. If I can get back to the office and
16 file it before Friday, I will.

17 **MS. KEATING:** That would be greatly
18 appreciated.

19 (Thereupon, the hearing concluded
20 at 4:00 p.m.)

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1 STATE OF FLORIDA)
2 : CERTIFICATE OF REPORTER
3 COUNTY OF LEON)

4 I, H. RUTHE POTAMI, CSR, RPR, FPSC
5 Commission Reporter,

6 DO HEREBY CERTIFY that the Prehearing
7 Conference in Docket Nos. 980946-TL, 980947-TL,
8 980948-TL, 981011, 981012 and 981250 was heard by the
9 Prehearing Officer at the time and place herein
10 stated; it is further

11 CERTIFIED that I stenographically reported
12 the said proceedings; that the same has been
13 transcribed by me; and that this transcript,
14 consisting of 30 pages, constitutes a true
15 transcription of my notes of said proceedings.

16 DATED this 21st day of May, 1999.

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H. RUTHE POTAMI, CSR, RPR
Official Commission Reporter
(904) 413-6734