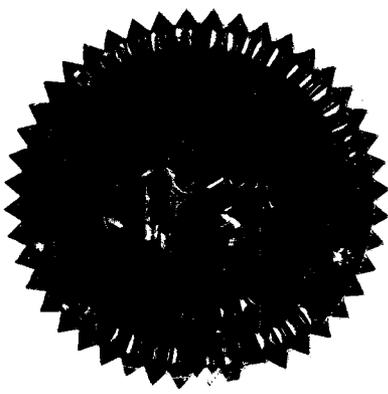


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 000649-TP
:
PETITION BY MCIMETRO ACCESS :
TRANSMISSION SERVICES LLC AND :
MCI WORLD COM COMMUNICATIONS, :
INC. FOR ARBITRATION OF :
CERTAIN TERMS AND CONDITIONS :
OF A PROPOSED AGREEMENT WITH :
BELLSOUTH TELECOMMUNICATIONS, :
INC. CONCERNING INTER- :
CONNECTION AND RESALE UNDER :
THE TELECOMMUNICATIONS ACT :
OF 1996. :



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PROCEEDINGS: Prehearing Conference

BEFORE: COMMISSIONER LILA A. JABER
Prehearing Officer

DATE: Monday, September 25, 2000

TIME: Commenced at 2:30 p.m.
Concluded at 3:10 p.m.

PLACE: Betty Easley Conference Center
Room 152
4075 Esplanade Way
Tallahassee, Florida 32399

REPORTED BY: TRICIA DeMARTE
Official FPSC Reporter
(850) 413-6736

1 **APPEARANCES:**

2 RICHARD D. MELSON, Hopping, Green, Sams & Smith,
3 P.A., P. O. Box 6526, Tallahassee, Florida 32314 and
4 DONNA C. McNULTY, MCI WorldCom, Inc., 325 John Knox Road,
5 The Atrium, Suite 105, Tallahassee, Florida 32303 and
6 DULANEY L. O'ROARK, MCI WorldCom, Inc., Six Concourse
7 Parkway, Suite 3200, Atlanta, Georgia 30328, appearing on
8 behalf of MCImetro Access Transmission Services LLC and
9 MCI WorldCom Communications, Inc.

10 BENNETT ROSS, NANCY WHITE, and T. MICHAEL TWOMEY, c/o
11 Nancy H. Sims, 150 South Monroe Street, Suite 400,
12 Tallahassee, Florida 32301, appearing on behalf of
13 BellSouth Telecommunications, Inc.

14 PATRICIA CHRISTENSEN and LEE FORDHAM, FPSC Division of
15 Legal Services, 2540 Shumard Oak Boulevard, Tallahassee,
16 Florida 32399, appearing on behalf of the Commission
17 Staff.

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P R O C E E D I N G S

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2 COMMISSIONER JABER: All right. Let's call this
3 prehearing to order. Counsel, read the notice.

4 MS. CHRISTENSEN: By notice issued
5 September 14th, 2000, this time and place has been set for
6 a prehearing conference in Docket Number 000649-TP,
7 petition by MCI metro Access Transmission Services LLC and
8 MCI WorldCom Communications, Inc., for arbitration of
9 certain terms and conditions of a proposed agreement with
10 BellSouth Telecommunications, Inc., concerning
11 interconnection and resale under the Telecommunications
12 Act of 1996. The purpose of this prehearing is as set
13 forth in the notice.

14 COMMISSIONER JABER: Let's take appearances.

15 MR. MELSON: Richard Melson of the law firm
16 Hopping, Green, Sams & Smith on behalf of MCI metro Access
17 Transmission Services and MCI WorldCom that we now
18 collectively will refer to as WorldCom; also, need to
19 enter appearances for Donna McNulty and D. O'Roark. Donna
20 is with MCI WorldCom in Tallahassee, and Mr. O'Roark is
21 with WorldCom in Atlanta.

22 COMMISSIONER JABER: Thank you. Mr. Ross.

23 MR. ROSS: Yes. Bennett Ross on behalf of
24 BellSouth Telecommunications, Inc. Also, entering a
25 notice of appearance on behalf of Nancy White and

1 T. Michael Twomey.

2 MS. CHRISTENSEN: Patty Christensen, appearing
3 on behalf of Staff; also, entering an appearance on behalf
4 of Lee Fordham for Staff.

5 COMMISSIONER JABER: Ms. Christensen, are there
6 preliminary matters?

7 MS. CHRISTENSEN: Commissioner, Staff is not
8 aware of any outstanding motions. There are two
9 outstanding matters regarding confidentiality. We believe
10 that those can be taken up at a later time. And with some
11 preliminary discussion with the parties, I believe there
12 is a request by MCI regarding the brief and some
13 resolution of the issues. We can either address those
14 now, or we could go through the order section by section
15 and address those as they apply to the draft prehearing
16 order.

17 COMMISSIONER JABER: What is the concern
18 regarding briefs, page limit?

19 MR. MELSON: Page limit, yes, ma'am.

20 COMMISSIONER JABER: Let's take that up at that
21 time.

22 MR. MELSON: Okay.

23 COMMISSIONER JABER: You said address the
24 request for confidential treatment at a later time.
25 You're thinking through an order after the response time

1 expires?

