

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 990455-TP
:
REQUEST FOR REVIEW OF PROPOSED :
NUMBERING PLAN RELIEF FOR THE :
305/786 AREA CODE - DADE COUNTY :
AND MONROE COUNTY/KEYS REGION. :

In the Matter of : DOCKET NO. 990456-TP
:
REQUEST FOR REVIEW OF PROPOSED :
NUMBERING PLAN RELIEF FOR THE :
561 AREA CODE. :

In the Matter of : DOCKET NO. 990457-TP
:
REQUEST FOR REVIEW OF PROPOSED :
NUMBERING PLAN RELIEF FOR THE :
954 AREA CODE. :

In the Matter of : DOCKET NO. 990517-TP
:
REQUEST FOR REVIEW OF PROPOSED :
NUMBERING PLAN RELIEF FOR THE :
904 AREA CODE. :

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PROCEEDINGS: PREHEARING CONFERENCE

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BEFORE: CHAIRMAN JOE GARCIA
Prehearing Officer

DATE: Thursday, May 11, 2000

TIME: Commenced at 9:35 a.m.
Concluded at 9:55 a.m.

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

REPORTED BY: KORETTA E. STANFORD, RPR
Official FPSC Reporter

1 APPEARANCES:

2 MICHAEL P. GOGGIN, 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 KIMBERLY D. WHEELER, Morrison & Foerster,
8 2000 Pennsylvania Avenue, NW, Washington DC
9 20006-1888, Florida 32779, appearing on behalf of
10 NeuStar, Inc., North American Numbering Plan
11 Administrator, participating telephonically.

12 FLOYD SELF, Caparello & Self, P.A, Post Office Box
13 1876, Tallahassee, Florida 32302-1876, appearing on behalf
14 of AT&T Communications of the Southern States, Inc. and
15 AT&T Wireless Services.

16 DONNA CANZANO McNULTY, The Atrium, Suite 105, 325
17 John Knox Road, Tallahassee, Florida 32303, appearing on
18 behalf of MCI Worldcom, Inc.

19 MARSHA RULE, 101 North Monroe Street, Suite 700,
20 Tallahassee, Florida 32301, appearing on behalf of AT&T
21 Communications of the Southern States, Inc.

22 KENNETH A. HOFFMAN, Rutledge, Ecenia,
23 Purnell & Hoffman, P. O. Box 551, 215 South Monroe
24 Street, Suite 420, Tallahassee, Florida 32302-0551,
25 appearing on behalf of Omnipoint Communications.

1 APPEARANCES CONTINUED:

2 CAROLE BARICE, Fowler Barice Law Firm, 28 West
3 Central Boulevard, Orlando, Florida 32801, appearing on
4 behalf of the City of Deltona.

5 CHARLES REHWINKEL, and SUSAN MASTERTON,
6 Post Office, Box 2214, Tallahassee, Florida
7 32316-2214, appearing on behalf of Sprint-Florida,
8 Incorporated, Sprint PCS, and Sprint Communications
9 Company Limited Partnership.

10 J. JEFFRY WAHLEN, Ausley & McMullen, Post Office
11 Box 391, Tallahassee, Florida 32302, appearing on behalf
12 of ALLTEL Florida, Inc. and Northeast Florida Telephone
13 Company.

14 FRANK B. GUMMEY, III, Assistant County Attorney,
15 County of Volusia, 123 W. Indiana Avenue, DeLand, Florida
16 32720, appearing on behalf of Volusia County.

17 BETH KEATING, C. LEE FORDHAM, TIM VACCARO,
18 and DONNA CLEMONS, Florida Public Service
19 Commission, Division of Legal Services, 2540 Shumard
20 Oak Boulevard, Tallahassee, Florida 32399-0870,
21 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 CHAIRMAN GARCIA: All right. We'll call this
3 hearing to order.

4 Counsel, will you read the notice?

5 MS. KEATING: By notice issued May 2nd, 2000,
6 this time and place has been set for a prehearing
7 conference in dockets numbers 990455, 990456, 990457, and
8 990517, the purpose as set forth in the notice.

9 CHAIRMAN GARCIA: All right. We'll take
10 appearances.

11 MR. GOGGIN: Michael Goggin on behalf of
12 BellSouth.

13 MR. HOFFMAN: Good morning, Mr. Chairman. I'm
14 Kenneth A. Hoffman on behalf of Omnipoint Communications.

15 MR. WAHLEN: Jeff Wahlen of the Ausley &
16 McMullen law firm on behalf of Alltel Florida, Inc. and
17 Northeast Florida Telephone Company.

