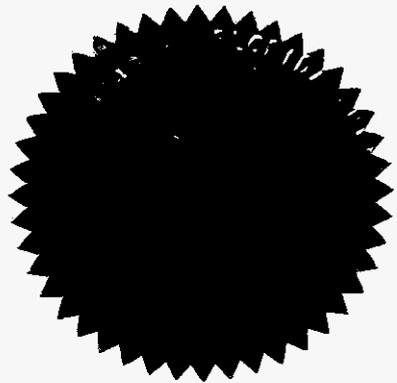


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 981834-TP  
:  
Petition of Competitive :  
Carriers for Commission :  
Action to support local :  
competition in BellSouth :  
Telecommunications, Inc.'s :  
service territory. :  
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Petition of ACI Corp. d/b/a : DOCKET NO. 990321-TP  
Accelerated Connections, Inc.:  
for generic investigation to :  
ensure the BellSouth :  
Telecommunications, Inc., :  
Sprint-Florida, Incorporated, :  
and GTE Florida Incorporated :  
comply with obligation to :  
provide alternative local :  
exchange carriers with :  
flexible, timely, and :  
cost-efficient physical :  
collocation. :  
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\* \*  
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1 PROCEEDINGS: PREHEARING CONFERENCE  
2  
3 BEFORE: COMMISSIONER J. TERRY DEASON  
4 Prehearing Officer  
5  
6 DATE: Wednesday, December 9, 1999  
7  
8 TIME: Commenced at 9:30 a.m.  
9 Concluded at 9:50 a.m.  
10  
11 PLACE: Betty Easley Conference Center  
12 Room 152  
13 4075 Esplanade Way  
14 Tallahassee, Florida  
15  
16 REPORTED BY: KIMBERLY K. BERENS, CSR, RPR  
17 FPSC Commission Reporter  
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1 **APPEARANCES:**

2 **NANCY B. WHITE**, BellSouth  
3 Telecommunications, Inc., c/o Nancy Sims, 150 South  
4 Monroe Street, Suite 400, Tallahassee, Florida 32301,  
5 appearing on behalf of **BellSouth Telecommunications,**  
6 **Inc.**

7 **KIMBERLY CASWELL**, Post Office Box 110,  
8 FLTC0007, Tampa, Florida 33601-0110, appearing on  
9 behalf of **GTE Florida Incorporated.**

10 **J. JEFFRY WAHLEN**, Ausley & McMullen, Post  
11 Office Box 391, Tallahassee, Florida 32302, appearing  
12 on behalf of **ALLTEL Communications, Inc.**

13 **SUSAN S. MASTERTON**, Post Office Box 2214,  
14 Tallahassee, Florida 32316, appearing on behalf of  
15 **Sprint-Florida Incorporated** and **Sprint Communications**  
16 **Company Limited Partnership.**

17 **TRACY HATCH**, 101 North Monroe Street, Suite  
18 700, Tallahassee, Florida 32301-1509, appearing on  
19 behalf of **AT&T Communications of the Southern States,**  
20 **Inc.**

21 **RICHARD D. MELSON**, Hopping Green Sams &  
22 Smith, P.A, Post Office Box 6526, Tallahassee,  
23 Florida 32314, appearing on behalf of **MCI WorldCom,**  
24 **Inc.** and **Rhythms Links, Inc.**

25

1     **APPEARANCES CONTINUED:**

2                     **MARK BUECHELE**, 2620 S.W. 27th Avenue, Miami,  
3     Florida 33133, appearing on behalf of **Supra**  
4     **Telecommunications Information Systems, Inc.**

5                     **CHRISTOPHER GOODPASTOR**, 9600 Great Hills  
6     Trail, Suite 150W, Austin, Texas 78759, appearing on  
7     behalf of **Covad Communications Company.**

8                     **VICKI GORDON KAUFMAN**, McWhirter, Reeves,  
9     McGlothlin, Davidson, Dekker, Kaufman, Arnold &  
10    Steen, 117 South Gadsden Street, Tallahassee, Florida  
11    32301, appearing on behalf of the **Florida Competitive**  
12    **Carriers Association and MGC Communications.**

13                    **MICHAEL GROSS**, Florida Cable  
14    Telecommunications Association, Inc., 310 North Monroe  
15    Street, Tallahassee, Florida 32301, appearing on  
16    behalf of **Florida Cable Telecommunications**  
17    **Association,**

18                    **LAURA L. GALLAGHER**, Laura L. Gallagher,  
19    P.A., 101 North College Avenue, Suite 302,  
20    Tallahassee, Florida 32301, appearing on behalf of  
21    **MediaOne Florida Telecommunications, Inc.**

22  
23  
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25

1     **APPEARANCES CONTINUED:**

2                     **KAREN CAMECHIS**, Pennington, Culpepper,  
3     Moore, Wilkinson, Dunbar & Dunlap, P.A., Post Office  
4     Box 10095 Tallahassee, Florida 32302-2095 appearing on  
5     behalf of **Time-Warner Telecom** of Florida, L.P.