2 MS. CHRISTENSEN: Yes, Commissioner. We can
3 either present order prior to the hearing, or we can
4 address those matters at the hearing as set forth in the
5 draft prehearing order.

6 COMMISSIONER JABER: My preference would be to
7 the degree we can get those resolved before the hearing, I
8 think that the Commissioners appreciate that. So if
9 you'll bring me an order -- the response time, I'm
10 noticing, has expired.

11 MS. CHRISTENSEN: Correct. On BellSouth's
12 request for confidential treatment, that has expired and
13 that matter we can resolve with an order. MCI has an
14 outstanding claim for confidentiality, and there has been
15 no request filed at this point on which to make a ruling,
16 and that can be taken up either at the hearing or, I guess
17 pursuant to the rules, after if the information is used at
18 the hearing.

19 COMMISSIONER JABER: All right. Well, with
20 respect to A, we'll issue an order.

21 MS. CHRISTENSEN: Yes, Commissioner.

22 MR. MELSON: Commissioner Jaber, my
23 understanding was that under Chapter 364, that a claim of
24 confidentiality is sufficient to protect a party's
25 information. I did not anticipate filing something

1 further. I thought the ruling could be based simply on
2 the claim. If I am misinformed, we will file whatever
3 else we need to file.

4 COMMISSIONER JABER: You're referring to B?

5 MR. MELSON: Yes, ma'am.

6 COMMISSIONER JABER: That's correct,
7 Ms. Christensen, isn't it, his claim? Well, someone needs
8 to enlighten us then. What does Mr. Melson have to file
9 on behalf of his client for B?

10 MS. DAVIS: This is Noreen Davis, for the
11 record. Mr. Melson is correct as to what the statute
12 says, but our rule says that if the material is going to
13 be used at hearing, which is a public records request,
14 then the justification that is normally required has to
15 be --

16 COMMISSIONER JABER: Okay. So he needs to file
17 a specific request seeking confidential treatment?

18 MR. MELSON: We will file.

19 MS. DAVIS: Yes, ma'am.

20 MS. McNULTY: Ms. Davis, just for clarification,
21 is that after it has been entered into the record, is that
22 when the 21 days starts for the --

23 MS. DAVIS: Yes, after the -- the practice has
24 been after it has been entered into the record, yes, and
25 the 21-day notice period starts running.

1 MS. McNULTY: Thank you.

2 COMMISSIONER JABER: Thank you. So to be clear,
3 it sounds like after you use it at the hearing, you've got
4 21 days to file a specific request for confidentiality.

5 All right. My intent is to go page by page, and
6 let you all bring to my attention changes to the draft
7 prehearing order, changes to positions. We could talk
8 about the brief page limit, Mr. Melson, when we get to the
9 brief section. I am on Page 2. Any changes to Page 2?

10 MR. MELSON: Commissioner, one change that
11 first would appear on Page 2 and would run throughout,
12 under case background on the third line, we defined the
13 two companies collectively as WorldCom or MCIW, if
14 possible, we'd like to change the MCIW abbreviation to
15 WCOM, which is what my client now tries to use
16 consistently.

17 COMMISSIONER JABER: W-C what?

18 MR. MELSON: W-C-O-M.

19 COMMISSIONER JABER: O-M, okay.

20 MR. MELSON: Yes, ma'am.

21 COMMISSIONER JABER: So it will be collectively
22 WorldCom or WCOM.

23 MR. MELSON: Correct. And then at the end of
24 that paragraph, there are a list of issues that have been
25 resolved, consolidated, or withdrawn. I believe we have

1 got seven additional issues to add to that list. They
2 would be numbers: 32, 33, 53, 93, 102, 105, and 111.

3 COMMISSIONER JABER: Ms. Christensen, you will
4 make those changes?

5 MS. CHRISTENSEN: Yes, Commissioner.

6 COMMISSIONER JABER: All right. Any other --

7 MR. ROSS: Commissioner Jaber, just one follow
8 up to Mr. Melson's comments about the settled issue. We
9 apparently have a misunderstanding or a disagreement about
10 Issue 54. BellSouth's records reflect that issue also has
11 been resolved, and I have learned from Mr. Melson this
12 afternoon that MCI apparently does not think so. However,
13 MCI's negotiators have not communicated any outstanding
14 aspect of the language to which the parties have agreed to
15 resolve Issue 54 until today. So we're going to try to
16 work to see what, if anything, remains to be done on
17 Issue 54. It is our expectation that that issue likely
18 will be resolved --

19 COMMISSIONER JABER: Great.

20 MR. ROSS: -- since in our view it already is.

21 COMMISSIONER JABER: All right. Great. But for
22 now it remains on Page 26 as an identified issue.

23 All right. Any changes to Section 3? Any
24 changes to Page 4?

25 MR. MELSON: Commissioner Jaber, in Section 4,

1 there is a 60 page limit on the posthearing statement of
2 issues, positions, and brief. WorldCom would request that
3 we increase that to 100 pages. I haven't counted; I think
4 we've probably got 60 outstanding issues, and a page each
5 will do it on some of them, but not on all of them. So
6 we'd request 100. We obviously will try to keep it as
7 succinct as we can.

