

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 991854-TP
:
PETITION OF BELLSOUTH :
TELECOMMUNICATIONS, INC. FOR A :
SECTION 252(B) ARBITRATION OF :
INTERCONNECTION AGREEMENT WITH :
INTERMEDIA COMMUNICATIONS, INC. :

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PROCEEDINGS: PREHEARING CONFERENCE

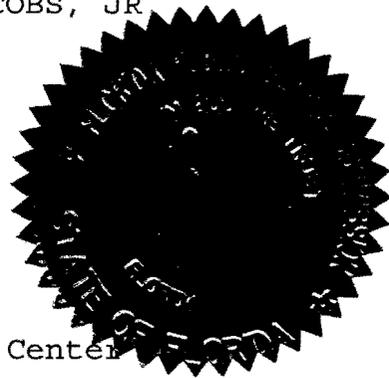
BEFORE: COMMISSIONER E. LEON JACOBS, JR.
Prehearing Officer

DATE: Friday, March 17, 2000

TIME: Commenced at 1:30 p.m.
Concluded at 1:48 p.m.

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

REPORTED BY: JANE FAUROT, RPR
Chief, Bureau of Reporting



DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 03561 MAR 21 8

FPSC-BUREAU OF REPORTING

1 APPEARANCES:

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

7 CHARLIE PELLEGRINI, Wiggins & Villacorta,
8 P. A., Post Office Drawer 1657, 2145 Delta
9 Boulevard, Tallahassee, Florida 32302; RONALD
10 JARVIS, and SCOTT SAPPERSTEIN, Washington D. C.,
11 appearing on behalf of Intermedia Communications,
12 Inc.

13 TIM VACCARO, Florida Public Service
14 Commission, Division of Legal Services, 2540 Shumard
15 Oak Boulevard, Tallahassee, Florida 32399-0850,
16 appearing on behalf of the Commission Staff.

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P R O C E E D I N G S

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2 COMMISSIONER JACOBS: We will call the hearing
3 to order.

4 Counsel, read the notice.

5 MR. VACCARO: Pursuant to notice this time and
6 place have been designated for a prehearing conference in
7 Docket Number 991854-TP, petition of BellSouth
8 Telecommunications, Inc. for a Section 252(b) arbitration
9 of interconnection agreement with Intermedia
10 Communications, Inc.

11 COMMISSIONER JACOBS: Take appearances.

12 MS. WHITE: Nancy White for BellSouth.

13 MR. PELLEGRINI: Charlie Pellegrini, for
14 Intermedia Communications.

15 MR. JARVIS: Ronald Jarvis in Washington, D.C.
16 for Intermedia.

17 COMMISSIONER JACOBS: That last name Jarvis?

18 MR. JARVIS: J-A-R-V-I-S.

19 COMMISSIONER JACOBS: Got it. Thank you.

20 MR. JARVIS: You're welcome.

21 MR. VACCARO: Tim Vaccaro on behalf of
22 Commission Staff.

23 COMMISSIONER JACOBS: Great. Here is how I
24 would like to proceed.

25 MR. JARVIS: Is Charlie Pellegrini in the

1 hearing room?

2 COMMISSIONER JACOBS: Yes, he is.

3 MR. JARVIS: Okay, I'm sorry.

4 MR. PELLEGRINI: Charles Pellegrini for
5 Intermedia Communications.

6 Scott, did you make an appearance?

7 MR. SAPPERSTEIN: Scott Sapperstein for
8 Intermedia Communications. Sorry.

9 COMMISSIONER JACOBS: Great. Any preliminary
10 matters, Counsel?

11 MR. VACCARO: No preliminary matters.

12 COMMISSIONER JACOBS: Okay. Then what we would
13 like to do is simply go through the prehearing order
14 section-by-section to see if there are any revisions to
15 the filings that parties have already rendered. We will
16 begin on -- I guess, on appearances. Will we be adding
17 Mr. Jarvis and Mr. Sapperstein to that page?

18 MR. PELLEGRINI: Yes.

19 MR. VACCARO: I will add them.

20 COMMISSIONER JACOBS: Let's go to Section 2,
21 case background.

22 Anyone have any corrections to that?

23 MR. JARVIS: No.

24 COMMISSIONER JACOBS: Mr. Jarvis and Mr.
25 Sapperstein, if you make a comment could I have you go

1 ahead and announce who you are. We have a court reporter
2 here, and she will need to have that.

