

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 000761-TP
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PETITION BY SPRINT SPECTRUM L.P. :
D/B/A/ SPRINT PCS FOR ARBITRATION :
OF CERTAIN TERMS AND CONDITIONS OF :
A PROPOSED AGREEMENT WITH :
BELLSOUTH TELECOMMUNICATIONS, INC., :
PURSUANT TO SECTION 252 OF THE :
TELECOMMUNICATIONS ACT. :

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* AND DO NOT INCLUDE PREFILED TESTIMONY. *
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PROCEEDINGS: PREHEARING CONFERENCE

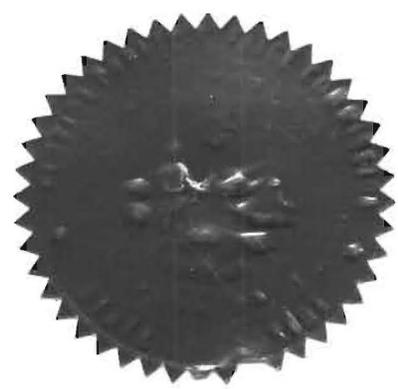
BEFORE: CHAIRMAN J. TERRY DEASON
Prehearing Officer

DATE: Monday, December 18, 2000

TIME: Commenced at 1:30 p.m.
Concluded at 1:40 p.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 JOHN P. FONS, Ausley & McMullen, P.O. Box
3 391, Tallahassee, Florida 32302, and CHARLES W.
4 McKEE, Sprint PCS, 4900 Main, 11th Floor, Kansas
5 City, Missouri 64112, appearing on behalf of Sprint
6 Spectrum L.P., d/b/a Sprint PCS.

7 NANCY WHITE and DOUGLAS R. LACKEY, c/o
8 NANCY SIMS, 150 South Monroe Street, Suite 400,
9 Tallahassee, Florida 32301-156.

10 DIANA CALDWELL, and FELICIA R. BANKS,
11 Florida Public Service Commission, Division of Legal
12 Services, 2540 Shumard Oak Boulevard, Tallahassee,
13 Florida 32399-0850, appearing on behalf of the
14 Commission Staff.

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P R O C E E D I N G S

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2 CHAIRMAN DEASON: Call the Prehearing Conference
3 to order. Can I have the Notice read, please?

4 MS. CALDWELL: Notice was given in the December
5 1st, 2000, Florida Administrative Weekly that a prehearing
6 conference would be held at this time and place for the
7 purpose set forth in the Notice.

8 CHAIRMAN DEASON: Thank you. Appearances.

9 MS. WHITE: Nancy White for BellSouth
10 Telecommunications.

11 MR. FONS: John Fons on behalf of Sprint PCS.
12 Also appearing for Sprint PCS is Charles W. McKee,
13 4900 Main, 11th Floor, Kansas City, Missouri 64112.

14 CHAIRMAN DEASON: Is Mr. McKee joining us by
15 telephone?

16 MR. FONS: He is supposed to be, yes.

17 MR. MCKEE: Yes, I am on the phone.

18 CHAIRMAN DEASON: Very well.

19 MS. CALDWELL: Diana W. Caldwell and Felicia R.
20 Banks for the Florida Public Service Commission Staff.

21 CHAIRMAN DEASON: Preliminary matters?

22 MS. CALDWELL: Commissioners, on December 14th,
23 2000, Sprint PCS filed a motion to accept filing of
24 rebuttal testimony, and Staff has no objection to this
25 motion.

1 CHAIRMAN DEASON: Without objection from any
2 party, hearing no objection, show then that that motion is
3 granted.

4 MR. FONS: Thank you. Do we have still
5 confidentiality matters to be ruled on as well; do we not?

6 MS. CALDWELL: Yes. There are some requests for
7 confidentiality, and Staff is preparing draft orders and
8 anticipates having them available for ruling prior to the
9 hearing date.

10 CHAIRMAN DEASON: Is discovery going on or is
11 there a confidentiality hindering preparation for hearing?

12 MR. FONS: We still owe the Commission some
13 responses to discovery. And we anticipate that those
14 responses will require confidential treatment, but until I
15 -- and I apologize for this. We're late in responding,
16 but until I see the documents, I won't know for sure
17 whether or not confidentiality will be required.