8 COMMISSIONER JABER: Mr. Ross, do you have any
9 objection to that?

10 MR. ROSS: No objection, Commissioner Jaber.

11 COMMISSIONER JABER: Staff.

12 MS. CHRISTENSEN: No objection, Commissioner.

13 COMMISSIONER JABER: Okay. Well, then on
14 Page 4, go ahead and reflect 100 pages, but I think that,
15 Ms. Christensen, you need to take out references to the
16 rule with that change. So it needs to say, "A party's
17 proposed findings of fact and conclusions of law, if any,"
18 et cetera, et cetera, "shall together total no more than
19 100 pages."

20 All right. Changes to Section 5? Changes to
21 the order of witnesses?

22 MR. MELSON: Yes, ma'am. First, WorldCom would
23 propose that we combine the direct and rebuttal so that
24 each witness would be listed once rather than twice. And
25 we'd like to change the order of the WorldCom witnesses.

1 We propose Sherry Lichtenberg be witness number one;
2 Michael Messina be witness number two; Lee Olson be
3 witness number three; Don Price be witness number four;
4 and then Marsha Emch -- I can't pronounce her last name --
5 she comes out of the lineup. Her issue has been resolved.

6 COMMISSIONER JABER: So she will not testify at
7 all --

8 MR. MELSON: She will not testify.

9 COMMISSIONER JABER: -- or have you stipulated
10 her --

11 MR. MELSON: We will withdraw her testimony.
12 That issue has been resolved.

13 COMMISSIONER JABER: Mr. Ross.

14 MR. ROSS: Commissioner Jaber, BellSouth would
15 concur with the witnesses testifying one time and
16 consolidating direct and rebuttal. BellSouth is satisfied
17 with the order of its witnesses; however, in light of the
18 settlement of Issue 105, Mr. Coon will not be testifying
19 in this proceeding.

20 COMMISSIONER JABER: Thank you. Staff, do you
21 have any preference about taking up direct and rebuttal?

22 MS. CHRISTENSEN: No, Commissioner.

23 COMMISSIONER JABER: You'll reflect, though, in
24 the ruling section that we'll take direct and rebuttal up
25 at the same time. And do you have any objections,

1 Mr. Ross, to the order of witnesses that MCI proposes?

2 MR. ROSS: No objection.

3 COMMISSIONER JABER: Staff.

4 MS. CHRISTENSEN: No objection.

5 COMMISSIONER JABER: Great.

6 MR. MELSON: Commissioner Jaber, while we're in
7 the witness section, BellSouth's witness Keith Milner,
8 we'd like to ask permission to split Mr. Milner's
9 cross-examination between two WorldCom attorneys,
10 Ms. McNulty on the collocation issues that he deals with
11 and Mr. O'Roark on the other issues that Mr. Milner deals
12 with. That -- I believe we have done that recently in
13 Georgia, and I understand from Mr. Ross that while it's
14 not his absolute preference, he would not object to
15 continuing that with this hearing in Florida.

16 COMMISSIONER JABER: Mr. Ross, do you have any
17 comment on that?

18 MR. ROSS: Just for the record, Commissioner
19 Jaber, it is -- I don't generally agree that that ought to
20 be done of having a witness divided into two parts so they
21 can be cross-examined by two different lawyers, but
22 because it was done in Georgia under the circumstance of
23 this case, we will consent to allowing the same thing to
24 be done here.

25 COMMISSIONER JABER: Staff.

1 MS. CHRISTENSEN: No objection, Commissioner.

2 COMMISSIONER JABER: Okay. I don't know that we
3 need to make reference to that specifically in the
4 prehearing order, that there will be two attorneys
5 cross-examining a witness. I suppose you could put it in
6 the ruling section if you want. You can say that the
7 parties have agreed that Mr. Milner will be cross-examined
8 by two MCI attorneys.

9 MS. CHRISTENSEN: Okay.

10 MR. MELSON: While we're on witnesses, BellSouth
11 and WorldCom took depositions of each other's witnesses
12 essentially on a multi-state basis. We took one set of
13 depositions that has been used in North Carolina and
14 Georgia. We'd like permission to enter those as
15 stipulated exhibits in the Florida proceeding, including a
16 deposition of Mr. Varner. BellSouth's witness lineup has
17 changed for Florida, and Ms. Cox is covering most of the
18 issues that Mr. Varner had covered in other states, and
19 we'd like permission to include Mr. Varner's deposition
20 among those that is stipulated into the record.

21 COMMISSIONER JABER: So it would be as a
22 stipulated exhibit, but not to be used to cross-examine
23 Ms. Cox, is that what you're proposing? Don't you need
24 Mr. Varner if you're going to put his deposition into the
25 record?

1 MR. MELSON: I think if we stipulate to the
2 entry of his deposition, we would not need to have him
3 here, and I anticipate -- obviously, we couldn't use
4 Mr. Varner's deposition directly to impeach Ms. Cox to the
5 extent it were to reflect an inconsistency in BellSouth's
6 position. I think we could use it for that purpose,
7 although it obviously would not have been her words in the
8 deposition.