18 MR. REHWINKEL: Charles Rehwinkel on behalf of
19 Sprint-Florida, Incorporated, Sprint PCS, and Sprint
20 Communications Company Limited Partnership.

21 MR. SELF: Good morning, Mr. Chairman. I'm
22 Floyd Self on behalf of AT&T Communications of the
23 Southern States, Inc. and AT&T Wireless Services, Inc.,
24 which are collectively referred to in the draft as AT&T
25 and also MCI Worldcom, Inc. and its operating

1 subsidiaries.

2 I'd also like to enter an appearance for Donna
3 Canzano McNulty on behalf of MCI Worldcom. And I'd also
4 like to enter an appearance for Marsha Rule on behalf of
5 AT&T.

6 CHAIRMAN GARCIA: Where's Ms. Rule?

7 MR. SELF: She'll be here eventually.

8 CHAIRMAN GARCIA: Okay. Ms. Canzano, I like the
9 fact you're using your name again.

10 MS. MCNULTY: Well, it's McNulty, too.

11 CHAIRMAN GARCIA: Listen, my wife wouldn't even
12 accept Garcia. All right, go ahead.

13 MS. BARICE: My name is Carole Barice. I'm here
14 on behalf of the City of Deltona.

15 CHAIRMAN GARCIA: Barice.

16 MS. BARICE: Barice; B, as in boy, A-R-I-C-E.

17 CHAIRMAN GARCIA: Okay, good. Remind me before
18 we get finished, an area code issue that I need for your
19 city, okay? Just remind me --

20 MS. BARICE: Yes, Your Honor.

21 MR. GUMMEY: Frank Gummey here on behalf of the
22 County of Volusia.

23 CHAIRMAN GARCIA: Your last name again, I'm
24 sorry.

25 MR. GUMMEY: Gummey, G-U-M-M-E-Y.

1 MS. KEATING: And I believe there's somebody on
2 the phone.

3 CHAIRMAN GARCIA: Who's on the phone?

4 MS. WHEELER: Yes, good morning, Chairman. This
5 is Kimberly Wheeler representing Neustar, Inc.

6 MS. KEATING: And Beth Keating, C. Lee Fordham,
7 Tim Vaccaro, and Donna Clemons on behalf of Staff.

8 CHAIRMAN GARCIA: I'm sorry, Kimberly --

9 MS. WHEELER: Wheeler, W-H-E-E-L-E-R.

10 CHAIRMAN GARCIA: Thank you very much. All
11 right.

12 MS. KEATING: We do have a few preliminary
13 matters.

14 CHAIRMAN GARCIA: Okay.

15 MS. KEATING: First, on April 21st, Omnipoint
16 filed a motion for extension of time to file its
17 prehearing statement. There were no responses to that
18 motion, and Staff recommends approval.

19 CHAIRMAN GARCIA: There's no objections, we're
20 going to grant that.

21 MS. KEATING: Second, on April 26th, Sprint
22 filed a motion to accept late-filed prehearing statement.
23 Again, there were no responses to that motion, and Staff
24 recommends approval.

25 CHAIRMAN GARCIA: We'll accept that, if there's

1 no objections. Good, we'll do that. Okay.

2 MS. KEATING: And finally, as I understand it,
3 Mr. Self may have a suggestion to make at this time.

4 MR. SELF: Mr. Chairman, I've talked with some
5 of the parties about the possibility of the Commission and
6 the parties agreeing to stipulate all of the prefiled
7 testimony and waiving cross-examination of the witnesses
8 and basically stipulating in the record and not having the
9 hearing or at least not having all of the witnesses
10 present.

11 CHAIRMAN GARCIA: Okay.

12 MR. SELF: And --

13 CHAIRMAN GARCIA: Does anybody have an objection
14 with that? Staff is fine with that, correct?

15 MS. KEATING: As long as the parties are willing
16 to agree to the orders and information that we have on the
17 official recognition list, as well as the exhibits that
18 we'd like to offer, stipulated exhibits, we're fine with
19 it.

20 CHAIRMAN GARCIA: Okay. The counties have no
21 problem with this either, correct?

22 MR. GUMMEY: One question, Mr. Chairman. Would
23 it be possible to file written motions to introduce that
24 into the record and avoid, as much as I enjoy visiting our
25 state's capital, avoid coming?

1 CHAIRMAN GARCIA: I'm -- I always try to do
2 that, but I don't think that's a problem.

3 Is that a problem?

4 MS. KEATING: Might I suggest another
5 alternative, having a phone link into the hearing.

6 CHAIRMAN GARCIA: Is that all right?

7 MR. GUMMEY: That would be great.

8 CHAIRMAN GARCIA: Okay.

9 MR. REHWINKEL: Mr. Chairman, Charles Rehwinkel
10 with Sprint. I don't have in my records the direct
11 testimony of Mr. Gardner with Deltona. And I was not
12 aware that he had filed direct. The only thing that
13 concerns Sprint is that Deltona takes a position on the
14 dialing pattern issue about implementation of toll-free
15 calling.