18 MR. McKEE: With respect to the exchange of
19 documents between the parties, however, that's being done
20 pursuant to a nondisclosure agreement between the parties
21 and, therefore, preparation for hearing has not been
22 delayed in that respect.

23 CHAIRMAN DEASON: Very well. Okay. And that
24 will -- those requests will be handled in due course.

25 MR. McKEE: Yes, we'll get responses to you as

1 quickly as possible.

2 CHAIRMAN DEASON: Any other preliminary matters?

3 MS. CALDWELL: No, Commissioners, none that
4 we're aware of.

5 CHAIRMAN DEASON: Okay. It is my intent to
6 proceed rapidly through this draft Prehearing Order. I
7 have reviewed it -- in seriousness, I have reviewed it,
8 and I don't see anything that is particularly
9 questionable.

10 Before we proceed, I do make one notation and
11 that is that we will be taking direct and rebuttal
12 testimony at the same time; is that correct?

13 MR. FONS: Yes.

14 CHAIRMAN DEASON: Okay. And what about -- one
15 of the other standard questions I have, do we anticipate
16 that there will be opening statements?

17 MS. WHITE: We have not requested opening
18 statements. I'm not sure about Sprint.

19 MR. FONS: We have not, but because of the
20 uniqueness of this particular arbitration, it's a matter
21 not before the Commission before, we may wish to just have
22 a very brief five-minute opening statement.

23 CHAIRMAN DEASON: I'm not opposed to that. I
24 just like to get the ground rules in place before so that
25 we're not confronted with one party requesting it and

1 another party saying that they weren't prepared.

2 MS. WHITE: Well, I agree with you. If Sprint
3 PCS wants a five-minute opening statement, that's fine
4 with us.

5 MR. FONS: If we could, we'd like a five-minute
6 opening statement.

7 CHAIRMAN DEASON: Please make that notation in
8 the prehearing order, and all parties should be on notice
9 that there will be opening statements limited to five
10 minutes per side.

11 And with that, I'm prepared to proceed through
12 the draft Prehearing Order. We'll proceed with Section 1.
13 If there are any questions or concerns, please let me
14 know, otherwise, I'm going to proceed rapidly.

15 Mr. Fons?

16 MR. FONS: Before we get to Section 1, I would
17 point out on the first page under the Appearances, Nancy
18 Sims has been elevated to being an attorney. It's hard
19 enough dealing with Lackey, but if I have to also take on
20 Nancy, then I feel that I --

21 MS. WHITE: Well, I was just going to leave that
22 alone, actually, so I could get out of it and make her
23 come up here, but --

24 MS. CALDWELL: I've already made that notation.
25 The order will reflect Nancy White as being the attorney

1 of record.

2 CHAIRMAN DEASON: And, I guess, Doug Lackey is
3 still going to come?

4 MS. WHITE: As far as I know, he is.

5 CHAIRMAN DEASON: Oh, we can't strike him, huh?

6 MS. WHITE: No, you can't. I wish you could,
7 but you can't.

8 CHAIRMAN DEASON: Please, tell him I asked about
9 him.

10 MS. WHITE: I shall.

11 CHAIRMAN DEASON: Okay. Section 1, Conduct of
12 Proceedings; Section 2, Case Background; Section 3,
13 Confidential Information; Section 4, Post-Hearing
14 Procedures; Section 5, Prefiled Testimony and Exhibits;
15 Section 6, Order of Witnesses. Is there any concern about
16 the order of witnesses?

17 MR. FONS: We have no concern, but I'm
18 wondering, there was no rebuttal testimony filed on
19 Mr. Quakenbush by BellSouth. Can we stipulate his
20 testimony in?

21 MS. WHITE: It's possible. I'll be happy to
22 take that back and double check and get back to you on
23 that as soon as possible.