6                     **SCOTT A. SAPPERSTEIN**, 3625 Queen Palm Drive,  
7     Tampa, Florida 33619, appearing on behalf of  
8     **Intermedia Communications, Inc.**

9                     **BETH KEATING**, Florida Public Service  
10    Commission, Division of Legal Services, 2540 Shumard  
11    Oak Boulevard, Tallahassee, Florida 32399-0870,  
12    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 9:30 a.m.)

**COMMISSIONER DEASON:** Call the prehearing conference to order. Can I have the Notice read, please?

**MS. KEATING:** By Notice issued November 23, 1999, this time and place have been set for a prehearing conference in Docket Nos. 981834 and 990321, the generic investigation into collocation procedures and processes. The purpose is as set forth in the Notice.

**COMMISSIONER DEASON:** Thank you. Take appearances.

**MS. WHITE:** Nancy White for BellSouth.

**MS. CASWELL:** Kim Caswell for GTE.

**MS. KAUFMAN:** Vicki Gordon Kaufman on behalf of the Florida Competitive Carriers Association, and also just for the purpose of this prehearing conference I'm appearing on behalf of MGC Communications, but at the hearing they will be represented by Marilyn Ash.

**MR. GOODPASTOR:** Chris Goodpastor on behalf of Covad Communications.

**MR. MELSON:** Richard Melson on behalf of Rhythms Links, Inc. and MCI WorldCom.

1                   **MR. BUECHELE:** Mark Buechele on behalf of  
2                   Supra Telecom.

3                   **MR. HATCH:** Tracy Hatch on behalf of AT&T  
4                   Communications of the Southern States, Inc.

5                   **MS. GALLAGHER:** Laura Gallagher on behalf of  
6                   MediaOne Florida Telecommunications.

7                   **MS. MASTERTON:** Susan Masterton on behalf of  
8                   Sprint.

9                   **MR. SAPPERSTEIN:** Scott Sapperstein on  
10                  behalf of Intermedia Communications.

11                  **MS. CAMECHIS:** Karen Camechis on behalf of  
12                  Time-Warner Telecom.

13                  **MR. WAHLEN:** Jeff Wahlen on behalf of  
14                  ALLTELL Communications Inc.

15                  **MR. GROSS:** Michael Gross on behalf of FCTA.

16                  **MS. KEATING:** And Beth Keating and Marlene  
17                  Stern for Commission Staff.

18                  **COMMISSIONER DEASON:** Ms. Kaufman, you're  
19                  representing the Competitive Carriers Association and  
20                  another entity for purposes of this prehearing?

21                  **MS. KAUFMAN:** Yes. MGC Communications. I  
22                  believe they're listed on Page 3 and Ms. Ash is listed  
23                  as their counsel. I'm simply appearing for them at  
24                  the prehearing conference.

25                  **COMMISSIONER DEASON:** Okay. Was there an

1 appearance for MCI WorldCom?

2 **MR. MELSON:** Yes, sir. I'm appearing on  
3 behalf of MCI WorldCom.

4 **COMMISSIONER DEASON:** And for Time-Warner  
5 Telecom?

6 **MS. CAMECHIS:** Yes. Karen Camechis.

7 **COMMISSIONER DEASON:** Okay. Preliminary  
8 matters, Ms. Keating.

9 **MS. KEATING:** We really have no preliminary  
10 matters other than some outstanding motions, and I  
11 suggest that we just go ahead and take those up now.

12 **COMMISSIONER DEASON:** Very well.

13 **MS. KEATING:** The first outstanding motion  
14 is Sprint's motion to accept the testimony of  
15 Michael R. Hunsucker one day out of time. This was  
16 filed on October 29th. There have been no responses  
17 to that motion.

18 **COMMISSIONER DEASON:** I assume then there  
19 are no objections? Hearing none, the motion is  
20 granted.

21 **MS. KEATING:** The second motion is Covad's  
22 motion for leave to file direct testimony of Michael  
23 Moscaritolo out of time, filed November 1, 1999 and  
24 there have also been no responses filed to that  
25 motion.