16 And I was just wondering if Ms. Barice could
17 address, without me having to review his testimony,
18 whether his testimony addresses that, because it is our
19 position, and I think the chairman reinforced it at one of
20 the service hearings, that the Commission does not have
21 authority to grant that type of relief in this docket.

22 CHAIRMAN GARCIA: Correct.

23 MR. REHWINKEL: So --

24 CHAIRMAN GARCIA: Ms. Barice.

25 MS. BARICE: Not being greatly experienced in

1 Public Service Commission representation here --

2 CHAIRMAN GARCIA: Don't worry about it, neither
3 am I.

4 MS. BARICE: -- representing the city of Deltona
5 and trying to do the best we can involved in this
6 particular proceeding, Mr. Gardner did, indeed, file
7 prefiled testimony, direct testimony, and we have filed
8 that within the requisite time period.

9 In the rebuttal, we followed the form and tried
10 to go issue by issue and that was one of the issues, and
11 they were Mr. Gardner's responses to the issues. You
12 know, if they're out of line, then, you know, we --

13 MR. REHWINKEL: I don't have any problems with
14 Ms. Barice's follow-up procedure, because I think she has.

15 CHAIRMAN GARCIA: All right. Let's do this,
16 though. If they have an interest to do that, isn't it
17 possible that we can just take that up as a separate
18 docket right here and now, put that on some type of time
19 frame in terms of that dialing patterns and -- in other
20 words, I'm not saying we're going to give them free
21 calling, I'm just saying if that's an issue in that part
22 of the state with the area code changes we're going to do,
23 may want to look at, that's something, you know, we'll
24 have to put an additive in there and the whole nine yards,
25 but separate it out of this docket, because I think it's

1 confusing.

2 I've already said it at the prehearing -- sorry,
3 at the service hearings that we weren't going to consider
4 that in this docket. Is that doable?

5 MR. REHWINKEL: Well, with res-- I think that
6 if, rather than make a separate docket, if Deltona had
7 some theory that supported that, then I think a separate
8 petition would be in order for the Commission to then
9 address whether to go forward.

10 But with that understanding, my only reservation
11 is to stipulate into evidence testimony that I would think
12 that I would have a good position that was not relevant.
13 But I don't fault the city of Deltona for raising the
14 issue, because I know it is a concern that they've had.
15 We've tried to address it over time, and it's
16 understandable. I'm not objecting --

17 CHAIRMAN GARCIA: Let me go further, though. I
18 don't think they have to file a petition. Let's do it
19 this way. Let us reach out to the city of Deltona, our
20 Staff. Let's go see them, and let's see if -- if they
21 want to file a petition, we'll help them with that issue.

22 And I'm sure Sprint will be more than helpful,
23 because I think there are some changes that are called for
24 that may happen in this docket, which put all of Volusia
25 county as one entity and that we may look at -- I mean,

1 we're talking about additives here. We can't mandate it
2 like we used to be able to do it, but there may be an
3 additive to make all those calls acceptable.

4 Sprint may have a problem with that, as they're
5 indicating, but they may not. They've been very willing,
6 particularly, in that area of the state where they are to
7 work with us on these things.

8 So, if that's all right and then, Mr. Rehwinkel,
9 it's not an issue here. In other words, we're not going
10 to consider it here. Is that all right?

11 MS. KEATING: Could you specify exactly what --

12 CHAIRMAN GARCIA: The issue is free calling from
13 the capital of the county or the seat of the county or
14 whatever you call it, the --

15 MR. SELF: County seat.

16 CHAIRMAN GARCIA: -- the county seat to the
17 other parts of the county and vice versa, I'm sure is what
18 we meant. That's not an issue we're going to decide in
19 this docket, all right?

20 MR. REHWINKEL: That's all my concern. Thank
21 you, Mr. Chairman.

22 CHAIRMAN GARCIA: Good.

23 MS. BARICE: Thank you, Mr. Chairman.

24 CHAIRMAN GARCIA: All right. Let me -- are we
25 -- that being the case, there's no objection. So, we're

1 going to accept -- we're going to move -- what is the
2 proper terminology, Mr. Self?

3 MR. SELF: I'll make the motion that the
4 Commission and the parties stipulate the record for
5 purposes of the hearing and the witnesses be excused, and
6 that way at the hearing next week only the lawyers will
7 need to show up, some by telephone, in order to formally
8 get the record where it needs to be.