9 COMMISSIONER JABER: Mr. Ross, have you
10 stipulated to entry of those deposition exhibits?

11 MR. ROSS: Yes, ma'am. We have no objection to
12 putting the depositions into the record, and we took them
13 with the expressed purpose of using the depositions in
14 that manner. And in our other hearings, it has expedited
15 the actual hearing, because there are so many issues, we
16 don't have to cross witnesses on every single issue.

17 COMMISSIONER JABER: Well, let's just go ahead
18 and create a list for Chairman Deason in particular. I
19 think -- who is this panel? Patty, who is on this panel?

20 MS. CHRISTENSEN: I believe the panel consists
21 of yourself, Commissioner Baez, and Commissioner Jacobs.

22 COMMISSIONER JABER: Okay. One of the things
23 that we have found helpful is a list of stipulated
24 exhibits. So if you all will get together and give
25 Ms. Christensen a copy showing the deposition exhibits you

1 intend to have as a stipulated exhibit, and if you'll make
2 that note in the prehearing order under rule -- actually,
3 it could be under the stipulation section, I think,
4 wherever you find appropriate.

5 MS. CHRISTENSEN: I think it would be
6 appropriate to put it under the proposed stipulations, and
7 then refer to the list that will be entered.

8 COMMISSIONER JABER: Great. Mr. Melson,
9 anything else on the order of witnesses?

10 MR. MELSON: No, ma'am.

11 COMMISSIONER JABER: Mr. Ross.

12 MR. ROSS: No, ma'am.

13 COMMISSIONER JABER: All right. Basic
14 positions. Staff, I didn't ask you, do you have any
15 problem with the stipulated exhibit with the deposition
16 transcripts?

17 MS. CHRISTENSEN: No, ma'am.

18 COMMISSIONER JABER: Any changes to Page 7?
19 Page 8.

20 MR. MELSON: Commissioners, on Page 8 -- let me
21 make sure I've got the same page numbers on mine -- at the
22 top of the page in the position on Issue 1, "no" should
23 read "yes." The issue got reworded and our answer didn't.
24 I think Mr. Ross is checking his position now.

25 COMMISSIONER JABER: Now, Mr. Melson, we have to

1 change the acronym of your company all over this
2 prehearing order.

3 MR. MELSON: Yes, ma'am; that's why Microsoft
4 invented global search and replace.

5 COMMISSIONER JABER: That's why
6 Commissioner Jaber doesn't like acronyms, but that's --

7 MR. MELSON: Actually, wherever WorldCom is
8 spelled out, we'd leave it. It's just where it says,
9 "MCIW," we'd like to change to WCOM. It's an effort to
10 train the lawyers to say, "WorldCom," instead of to say,
11 "MCI."

12 COMMISSIONER JABER: Mr. Ross, did you have
13 changes to your position?

14 MR. ROSS: Yes. Mr. Melson is correct.
15 BellSouth's position should be "no" instead of "yes."

16 COMMISSIONER JABER: And everything else remains
17 the same?

18 MR. ROSS: Yes, ma'am.

19 COMMISSIONER JABER: Okay. Staff.

20 MS. CHRISTENSEN: That's fine. Just going back
21 to the use of the acronym, would it be all right with MCI
22 WorldCom if we just used WorldCom and forget the acronyms
23 altogether?

24 MR. MELSON: That's fine.

25 MS. CHRISTENSEN: Okay.

1 COMMISSIONER JABER: That's very good. That's
2 good. Issue 2.

3 MR. MELSON: Commissioner, I've got three or
4 four words I'd like to add to WorldCom's position on
5 Issue 2 following -- where it says in Attachment 1 on the
6 second line, I'd like to add "to its proposed
7 interconnection agreement."

8 COMMISSIONER JABER: So read the first sentence,
9 Mr. Melson.

10 MR. MELSON: "The Commission should establish
11 the UNE rates proposed by WorldCom in Attachment 1 to its
12 proposed interconnection agreement on an interim basis
13 subject to true-up."

14 And just for your information, Commissioner, the
15 parties are still negotiating on a number of issues and
16 hope to have additional issues resolved by the time of the
17 hearing. I believe Issue 2 is one that we're likely to be
18 able to resolve before the hearing.

19 COMMISSIONER JABER: Good. Page 9. Page 10.
20 Page 11.

21 MR. MELSON: Commissioner, there was a typo in
22 the statement of Issue 7A that I have given to
23 Ms. Christensen. In the second line, it's "should UNES
24 ordered and used."

25 COMMISSIONER JABER: Correction noted. Page 12.

1 13. 14.

2 MR. MELSON: Commissioner Jaber, on Page 14 in
3 WorldCom's position on Issue 18, we'd like to add a
4 parenthetical on the second line after the words
5 "transmission facilities," parens, where such facilities
6 exist today, close parens.

7 So that it would read, "BellSouth is required to
8 provide dedicated interoffice transmission facilities
9 (where such facilities exist today) to the locations and
10 equipment," et cetera.