1           **COMMISSIONER DEASON:** Since there are no  
2 responses, I assume there are no objections. Hearing  
3 no objection, show that motion granted.

4           **MS. KEATING:** The third motion is Covad's  
5 motion for leave to file prehearing statement out of  
6 time filed November 24, 1999. There are also no  
7 objections filed to that motion.

8           **COMMISSIONER DEASON:** Likewise, I assume  
9 there are no objections. Hearing no objection, show  
10 then that motion granted also.

11           **MS. KEATING:** And on that same day Covad  
12 also filed a motion for leave to file rebuttal  
13 testimony out of time. There have been no responses  
14 filed to that motion.

15           **COMMISSIONER DEASON:** I assume then there  
16 are no objections. Hearing none, that motion is also  
17 granted.

18           **MS. KEATING:** Covad also filed a motion for  
19 leave to file amended prehearing statement on  
20 December 1, 1999. The response date has not yet run.  
21 However, no responses have been filed to date.

22           **COMMISSIONER DEASON:** I will then allow  
23 parties to orally at this point make it known if there  
24 is an objection. Hearing no objection then, show that  
25 motion granted.

1           **MS. KEATING:** And the last motion that we  
2 have is Sprint's motion to accept supplemental  
3 rebuttal testimony of Michael R. Hunsucker and this  
4 was filed on December 6th. And as for this motion as  
5 well, the response time has not yet run.

6           **COMMISSIONER DEASON:** Okay. Responses are  
7 due December the 20th or -- are parties prepared to  
8 respond at this time?

9           **MS. WHITE:** I have not seen that  
10 supplemental motion yet.

11           **COMMISSIONER DEASON:** Okay. Well, then, I  
12 will delay ruling on that until the time has run for  
13 responses to be filed.

14           There are no other pending matters?

15           **MS. KEATING:** None that I'm aware of.

16           **COMMISSIONER DEASON:** Okay. I'll open it up  
17 to the parties then for any preliminary matters we  
18 need to address before we proceed with the draft  
19 prehearing order. Anything to come forward at this  
20 time?

21           **MR. SAPPERSTEIN:** Commissioner, one item.  
22 Intermedia filed rebuttal testimony on behalf of Julia  
23 Strow. That wasn't listed in the list of witnesses  
24 for rebuttal testimony.

25           **MS. CASWELL:** Commissioner, while you're

1 there, John Ries was also inadvertently omitted from  
2 the rebuttal list.

3           **COMMISSIONER DEASON:** Okay. Staff you need  
4 to add those, and when we get to the order of  
5 witnesses, if you'll advise me where you intend to  
6 insert those individuals into the order.

7           **MS. KEATING:** Okay.

8           **COMMISSIONER DEASON:** That was John Ries and  
9 who was the other witness?

10          **MR. SAPPERSTEIN:** Julia Strow.

11          **COMMISSIONER DEASON:** Any other preliminary  
12 matters?

13          **MR. HATCH:** Commissioner Deason, while we're  
14 talking about witnesses, Ron Mills is listed as filing  
15 direct testimony. He filed rebuttal only so if you're  
16 going to have separate direct and rebuttal, then you  
17 should move him into the rebuttal list.

18          **COMMISSIONER DEASON:** Okay. Other  
19 preliminary matters? Hearing none then we'll proceed  
20 through the draft prehearing order section by section.  
21 I intend to move rather quickly so please be prepared  
22 to indicate if you have a change or a question  
23 concerning these matters.

24                   Section 1 is the conduct of proceedings.

25                   Section 2, case background.

1           **MR. BUCHELE:** I'm sorry, Commissioner. Can  
2 I just bring out -- there is an issue here. David  
3 Nilson also for Supra filed a rebuttal testimony so he  
4 needs to be added to the rebuttal.

5           **COMMISSIONER DEASON:** All right. Staff, you  
6 getting all of these?

7           **MS. KEATING:** Yes, sir.

8           **COMMISSIONER DEASON:** Okay. Section 3,  
9 procedure for handling confidential information.  
10 Section 4, post hearing procedures.  
11 Section 5, prefiled testimony and exhibits.  
12 And Section 6, order of witnesses.

13           **MS. KAUFMAN:** Commissioner Deason, on order  
14 of witnesses, Mr. Gillan, who filed both direct and  
15 rebuttal testimony, is listed as appearing on behalf  
16 of some joint parties, but he is appearing only on  
17 behalf of the FCCA.

18           **COMMISSIONER DEASON:** Okay. Other  
19 clarifications on order of witnesses? Staff?