3 MR. JARVIS: Yes, sir.

4 MR. SAPPERSTEIN: Yes.

5 MR. PELLEGRINI: Commissioner Jacobs, may I ask
6 Mr. Sapperstein a question?

7 COMMISSIONER JACOBS: Sure.

8 MR. PELLEGRINI: Scott, what about Eric? Should
9 we make an appearance for him?

10 MR. SAPPERSTEIN: Enrico Soriano will be one of
11 the counsel of record at the actual hearing. So to the
12 extent that you need that, fine. It will probably be Mr.
13 Soriano at the actual hearing in place of Mr. Jarvis.

14 COMMISSIONER JACOBS: Let's get that name,
15 please.

16 MR. PELLEGRINI: Enrico Soriano, S-O-R-I-A-N-O.

17 COMMISSIONER JACOBS: I'm sorry, spell that
18 again for me.

19 MR. PELLEGRINI: S-O-R-I-A-N-O, Enrico.

20 MR. VACCARO: I don't know if we would actually
21 add him now since he is not physically making an
22 appearance today. We could certainly show him as
23 appearing on the record at the hearing.

24 MR. SAPPERSTEIN: I think that is appropriate. I
25 agree with counsel.

1 COMMISSIONER JACOBS: Who is speaking?

2 MR. SAPPERSTEIN: I'm sorry, this is Scott
3 Sapperstein speaking. I think staff counsel was correct,
4 I think it would be appropriate to show him as to be
5 appearing at a later date, but not appearing today for the
6 actual prehearing.

7 COMMISSIONER JACOBS: Okay. Very well. Okay.
8 I didn't hear any corrections on the case background,
9 Section 2.

10 Section 3 is procedure for handling confidential
11 information. Most of that is boilerplate. Any
12 corrections to that? Great.

13 Moving on then to Section 4, post-hearing
14 procedures. No changes here? Great.

15 Section 5, prefiled testimony and exhibits,
16 process for filing. Any corrections? Okay.

17 That takes us then to Section 6, order of
18 witnesses. We have Mr. Varner, Mr. Milner, and
19 Mr. Jackson offering direct testimony. And Mr. Varner,
20 Mr. Milner, and Mr. Jackson offering rebuttal. No changes
21 for that?

22 MR. SAPPERSTEIN: No.

23 COMMISSIONER JACOBS: Okay. Moving then to
24 Section 7, basic positions. Any modifications to the
25 parties' positions?

1 MR. PELLEGRINI: No.

2 COMMISSIONER JACOBS: Then we move to Section 8,
3 which lists the individual issues and responses. We will
4 go issue-by-issue in this section beginning with Issue 2A,
5 any modifications to the parties' positions to that?
6 Okay. Issue 2 -- now I see here that Issue 2B has been
7 resolved?

8 MR. VACCARO: Yes.

9 COMMISSIONER JACOBS: Is that official?

10 MS. WHITE: That is correct.

11 MR. PELLEGRINI: Yes.

12 COMMISSIONER JACOBS: Great. Issue 3, no
13 modification to the parties' positions?

14 Issue 4 is listed as having been resolved, as
15 well.

16 Next we have Issue 7. No changes? Hearing no
17 changes there, we will go to issue -- the next issue
18 listed is Issue 10. Any modifications to the parties'
19 positions? None there.

20 The next issue that is listed is Issue 12.
21 Hearing no changes to Issue 12, next we have Issue 13A.
22 Any changes? None there. Issue 13B. No changes there.

23 Next we have Issue 15, which shows to have been
24 resolved, as well.

25 And next is listed Issue 17, which also is

1 indicated as having been resolved.

2 Next we have Issue 18C, as in Charlie. Any
3 changes there?

4 Following we have Issue 22. Well, on Issue 22,
5 what happens when the FCC issues this order, is that
6 automatically incorporated?

7 MR. VACCARO: Honestly, I don't know off the top
8 of my head.

9 MS. WHITE: Well, the FCC's UNE remand order was
10 already issued.

11 COMMISSIONER JACOBS: Oh, it was? That's right,
12 I'm sorry.

13 MS. WHITE: So it is really a question of whose
14 language is more appropriate. Intermedia proposed some
15 language and BellSouth proposed some language. Each party
16 believes their language is appropriate. So I think it is
17 just a matter of the Commission deciding which one is, if
18 I have stated that correctly, Charlie.