11 COMMISSIONER JABER: Mr. Ross, any changes to
12 that issue?

13 MR. ROSS: No, Commissioner.

14 COMMISSIONER JABER: All right. Page 15.
15 Page 16. 17.

16 MR. ROSS: Page 17, Issue 32 is one of the
17 issues that we have resolved.

18 COMMISSIONER JABER: Ms. Christensen, you will
19 just take those issues out of the prehearing order
20 accordingly; right?

21 MS. CHRISTENSEN: Yes, Commissioner.

22 COMMISSIONER JABER: You're not renumbering the
23 issues; correct?

24 MS. CHRISTENSEN: Commissioner, no, we have not
25 renumbered the issues. I believe the parties have

1 specifically requested that the numbering of these issues
2 remain the same due to the multi-state arbitrations. They
3 are trying to track the issues in all of those
4 arbitrations and leaving the issue numbers the same helps
5 them do that.

6 COMMISSIONER JABER: Okay. That's fine. All
7 right. So Issue 33 will be taken out as well?

8 MR. MELSON: Correct.

9 COMMISSIONER JABER: Any changes to Issue 34?
10 Any changes to Issue 36? Issue 37. All right. I'm on
11 Page 20. Page 21. 22. 23. 24.

12 MR. MELSON: Commissioner, at the bottom of
13 Page 24, Issue 53 has been resolved.

14 COMMISSIONER JABER: Thank you. Patty, you will
15 take that out?

16 MS. CHRISTENSEN: Yes.

17 COMMISSIONER JABER: Page 25. Page 26.
18 Page 27. Page 28.

19 MR. MELSON: Commissioner, at Page 28 in
20 WorldCom's position on Issue 61, after the reference to
21 Attachment 1 at the end of the first line, I'd like to add
22 the same phrase we did before, "to its proposed
23 interconnection agreement."

24 As I read these this morning, I have discovered
25 that Attachment 1 didn't make any sense in the abstract.

1 COMMISSIONER JABER: What is Attachment 1 and
2 Attachment 2, Mr. Melson?

3 MR. MELSON: The proposed interconnection
4 agreement, which we're going to mark as a stipulated
5 exhibit, is a document about two and a half inches thick,
6 and it is divided -- it is the proposed contract. It's
7 got some general terms and conditions, a Part A, a Part B,
8 and then a series of numbered attachments.

9 I believe Attachment 1 is pricing, Attachment
10 3 is unbundled network elements, and Mr. Ross can probably
11 tell you what the others are. Those are the only two that
12 come to mind. It's just the --

13 COMMISSIONER JABER: Did you attach it to your
14 petition, or is it attached to someone's testimony?

15 MR. MELSON: It was attached as Exhibit A to --
16 excuse me, as Exhibit C to our petition.

17 COMMISSIONER JABER: All right. Mr. Ross, any
18 changes to that issue?

19 MR. ROSS: No, ma'am.

20 COMMISSIONER JABER: All right. Page 29.

21 MS. CHRISTENSEN: Commissioners, Staff would
22 like to suggest a change to Issue 64. There are several
23 issues that remain in the issue sections which have two
24 parts, two different sentences, and we'd like to separate
25 those out into an A and a B.

1 COMMISSIONER JABER: Yeah, I think that is
2 reasonable. Parties do not agree with that?

3 MS. CHRISTENSEN: I don't believe the parties
4 have any objection to that.

5 MR. MELSON: We have no objection.

6 COMMISSIONER JABER: All right. So Issue
7 64 would be, "Is WorldCom entitled to verify BellSouth's
8 assertion, when made, that dual entrance facilities are
9 not available?"

10 MS. CHRISTENSEN: That will be Issue A, and then
11 the second question, "Should BellSouth maintain a waiting
12 list for entrance space and notify MCI WorldCom when space
13 becomes available," would be B.

14 COMMISSIONER JABER: 64B. And are positions
15 easily divisible, or do we need to have the parties give
16 you new positions?

17 MS. CHRISTENSEN: I think one position response
18 would adequately respond to both of them. I don't know
19 that it would be necessary to make them refile positions
20 on the two subparts, but I'd let the parties answer that.

21 COMMISSIONER JABER: Well, if one position
22 responds to both questions, then why do we need to
23 separate the issue?

24 MS. CHRISTENSEN: To make it clear that there is
25 two -- it's a compound issue. There's a first part, and

1 then the second part flows from that. I leave that to
2 your discretion, Commissioner.

3 COMMISSIONER JABER: Mr. Melson, do you have any
4 comments on this?

5 MR. MELSON: We've got no objection to splitting
6 them, and we can either split the answer or leave the
7 answer combined, whatever is easiest for the Commission
8 and the Staff.

9 COMMISSIONER JABER: Mr. Ross.

10 MR. ROSS: Commissioner Jaber, the same position
11 for BellSouth. We can split them out.

12 COMMISSIONER JABER: All right. Patty, go ahead
13 and identify them as Issue 64A and Issue 64B. I think
14 separate positions are helpful.

15 MS. CHRISTENSEN: Okay.

16 COMMISSIONER JABER: So work with the parties on
17 getting revised positions, if necessary. I'm looking at
18 the positions, and it looks like you could easily separate
19 the positions.