20           **MS. KEATING:** Can Staff ask for a  
21 clarification on that because there was a joint  
22 statement filed, and as I recall he was on that joint  
23 statement, so it's not real clear to me what  
24 witness -- was it just the positions that were joint  
25 and not witnesses that were on that prehearing

1 statement?

2 **MS. KAUFMAN:** Exactly. In the witnesses he  
3 was listed as appearing only on behalf of the FCCA,  
4 but the positions that are listed there are the joint  
5 positions of the parties.

6 **MS. KEATING:** Were any of the witnesses in  
7 there jointly sponsored?

8 **MS. KAUFMAN:** No, I think Mr. Gillan is the  
9 only witness.

10 **MS. KEATING:** Okay.

11 **COMMISSIONER DEASON:** Mr. Gillan -- it  
12 should be indicated that he is testifying on behalf of  
13 FCCA?

14 **MS. KAUFMAN:** Yes, sir.

15 **COMMISSIONER DEASON:** Okay. Staff, do you  
16 have a suggested order for the rebuttal testimony  
17 which parties have indicated needed to be added to our  
18 list?

19 **MS. KEATING:** Yes, Commissioner. Well, may  
20 I first make this suggestion? I would suggest that we  
21 combine direct and rebuttal testimony. I believe it  
22 might expedite the proceedings. If the parties don't  
23 have a problem with that, I'd like to make that my  
24 first suggestion.

25 **COMMISSIONER DEASON:** It's been suggested.

1 Is there opinion or objection to the suggestion? I  
2 assume by the silence then there's no objection and  
3 it's permissible. Therefore, to try to speed things  
4 along we will take direct and rebuttal of the  
5 witnesses when they take the stand. We do have a long  
6 list of witnesses and hopefully that will expedite  
7 matters.

8 So then --

9 **MS. KEATING:** As far as the order, I would  
10 suggest it really run in the way that it's set up  
11 right now in the direct.

12 **COMMISSIONER DEASON:** Any objection to the  
13 order as contained in the direct for being applicable  
14 to both direct and rebuttal? It should be fine then.  
15 I hear no objections.

16 **MR. HATCH:** Commissioner Deason, I am  
17 assuming since Ron Mills filed only rebuttal, he'll  
18 fall out of the order of direct and drop to the end of  
19 the list.

20 **MS. KEATING:** We can move him after  
21 Mr. Levy. Is the correct pronunciation, I'm assuming?

22 **COMMISSIONER DEASON:** Okay then. Witness  
23 Mills will be the last witness.

24 **MR. HATCH:** I'm sure he'll like that.

25 **COMMISSIONER DEASON:** Okay. We'll move on

1 then to Section 7, basic positions.

2 Section 8 addresses specific issues and  
3 positions. We'll begin with Issue 1. Any changes or  
4 corrections?

5 Issue 2.

6 **MS. KAUFMAN:** Commissioner, on Issue 2 there  
7 is a very minor correction to what's called the joint  
8 statement, and that is just that the apostrophe should  
9 be omitted.

10 **COMMISSIONER DEASON:** Very well. Issue 3.

11 Issue 4.

12 Issue 5.

13 Issue 6.

14 Issue 7.

15 **MR. WAHLEN:** Commissioner, ALLTEL would like  
16 to change its position from no position at this time  
17 to agree with Sprint.

18 **MS. KEATING:** 7?

19 **COMMISSIONER DEASON:** That change will be  
20 made.

21 **MR. WAHLEN:** Thank you.

22 **COMMISSIONER DEASON:** Issue 8.

23 **MR. MELSON:** Commissioner, MCI would like to  
24 change from "adopt the position of FCCA" to "adopt the  
25 joint statement".

1           **COMMISSIONER DEASON:** Very well.

2           Issue 9.

3           **MS. KAUFMAN:** Commissioner on Issue 9, right  
4 now joint statement says no position, and our position  
5 on that issue would be as follows: "The requesting  
6 carrier may choose any method of interconnection or  
7 access to UNES is that technically feasible."

8           **MS. WHITE:** Can you repeat that one more  
9 time?

10          **MS. KAUFMAN:** "The requesting carrier may  
11 choose any method of interconnection or access to UNES  
12 that is technically feasible."

13          **COMMISSIONER DEASON:** Staff has that  
14 language?

15          **MS. KEATING:** Yes, sir.

16          **COMMISSIONER DEASON:** Very well. Issue 10.

17           Issue 11.

18           Issue 12.

19           Issue 13.

20           Issue 14.

21           Issue 15.

22           Issue 16.

23           Issue 17.

24           Issue 18.

25           Issue 19.

1 Issue 20.

2 **MS. KAUFMAN:** Commissioner, on Issue 20,  
3 joint statement should be changed to read, "agree with  
4 AT&T".

