

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

-----

In the Matter of	:	DOCKET NO. 991605-TP
Petition by BellSouth Telecommunications, Inc. for arbitration of inter- connection agreement with Time Warner Telecom of Florida, L.P., pursuant to Section 252(b) of the Telecommunications Act of 1996.	:	



\*\*\*\*\*  
 \* ELECTRONIC VERSIONS OF THIS TRANSCRIPT \*  
 \* ARE A CONVENIENCE COPY ONLY AND ARE NOT \*  
 \* THE OFFICIAL TRANSCRIPT OF THE HEARING \*  
 \* AND DO NOT INCLUDE PREFILED TESTIMONY. \*  
 \* \*\*\*\*\*

PROCEEDINGS:       **PREHEARING CONFERENCE**

BEFORE:            COMMISSIONER SUSAN F. CLARK  
                       Prehearing Officer

DATE:               **Wednesday, January 19, 2000**

TIME:               Commenced at 9:30 a.m.  
                       Concluded at 9:45 a.m.

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

REPORTED BY:       KIMBERLY K. BERENS, CSR, RPR  
                       FPSC Commission Reporter

DOCUMENT NUMBER - DATE  
**01130 JAN 26 00**  
 FPSC-RECORDS/REPORTING

1    **APPEARANCES:**

2                   **MICHAEL GOGGIN**, 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                   **PETER DUNBAR**, Pennington, Culpepper, Moore,  
8    Wilkinson, Dunbar & Dunlap, P.A., Post Office Box  
9    10095, Tallahassee, Florida 32302-2095, appearing on  
10   behalf of **Time Warner Telecom of Florida, L.P.**

11                  **BETH KEATING**, Florida Public Service  
12   Commission, Division of Legal Services, 2540 Shumard  
13   Oak Boulevard, Tallahassee, Florida 32399-0870,  
14   appearing on behalf of the **Commission Staff.**

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

EXHIBITS

NUMBER	ID.	ADMTD.
--------	-----	--------

1	DJW-1	8
2	AJV-1 through AJV-5	8
3	List of Items for Official Recognition	8

CERTIFICATE OF REPORTER	10	
-------------------------	----	--

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

(Hearing convened at 9:30 a.m.)

**COMMISSIONER CLARK:** Call the prehearing to order. Would you read the Notice.

**MS. KEATING:** By Notice issued January 12, 2000, this time and place have been set for a prehearing conference in Docket No. 991605. Purpose is as set forth in the Notice.

**COMMISSIONER CLARK:** We'll take appearances.

**MR. GOGGIN:** Michael Goggin for BellSouth Telecommunications.

**MR. DUNBAR:** Peter Dunbar from the Pennington firm on behalf of Time Warner Telecom of Florida, L.P. Also appearing, Karen Camechis with the firm and on behalf of Time Warner.

**MS. KEATING:** Beth Keating appearing for Commission Staff.

**COMMISSIONER CLARK:** Okay. I understand that there's a joint motion to amend the procedural schedule in this case. Is it appropriate to start with that or start with the prehearing order itself?

**MS. KEATING:** I believe that at this point we are probably most appropriate to go on and start with the motion to amend the procedural order. I did want to point out that Time Warner yesterday, besides

1 filing the motion to amend the procedural order, did  
2 also withdraw its motion for summary order.

3 **COMMISSIONER CLARK:** Okay. We'll note that  
4 in the prehearing order that goes out.

5 **MS. KEATING:** Okay.

6 **COMMISSIONER CLARK:** In the motion to amend  
7 the procedural schedule has contained within it a  
8 joint motion that we take administrative notice of the  
9 records developed in the proceedings of the petition  
10 by IGC Telecom and ITC^DeltaCom. What I'd like to do  
11 is allow for the record in those cases to be moved  
12 into this record. I don't think it's appropriate to  
13 take official administrative notice of those things.

14 I think it would be appropriate to request  
15 now if the parties would stipulate into the record the  
16 record the record from the IGC Telecom petition, which  
17 is Docket No. 990691-TP, and the record from the  
18 ITC^DeltaCom, which is 990750.

19 **MR. DUNBAR:** Time Warner will stipulate.

20 **MR. GOGGIN:** BellSouth will also stipulate  
21 to that.

22 **COMMISSIONER CLARK:** And would the parties  
23 also stipulate to entering the prefiled testimony  
24 submitted by both parties in this proceeding into the  
25 record in that they waive cross-examination?

1           **MR. GOGGIN:** BellSouth so stipulates.

2           **MR. DUNBAR:** Time Warner stipulates.

3           **COMMISSIONER CLARK:** And then the motion  
4 includes a submittal of briefs on February 25th. Is  
5 that acceptable to Staff?

6           **MS. KEATING:** That would work. That's our  
7 original brief date.

8           **COMMISSIONER CLARK:** Okay.