20 MS. CHRISTENSEN: Also, there are several other
21 issues that have the same compounding question problem.
22 That's Issue 91, Issue 101, and Issue 109.

23 COMMISSIONER JABER: Okay. Let's wait until we
24 get there.

25 MS. CHRISTENSEN: Okay.

1 COMMISSIONER JABER: Page 30.

2 MR. MELSON: Commissioner, on Page 30 in
3 WorldCom's position on Issue 66, after Attachment 5, I'd
4 like to add again the words "to its proposed
5 interconnection agreement."

6 COMMISSIONER JABER: Mr. Ross.

7 MR. ROSS: No changes.

8 COMMISSIONER JABER: Page 31. Page 32.
9 Page 33.

10 MR. ROSS: Commissioner Jaber, a typo in
11 BellSouth's position on Issue 81, third word should be
12 "provides."

13 COMMISSIONER JABER: Where are you, Mr. Ross?
14 Issue 81 --

15 MR. ROSS: Issue 81, the first line of
16 BellSouth's position. It says, "BellSouth currently
17 provide," it should be "provides."

18 COMMISSIONER JABER: Thank you. Issue 90, you
19 were proposing a change to -- was it Issue 90, Patty?

20 MS. CHRISTENSEN: That was Issue 91,
21 Commissioner, on the next page.

22 COMMISSIONER JABER: Okay. So Page 34, what
23 changes would you propose to Issue 91?

24 MS. CHRISTENSEN: The same changes that we've
25 discussed in the previous issue, separating the two

1 sentences into an A part and a B part.

2 COMMISSIONER JABER: Mr. Melson, any objection
3 to that?

4 MR. MELSON: No objection.

5 COMMISSIONER JABER: Mr. Ross.

6 MR. ROSS: No objection.

7 COMMISSIONER JABER: So let's do the same thing.
8 We'll separate the first issue for -- Issue 91A will read,
9 "For purposes of the interconnection agreement between MCI
10 WorldCom and BellSouth, what intervals should apply to" --
11 what's an FOCs?

12 MR. MELSON: Firm order confirmation. I
13 don't --

14 COMMISSIONER JABER: Issue 91B will be, "Should
15 BellSouth be required to check facilities before returning
16 a firm order contract?"

17 MS. CHRISTENSEN: Confirmation.

18 COMMISSIONER JABER: And parties will separate
19 their positions accordingly.

20 Any changes to Issue 92? Any changes to Page 35
21 other than Issue 93 will come out? Page 36. Page 37.
22 Page 38.

23 MR. MELSON: Commissioner Jaber, WorldCom would
24 propose a change in the wording of Issue 97 to focus a
25 little more clearly on what I think is still in dispute

1 between the parties. At the end of the second line, you
2 see the phrase that begins, "public safety answering
3 points," we would strike that phrase and substitute,
4 "emergency public agency telephone numbers."

5 COMMISSIONER JABER: Mr. Ross, any comment?

6 MR. ROSS: Mr. Melson and I talked briefly about
7 this proposed change before the prehearing, and I'm not
8 sure I understand the reason for the change. The public
9 safety answering points, PSAPs, I believe is a part of
10 this issue, and I'm not sure whether the proposed change
11 is to eliminate the reference to PSAP or simply to make it
12 more inclusive and not limited to PSAP. That's the part
13 that I'm a little bit confused about, because my
14 understanding was, this is clearly tied to PSAP.

15 COMMISSIONER JABER: Mr. Melson, are you trying
16 to expand the issue or --

17 MR. MELSON: I think we're trying to expand it
18 beyond just the PSAP telephone numbers to the other direct
19 dial numbers of the fire departments, police forces and so
20 forth.

21 COMMISSIONER JABER: Then isn't the appropriate
22 change adding an "and emergency public agency telephone
23 numbers"?

24 MR. MELSON: That would be fine.

25 COMMISSIONER JABER: Mr. Ross, what's wrong with

1 that?

2 MR. ROSS: Commissioner, nothing is wrong with
3 that. In fact, our position, I think, would be consistent
4 with that change.

5 COMMISSIONER JABER: Okay. So you don't need to
6 add anything to your position?

7 MR. ROSS: No.

8 COMMISSIONER JABER: Mr. Melson, do you?

9 MR. MELSON: No, ma'am.

10 COMMISSIONER JABER: Staff.

11 MS. CHRISTENSEN: As long as the parties are
12 agreeing, Staff has no objection to adding that additional
13 language. I just would like to clarify, what specific
14 language were you adding, Mr. Melson?

15 COMMISSIONER JABER: I'm going to read it.

16 MS. CHRISTENSEN: Okay.

17 COMMISSIONER JABER: So Issue 97 now reads,
18 "Should BellSouth be required to provide WorldCom with
19 notice of changes to NPA/NXXs linked to public safety
20 answering points and energy public agency telephone
21 numbers."

22 MR. MELSON: Emergency public agency.

23 COMMISSIONER JABER: Emergency, I wrote down
24 energy. "Emergency public agency telephone numbers as
25 soon as such changes occur."

1 MS. CHRISTENSEN: Staff would like to inquire if
2 the parties are intending on changing their positions at
3 all based on this change or whether the positions remain
4 the same? I know Mr. Ross of BellSouth indicated that his
5 position will remain the same, but would WorldCom's as
6 well?