5 **MR. WAHLEN:** And ALLTEL's position on  
6 Issue 20 should likewise read "agree with AT&T".

7 **COMMISSIONER DEASON:** Very well. Issue 21.  
8 And that takes us to Section 9, exhibit  
9 list. Any changes or corrections?

10 Section 10, proposed stipulations.

11 And Section 11, pending motions.

12 I believe we've addressed all of those  
13 except for Item F.

14 **MS. KEATING:** Yes.

15 **COMMISSIONER DEASON:** And when time has run  
16 for responses please advise me and then we will deal  
17 with the -- with that matter.

18 **MS. KEATING:** Yes, sir.

19 **COMMISSIONER DEASON:** And Section 10,  
20 confidentiality requests, none is indicated.

21 Let me take this opportunity to indicate to  
22 the parties, which I'm sure everyone is well aware,  
23 that we have two days of hearings set aside for this  
24 matter, that being January 12th and the 13th. We have  
25 a long list of witnesses. I believe it will speed

1 matters considerably given the fact that we are  
2 combining direct and rebuttal.

3 But please be advised that we have two days  
4 and two days only and if we do not conclude in two  
5 days I'm not exactly sure when this matter would be  
6 continued. I have looked at the calendar and it  
7 appears that the month of January is filled as well as  
8 February.

9 And I'm giving you this indication now that  
10 the panel is not planning on working until 9:00 and  
11 10:00 o'clock at night these two nights. So, I'm just  
12 leaving that in your good hands. We will put in two  
13 good days, but don't plan on working late to conclude  
14 this in two days. And now when I say late, I'm  
15 talking 8:00, 9:00 o'clock at night. If we conclude  
16 this by working reasonably late, certainly we're  
17 amenable to doing that.

18 I have no idea the extent of the cross  
19 examination of these witnesses, but please be  
20 cognisant of that as you're preparing for the case. I  
21 don't want to deny anyone your due process but we do  
22 have time constraints that everyone needs to be aware  
23 of.

24 **MS. CASWELL:** Commissioner Deason, perhaps  
25 at this time we could at least limit the length of the

1 summaries of testimony maybe to five minutes or so.

2           **COMMISSIONER DEASON:** There's been a  
3 suggestion that when witnesses take the stand they  
4 limit their summary of their direct and rebuttal to  
5 five minutes. Is there any objection to that  
6 suggestion?

7           **MR. BUECHELE:** That might be a little tight.

8           **COMMISSIONER DEASON:** You need to press your  
9 button.

10          **MR. BUECHELE:** That might be a little bit  
11 tight.

12          **COMMISSIONER DEASON:** Okay. I will -- we  
13 will indicate in the prehearing order that witnesses  
14 are asked to limit the summary of their direct and  
15 rebuttal to five minutes, and when they begin their  
16 summary if they believe that it's going to take in  
17 excess of five minutes, to please notify the presiding  
18 officer at that time and it will be taken under  
19 consideration at that time. Otherwise, five minutes  
20 will be the allotted time.

21           Okay. Other matters to come up before the  
22 prehearing officer at this time? I believe we've  
23 addressed everything except for one outstanding motion  
24 and that will be addressed in due time.

25           Thank you for your participation. If the

1 hearing goes as well as the prehearing conference, we  
2 won't have any problems. This prehearing conference  
3 is adjourned.

4 (Thereupon, the hearing concluded at  
5 9:50 a.m.)

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

4 I, KIMBERLY K. BERENS, CSR, RPR, FPSC  
5 Commission Reporter,

6 DO HEREBY CERTIFY that the Prehearing  
7 Conference in Docket No. 981834-TP and 990321-TP was  
8 heard by the Prehearing Officer at the time and place  
9 herein stated; it is further

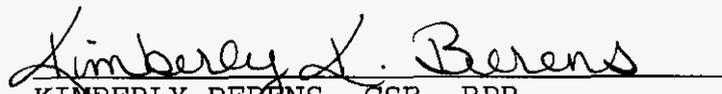
10 CERTIFIED that I stenographically reported  
11 the said proceedings; that the same has been  
12 transcribed by me; and that this transcript,  
13 consisting of 20 pages, constitutes a true  
14 transcription of my notes of said proceedings.

15

16 DATED this 10th day of December, 1999.

17

18

19   
20 KIMBERLY BERENS, CSR, RPR  
21 FPSC Commission Reporter  
22 (850) 413-6736

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