9           **MS. KEATING:** So that would keep us on the  
10 same recommendation schedule.

11           **COMMISSIONER CLARK:** All right.

12           **MS. KEATING:** May I ask a question, though?

13           **COMMISSIONER CLARK:** Yes.

14           **MS. KEATING:** As far as moving the testimony  
15 and exhibits into the record, it seems to me that we  
16 might -- if we do it that way we might actually have  
17 to convene.

18           **COMMISSIONER CLARK:** I don't think we do.  
19 Because if -- let me ask a question. I recall that we  
20 had this happen before and I think Pat Wiggins was the  
21 attorney. We may have convened it. I see no reason  
22 to convene it if the parties have stipulated.

23           **MS. KEATING:** What we can do is if there is  
24 any question about that have that perhaps as an issue.

25           **COMMISSIONER CLARK:** Yes, when we take it up

1 at the agenda conference. That will be fine.

2 **MS. KEATING:** And do it that way. Okay.

3 **COMMISSIONER CLARK:** Now, do we need to move  
4 on to the prehearing order or would simply the  
5 prehearing order show that they have agreed on the  
6 issue for resolution in this proceeding and that's  
7 contained in Paragraph No. 1 of their joint motion and  
8 then the facts have been stipulated into the record.

9 One other thing, in that we will take  
10 official notice of the items listed by Staff with the  
11 opportunity within close of business one week today to  
12 add to that list and that would be the record. Is  
13 that what we should do to the prehearing order? We  
14 would simply recast it as excepting the joint motion.

15 **MS. KEATING:** I think that would be  
16 appropriate. The only thing that it might be worth  
17 while to keep is an indication that there is -- there  
18 will be testimony so we may want to keep Section 6,  
19 and maybe even Section 7, 8 and 9 just as an  
20 indication to other Commissioners that are on the  
21 panel as to what exactly is going to be a part of the  
22 record. I mean, do any of the parties have objection?

23 **MR. DUNBAR:** I agree. I think that's an  
24 excellent -- yes.

25 **MR. GOGGIN:** BellSouth agrees also.

1           **COMMISSIONER CLARK:** All right. Should we  
2 number -- go ahead and number the exhibits?

3           **MS. KEATING:** That's probably a good idea.

4           **COMMISSIONER CLARK:** All right. The one  
5 attached to Mr. Woods testimony will be 1.

6           (Exhibit 1 marked for identification.)

7           **COMMISSIONER CLARK:** And the five exhibits  
8 attached to Mr. Varner's testimony would be Composite  
9 Exhibit 2.

10           (Exhibit 2 marked for identification.)

11           **MS. KEATING:** And in that same vain, perhaps  
12 we can tentatively go ahead and mark it knowing that  
13 it will be amended at some point.

14           **COMMISSIONER CLARK:** We'll mark the list of  
15 items for which official recognition is going to be  
16 taken as Exhibit 3 with the understanding that it may  
17 be amended within a week from today.

18           (Exhibit 3 marked for identification.)

19           **MR. DUNBAR:** That's going to be Composite  
20 Exhibit 3?

21           **COMMISSIONER CLARK:** Yes. Anything else?

22           **MR. DUNBAR:** Well, you want to modify 10 to  
23 reflect the stipulations right?

24           **MS. KEATING:** Right.

25           **MR. GOGGIN:** Modify 11 as well.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. DUNBAR: Right.

MS. KEATING: The remainder of the order would be amended to reflect that the motion has been accepted and that the procedure will be with amended.

MR. GOGGIN: And that the pending motion has been withdrawn.

MS. KEATING: Right.

COMMISSIONER CLARK: Okay. Anything else?

MR. GOGGIN: Nothing from BellSouth.

COMMISSIONER CLARK: Thank you. This prehearing is adjourned.

MS. KEATING: Thank you.

MR. GOGGIN: Thank you, Commissioner.

MR. DUNBAR: Thank you, Commissioner.

(Thereupon, the hearing concluded at 9:40 a.m.)

- - - - -

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

## CERTIFICATE OF REPORTER

3 I, KIMBERLY K. BERENS, CSR, RPR, Official  
4 Commission Reporter,

5 DO HEREBY CERTIFY that the Prehearing  
6 Conference in Docket No. 991605-TP was heard by the  
7 Prehearing Officer at the time and place herein  
8 stated; it is further

9 CERTIFIED that I stenographically reported  
10 the said proceedings; that the same has been  
11 transcribed by me; and that this transcript,  
12 consisting of 8 pages, constitutes a true  
13 transcription of my notes of said proceedings.

14 DATED this 26th day of January, 2000.

11

12

13

14

15

16

17

18

19

20


21

22

23

24

25

  
KIMBERLY K. BERENS, CSR, RPR  
Florida Public Service Commission  
Official Commission Reporter