9 CHAIRMAN GARCIA: All right. That motion is
10 granted. Thank you very much for all of you to work that.
11 It does strike me though, we did say at the hearing that
12 people could participate.

13 So, part of what you may have to remind me is
14 that when we do have that meeting to call, if there's some
15 witnesses that want to add something, just real quick, and
16 I think we're all --

17 MR. SELF: That's fine Mr. Chairman.

18 CHAIRMAN GARCIA: -- we're all all right there.

19 That said, we're going to go through the
20 prehearing order. Since we stipulated everything, I'm
21 hoping that nobody needs me to go point by point.

22 MR. GOGGIN: Mr. Chairman, this is Michael
23 Goggin with BellSouth. With regard to this stipulated
24 official recognition list and the Staff's exhibit list, I
25 just wanted to get on the record a couple of

1 understandings.

2 One is that the items that Staff has on its
3 stipulated exhibit list that have not been previously
4 served on the parties would be served on the parties.

5 And on the official recognition list there are a
6 number of documents in the other documents section that
7 may not be publicly available. Well, they may be publicly
8 available, but not readily available, in particular,
9 orders and reports or testimony that have been filed in
10 other states.

11 CHAIRMAN GARCIA: Right.

12 MR. GOGGIN: If Staff could just agree to make
13 those available.

14 CHAIRMAN GARCIA: Very well.

15 MS. KEATING: As with our usual procedure, Staff
16 plans to have full copies of the exhibits.

17 CHAIRMAN GARCIA: Okay.

18 MR. GOGGIN: Okay, at the hearing?

19 MS. KEATING: Mm-hmm.

20 MR. GOGGIN: Great, all right.

21 MR. SELF: It's also my understanding,
22 Mr. Chairman, that the deposition transcripts for the
23 depositions that were taken yesterday would also be
24 admitted.

25 MS. KEATING: That's correct. Staff suggests

1 perhaps that those be stip 6, 7 and 8.

2 CHAIRMAN GARCIA: All right. You've got the
3 sheet over there, but okay. So, that is correct.

4 MR. HOFFMAN: Mr. Chairman, just for the record,
5 the record that we are stipulating to would consist of the
6 prefiled, direct, and rebuttal testimony that is reflected
7 in the prehearing order as well as the prefiled exhibits
8 of witnesses, as I understand it.

9 CHAIRMAN GARCIA: Correct. And --

10 MS. KEATING: As well as the additional
11 stipulated exhibits, including the official recognition
12 list.

13 CHAIRMAN GARCIA: Okay?

14 MR. HOFFMAN: Yes, sir.

15 CHAIRMAN GARCIA: Does that include the
16 depositions, I think, he just mentioned?

17 MS. KEATING: That includes the depositions as
18 well as transcripts from all the service hearings, which
19 are automatically a part of the record.

20 MR. GOGGIN: Correct.

21 Mr. Chairman, one other thing. Also, part of
22 the understanding was that the parties would have the
23 opportunity to add to the official recognition list and
24 that at the time of the hearing a decision will be made as
25 to whether those things should be added. This is Staff's

1 official recognition list.

2 CHAIRMAN GARCIA: Staff says that's all right,
3 so it's all right with me.

4 MR. GOGGIN: Great, thanks.

5 CHAIRMAN GARCIA: Okay.

6 MS. WHEELER: Chairman, this is Kimberly
7 Wheeler. I just wanted to clarify that late-filed
8 exhibits that were requested during the deposition
9 yesterday will also be stipulated to.

10 CHAIRMAN GARCIA: Yes.

11 MS. WHEELER: Thank you.

12 CHAIRMAN GARCIA: Okay.

13 MS. BARICE: Mr. Chairman, I apologize for this
14 question, but what is the official recognition list and
15 what is on it?

16 CHAIRMAN GARCIA: It is -- there we go.

17 MS. BARICE: Thank you.

18 CHAIRMAN GARCIA: Okay. I think there's more.
19 There we go.

20 MR. WAHLEN: I have one correction to the
21 prehearing order.

22 CHAIRMAN GARCIA: I knew you were going to do
23 this, Mr. Wahlen. Go ahead.

24 MR. WAHLEN: On pages 7 and 8 --

25 CHAIRMAN GARCIA: Okay, yes.

1 MR. WAHLEN -- it's Debra L. Nobles, not Debra J.
2 Nobles. Her lawyer has been consistently making that
3 mistake for some time, and I need to publicly correct
4 that.