7 COMMISSIONER JABER: I asked. Both parties say
8 that their positions will remain the same.

9 MS. CHRISTENSEN: Thank you.

10 COMMISSIONER JABER: Issue 99. Page 39.

11 MS. CHRISTENSEN: Commissioners, Issue 101 also
12 has the two part sentences, and Staff would recommend
13 changing that to an A and a B.

14 COMMISSIONER JABER: Parties? Mr. Melson.

15 MR. MELSON: No objection.

16 COMMISSIONER JABER: Mr. Ross.

17 MR. ROSS: Commissioner, in this case, I think
18 the issues really are the same things, because if they can
19 buy shared transport, that obviously is the opposite -- I
20 mean, that's the same thing as getting -- I'm sorry, the
21 opposite of getting dedicated transport. So I'm not
22 really sure how the issue got phrased this way, but I
23 think this is two ways of saying exactly the same thing.

24 COMMISSIONER JABER: So your point is that the
25 answer to the first question takes care of the second

1 question?

2 MR. ROSS: Yes, ma'am.

3 COMMISSIONER JABER: Mr. Melson, do you agree
4 with that?

5 MR. MELSON: Yes, ma'am, I believe so.

6 COMMISSIONER JABER: Staff, I see the point.

7 The resolution of the first question might take care of
8 the second question. Why don't we leave this one the way
9 it is, or alternatively, sit down with the parties after
10 the prehearing conference and work out some language? I
11 don't mind if you change this issue after the prehearing
12 conference and just incorporate the change into the
13 prehearing order.

14 MS. CHRISTENSEN: I think that might be the
15 easiest way to resolve this.

16 COMMISSIONER JABER: Okay.

17 MS. CHRISTENSEN: Commissioner, can I bring you
18 back to Issue 99?

19 COMMISSIONER JABER: Page 38, Issue 99?

20 MS. CHRISTENSEN: Correct. In the issue, it
21 refers to the PSAP numbers, and Staff was questioning
22 whether that should be expanded to reflect the changes
23 that were made to Issue 97.

24 COMMISSIONER JABER: Mr. Melson.

25 MR. MELSON: My understanding is, no, that Issue

1 99 relates specifically to the PSAP numbers and not to the
2 other numbers.

3 MR. ROSS: That's my understanding as well.

4 COMMISSIONER JABER: Staff.

5 MS. CHRISTENSEN: Thank you, Commissioner.

6 COMMISSIONER JABER: So we're on Page 40.

7 Changes to Page 40? We're going to delete Issues 102 and
8 105, Staff. Page 41. Page 42.

9 MS. CHRISTENSEN: Commissioners, Page 42 also
10 has an -- Issue 109 has the two part construction, and we
11 would recommend an A and B section to that as well.

12 COMMISSIONER JABER: Mr. Melson.

13 MR. MELSON: No objection.

14 COMMISSIONER JABER: Mr. Ross.

15 MR. ROSS: No objection.

16 COMMISSIONER JABER: Actually, Staff, I'm
17 looking at Issue 109 and the questions seem not even
18 related to me, but A and B is the appropriate way to
19 handle that, I suppose.

20 All right. Issue 109A will read, "Should
21 BellSouth be required to permit WorldCom to substitute
22 more favorable terms and conditions obtained by a third
23 party through negotiation or otherwise, effective as of
24 the date of WorldCom's request?"

25 Issue 109B will read, "Should BellSouth be

1 required to post on its website all BellSouth's
2 interconnection agreements with third parties within 15
3 days of the filing of such agreements with the FPSC?"
4 Parties, do you need to update your positions?

5 MR. MELSON: We'll simply split ours into two
6 parts. We can get with Staff on that after the
7 prehearing.

8 COMMISSIONER JABER: Mr. Ross.

9 MR. ROSS: Same for BellSouth.

10 COMMISSIONER JABER: Great. Page 43, Issue 111
11 comes out. Page 44 to the legal issues. Changes to the
12 exhibit list?

13 MR. MELSON: Commissioner, we've got three
14 exhibits on -- that are the first three listed on the
15 WorldCom exhibit list that are not tied to a particular
16 individual. They were exhibits to our original petition.
17 I believe that BellSouth is agreeable to stipulating these
18 exhibits in. I don't know what the proper way to
19 designate them at this point would be.

20 COMMISSIONER JABER: I think they should be a --
21 well, first of all, Mr. Ross, is that correct, you don't
22 have any objection to allowing these exhibits into the
23 record?

24 MR. ROSS: That is correct, BellSouth has no
25 objection.

1 COMMISSIONER JABER: Staff.

2 MS. CHRISTENSEN: Staff has no objection.

3 COMMISSIONER JABER: Mr. Melson, I would think
4 that a stipulated exhibit at the beginning of the hearing
5 is the way to go, leaving it this way, but --

6 MR. MELSON: We can simply add them to the list
7 of stipulated depositions and come up with a single
8 stipulated exhibit list.

9 COMMISSIONER JABER: Or a composite exhibit that
10 has your stipulated depositions and this would be a second
11 composite exhibit; I think that's cleaner.