19 MR. PELLEGRINI: You certainly have.

20 COMMISSIONER JACOBS: Okay. I was confused,
21 obviously. There was some case we were doing when we were
22 still waiting for that order. I guess that was before it
23 came out.

24 MR. JARVIS: I think it came out in
25 November 26th of last year.

1 COMMISSIONER JACOBS: I'm sorry, who was that
2 speaking?

3 MR. JARVIS: This is Ron Jarvis in Washington.

4 COMMISSIONER JACOBS: Issue 25 is next. Any
5 changes there? No changes there.

6 Issue 26. No changes to Issue 26.

7 Issue 27 is indicated as having been resolved.

8 The next listed is Issue 29. Any modifications?

9 None there.

10 Next we have Issue 30A. No modifications there.

11 Issue 30B. None there.

12 Next is Issue 31. No changes there.

13 Issue 32. No changes.

14 Next is Issue 35.

15 And then Issue 36. I'm sorry, Issue 35 and

16 Issue 36 are both showing that they have been resolved.

17 Next is Issue 37.

18 And then Issue 38.

19 Following that is Issue 39A; Issue 39B; Issue

20 39C.

21 Issue 39D, as in David. Interesting, I haven't

22 heard of a -- what is that, a permanent virtual circuit?

23 That's interesting. I would like to know more about that.

24 We will discuss that at the hearing.

25 Next listed is Issue 46, which shows as having

1 been resolved.

2 That takes care of all the issues that are
3 listed here. Are there any other issues?

4 MR. VACCARO: Commissioner, I think you might
5 have skipped Issue 45.

6 COMMISSIONER JACOBS: Did I? I did. Issue 45,
7 any changes there? Okay.

8 Next, in Section 9, we have the list of
9 exhibits.

10 MR. SAPPERSTEIN: Excuse me, Commissioner.
11 Scott Sapperstein. Is Issue 48 still an open issue?

12 COMMISSIONER JACOBS: I don't show it on mine.

13 MR. VACCARO: No.

14 MR. JARVIS: I believe it has been deferred.

15 MS. WHITE: I think it was ruled on.

16 MR. SAPPERSTEIN: Thank you, I'm sorry.

17 MR. VACCARO: Yes, it was ruled on in the order
18 establishing procedure and that was reflected in the
19 parties' testimony.

20 COMMISSIONER JACOBS: Okay. We are now at
21 Section 9, the exhibit list.

22 Are there any modifications to the exhibits
23 listed here? Okay. Issue 10 deals with proposed
24 stipulations. None is showing. Is that still the case?

25 Issue 11 is pending motions. None is showing,

1 and I assume that still remains the case.

2 MR. VACCARO: That's correct.

3 COMMISSIONER JACOBS: And then Issue 12 lists
4 pending confidentiality matters, and these are -- they
5 have not been ruled yet.

6 MR. VACCARO: No, not yet.

7 COMMISSIONER JACOBS: So an order will be
8 forthcoming on those.

9 MR. VACCARO: No, actually what we have is we
10 have a -- BellSouth has filed a notice of intent. And at
11 this point it is just a question of whether or not they
12 will file a request for confidential classification. And
13 Intermedia has filed a claim of confidentiality, and under
14 the rule we just treat that as confidential for now.

15 COMMISSIONER JACOBS: Okay. Very well.

16 That seems to be all of the issues in the
17 prehearing order. Are there any other matters to come
18 before the Commission today?

19 MR. VACCARO: None that I am aware of.

20 COMMISSIONER JACOBS: With that -- wow, you guys
21 are a pretty good group to work with.

22 In that case then this hearing is adjourned.

23 MR. SAPPERSTEIN: Thank you, Commissioner.

24 MR. JARVIS: Thank you, Commissioner.

25 COMMISSIONER JACOBS: Thank you.

(The prehearing conference concluded at 1:48 p.m.)

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STATE OF FLORIDA)

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COUNTY OF LEON)

CERTIFICATE OF REPORTER

I, JANE FAUROT, RPR, Chief, FPSC Bureau of Reporting FPSC Commission Reporter, do hereby certify that the Prehearing Conference in Docket No. 991854-TP was heard by the Prehearing Officer at the time and place herein stated.

It is further certified that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript, consisting of 12 pages, constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 21st DAY OF MARCH, 2000.



JANE FAUROT, RPR
FPSC Division of Records & Reporting
Chief, Bureau of Reporting
(850) 413-6732