5 CHAIRMAN GARCIA: Very good. All right. So
6 noted and corrected on both pages, Debra L. Nobles. That
7 means we're not going to go through this issue by issue.
8 Thank you very much. There are no corrections or changes
9 to the exhibit list, except the ones we just said.

10 There is something else I did want to take up.
11 Now, the people of Volusia County have been asking for
12 particular numbers over and over. I've been reading about
13 it in the newspaper, they've come to our hearings and
14 asked for them, and I believe I asked Staff to go after
15 some of those numbers. What has happened with them?

16 MS. KEATING: Well, that one specific issue in
17 that docket, I know Staff is investigating that.

18 CHAIRMAN GARCIA: All right. Do you have any
19 preferences with you that you've brought to us.

20 MR. GUMMEY: The preference was stated in our
21 rebuttal testimony of John E. Evans, and it is for the
22 area code FUN.

23 CHAIRMAN GARCIA: FUN. And was that available,
24 Mr. Levent, the area code FUN? What does that spell out
25 to? Levent's a numbers guy.

1 MS. KEATING: I don't know if we've checked FUN,
2 in particular, yet. Some of the ones that have been
3 suggested do have conflicts, but there are some, I
4 understand, that may work.

5 CHAIRMAN GARCIA: We do run into a problem when
6 an NXX in the area conflicts with one of those numbers.
7 Now, at some point that may be an issue that you may want
8 to think about changing, if they feel strongly enough, but
9 that's a technical issue that we could -- I know you guys
10 wouldn't be pleased with, but we could look at, if they
11 were particularly -- but then you'd have to incur the
12 wrath of the community of 10,000 who would have their
13 number changed; and that's your problem, not mine.

14 But I don't think we're going to try to do that.
15 We're going to go for some of those numbers that are out
16 there that we can use. You're going to go after FUN. And
17 what I want is when we come to that hearing next week is
18 that we have all the numbers so that they can bind
19 themselves to bad news, and they'll have to defend that
20 with their careers back home, whatever number they pick
21 that's available.

22 And I wish I could tell you we could give you
23 FUN, but doing area codes is usually not fun. So, we --
24 that said, is there anything else that anyone wants said?

25 Levent, I'm just suggesting that you -- you

1 might want to get with them and come to an agreement now,
2 so when we come to the hearing and this is voted out, we
3 can say, "And we've secured this number," because I don't
4 think there's going to be any change from here until then,
5 and it's just going to vote out the Staff positions, okay?

6 MR. REHWINKEL: Mr. Chairman, on that point, I
7 would feel that I would need to ask my operations folks to
8 look at any operational issues raised by the use of a
9 particular NXX. I know that when 321 was put in, Sprint
10 -- there were some conflict issues, and we put some
11 software in that cost a lot of money. And I think that
12 was what caused us to not be able to address ADT's
13 concerns the way they wanted to.

14 And so, I would just like, on behalf of Sprint,
15 to ask that if there is going to be a code used that there
16 be some opportunity for us to provide input to the
17 Commission.

18 CHAIRMAN GARCIA: Levent, you listening to this?
19 Levent, you listening to this?

20 MR. REHWINKEL: I would ask that if there is a
21 code that is going to be recommended that we be given an
22 opportunity to take a look at it and provide input to the
23 Commission, either in the form of a late-filed exhibit or
24 something. And maybe we could address that at the
25 beginning of the hearing, that would be the formal

1 hearing, but I just wanted to put you on notice that is a
2 concern.

3 CHAIRMAN GARCIA: And I agree. And, you know,
4 we've got to remember who is having concerns with it. So,
5 let's make sure that we do that, just come to some -- just
6 so we know the preferences, because there is no city or
7 county that has participated to the degree that this part
8 of the state has. And we need to give all due deference,
9 as I'm sure that Sprint wants to give all due deference to
10 its customers in that part of the state.

11 With that, I think we stand adjourned. And when
12 is the next -- the hearing is --

13 MS. KEATING: May 18th.

14 CHAIRMAN GARCIA: -- May 18th. Thank you very
15 much for working this out. It's appreciated.

16 (Prehearing concluded at 9:55 a.m.)

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STATE OF FLORIDA

CERTIFICATE OF REPORTER

COUNTY OF LEON)

I, KORETTA E. STANFORD, RPR, Official FPSC Commission Reporter, do hereby certify that the Prehearing Conference in Docket No. 990455, 0456, 0457 and 517-TP was heard by the Florida Public Service Commission 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 20 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' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 16th DAY OF MAY, 2000.

Koretta E. Stanford

KORETTA E. STANFORD, RPR
FPSC Official Commissioner Reporter
(850) 413-6734