12 MR. MELSON: Actually, we would like to keep the
13 depositions separately. It simply, in the briefing
14 process, helps if they have got separate numbers than if
15 they are all part of the same composite exhibit.

16 COMMISSIONER JABER: All right.

17 MR. MELSON: It saves a fifth of a line every
18 time you cite something.

19 COMMISSIONER JABER: But the point is, call them
20 stipulated exhibits at the beginning of the hearing, and
21 we'll identify them as hearing exhibits.

22 MR. MELSON: Yes, ma'am.

23 COMMISSIONER JABER: So that would relate to
24 Exhibit A, Exhibit B, and Exhibit C to the petition.

25 MS. CHRISTENSEN: Yes, Commissioner.

1 COMMISSIONER JABER: Changes to Page 45?
2 Changes to Page 46? Ms. Christensen, there was a
3 stipulation that you were going to add under the proposed
4 stipulation section, and there was a ruling with respect
5 to the page limit of briefs that you were going to add to
6 the ruling section.

7 MS. CHRISTENSEN: Yes, Commissioner. I have the
8 proposed stipulation on the depositions from the
9 multi-state to be listed under the proposed stipulations,
10 and I guess we will also add to that the exhibits that
11 were previously mentioned under stipulations, the 100-page
12 brief ruling, and also the ruling regarding direct and
13 rebuttal testimony be conducted at the same time. And --

14 COMMISSIONER JABER: I want to add a ruling.
15 Summaries. Summaries of testimony should be limited to
16 five minutes. Anyone have any problem with that?

17 MR. MELSON: Commissioner, in -- normally I
18 don't. In this case, we've got, I think, now a total of
19 eight witnesses in three days, and we've got some
20 witnesses that are covering many, many issues. I guess I
21 would ask for an outside limit of ten minutes, although
22 the likelihood is we have got only one witness who would
23 require that much time, that would be Mr. Price who covers
24 a lot of ground.

25 COMMISSIONER JABER: It's the number of the

1 issues and the number of witnesses that prompt me to do
2 that, but I'll compromise with you. Seven minutes,
3 summary of testimony.

4 MR. MELSON: Thank you.

5 COMMISSIONER JABER: Mr. Ross.

6 MR. ROSS: BellSouth has no objection to
7 seven minutes.

8 MS. CHRISTENSEN: No objection, Commissioner.
9 Can I refer to something that was discussed a little bit
10 earlier, which is the splitting of the cross-examination
11 by two of the MCI or WorldCom attorneys? I think if -- it
12 would be appropriate to put that under the stipulations
13 between the parties instead of a ruling.

14 COMMISSIONER JABER: That's a good idea.

15 MR. ROSS: As long as it's made clear that that
16 is something BellSouth is willing to stipulate to under
17 the facts of this case. It's not something that I think
18 is a good practice, and I don't want our stipulation for
19 purpose of this hearing to be used as some recognition
20 that BellSouth thinks that ought to happen all the time.

21 COMMISSIONER JABER: Yeah, I agree with that,
22 actually. I don't think it's good practice either,
23 Mr. Melson, but I do recognize that it's something you
24 have done before in another jurisdiction and that
25 BellSouth doesn't object to it in this case, but,

1 Ms. Christensen, if you would, let the proposed
2 stipulation read something to the effect of that that
3 witness will be cross-examined by two separate WorldCom
4 attorneys recognizing that BellSouth had no objection to
5 that because it was done in another state jurisdiction,
6 add some language to that effect.

7 Anything else? Staff, any other matters that we
8 have to take up?

9 MS. CHRISTENSEN: Not at this time.

10 COMMISSIONER JABER: When is this hearing?

11 MS. CHRISTENSEN: Commissioners, this hearing is
12 scheduled to begin October 4th at 9:30 a.m. in Room 148 in
13 this building.

14 COMMISSIONER JABER: Thank you.

15 MR. ROSS: I think we have three days set aside
16 for the hearing. We have been able to do this hearing in
17 other states in two days, so I'm hopeful that that pattern
18 will continue here, especially with use of the
19 depositions, that tends to expedite the examination a good
20 bit.

21 COMMISSIONER JABER: And no hurricanes and all
22 that good stuff. All right.

23 MR. MELSON: I've learned there are no
24 guarantees.

25 COMMISSIONER JABER: The summary of the

1 testimony is important.

2 MR. MELSON: Yes, ma'am.

3 COMMISSIONER JABER: This prehearing is
4 adjourned. Thank you.

5 (Prehearing conference concluded at 3:10 p.m.)

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4 I, TRICIA DeMARTE, Official FPSC Commission Reporter,
5 do hereby certify that the Prehearing Conference in Docket
6 No. 000649-TP was heard by the Florida Public Service
Commission at the time and place herein stated.

7 It is further certified that I stenographically
8 reported the said proceedings; that the same has been
transcribed under my direct supervision; and that this
9 transcript, consisting of 34 pages, constitutes a true
transcription of my notes of said proceedings.

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

13 DATED this 28th day of September, 2000.

14
15 Tricia DeMarte
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17 FPSC Official Commission Reporter
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