24 MR. FONS: Thank you.

25 CHAIRMAN DEASON: Okay. So, you'll just be

1 prepared before the hearing before we get into testimony
2 as to whether any testimony can be stipulated; is that
3 correct?

4 MR. FONS: Yes.

5 CHAIRMAN DEASON: Very well. Okay.

6 Section 7, Basic Positions. We'll proceed
7 through the Issues in Section 8, Issue 1, Issue 2, Issue
8 3, Issue 4, Issue 5. Very well.

9 Section 9, Exhibit List, any changes or
10 corrections?

11 MR. FONS: Yes. There is a change on the
12 Exhibit List. Anthony Sabatino has three additional
13 exhibits which were part of his rebuttal testimony.
14 That's AS-3, which is titled, "Addition of Carriers,"
15 which is a single-page exhibit; AS-4, also single page
16 which has two headings, "D Block Mobile Frequencies and
17 "D Block Base Station Frequencies"; and then, Exhibit
18 AS-5, which is titled, "PCS A Block," again, consisting of
19 just one page.

20 CHAIRMAN DEASON: Very well.

21 MS. CALDWELL: Excuse me, could you reread the
22 title for the AS-4, please?

23 MR. FONS: AS-4 is "D Block Mobile Frequencies"
24 and then, "D Block Base Station Frequencies." They're two
25 graphs on a single page.

1 MS. CALDWELL: Thank you.

2 CHAIRMAN DEASON: We'll make those changes or
3 additions.

4 Section 10, Proposed Stipulations. I understand
5 there are none, but I would advise the parties that if
6 this matter is stipulated, it wouldn't hurt anyone's
7 feelings.

8 Section 11, Pending Motions. I think, we've
9 discussed the confidentiality request, and that's also
10 contained in Section 12, Pending Confidentiality Matters.

11 Section 13, Rulings. I will entertain any
12 questions from the parties. I think, this is becoming
13 fairly standard that we want the parties to advise the
14 Commission of situations that may exist as described under
15 this particular section. Are there any questions about
16 what is intended? Very well.

17 Any other matters to come before the prehearing
18 officer?

19 MS. WHITE: BellSouth would like to let the
20 prehearing officer know that Sprint PCS and BellSouth have
21 been negotiating at length during the course of this case.
22 I'm hesitant to say exactly what words, but, I think,
23 we're very, very close to a settlement. I know that this
24 week we are sending language back and forth. We are not
25 prepared to postpone the hearing date, but we're hoping

1 that we can have a signed agreement, and this will go
2 away.

3 MR. FONS: We all are hopeful.

4 MS. WHITE: And we'll keep you advised.

5 CHAIRMAN DEASON: That would be a nice Christmas
6 present or even a post-Christmas present.

7 MS. WHITE: Yes.

8 CHAIRMAN DEASON: Any other matters to come
9 before the prehearing officer?

10 MS. CALDWELL: Staff is not aware of any.

11 CHAIRMAN DEASON: Very well. I advised people
12 at our luncheon today that this Prehearing Conference
13 would take no more than 20 minutes, and I have fulfilled
14 my commitment.

15 MR. McKEE: Much appreciated.

16 CHAIRMAN DEASON: Absolutely. Hearing nothing
17 else, this Prehearing Conference is adjourned.

18 MR. FONS: Thank you.

19 MR. McKEE: Thank you.

20 MS. WHITE: Thank you.

21 (Prehearing concluded at 1:40 p.m.)

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

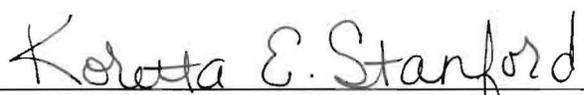
CERTIFICATE OF REPORTER

4 I, KORETTA E. STANFORD, RPR, Official FPSC Commission
5 Reporter, do hereby certify that the Prehearing
6 Conference, docket number 000761-TP, was held before
7 Chairman J. Terry Deason, Prehearing Officer, at the time
8 and place herein stated.

9 It is further certified that I stenographically
10 reported the said proceedings; that the same has been
11 transcribed under my direct supervision; and that this
12 transcript, consisting of 10 pages, constitutes a true
13 transcription of my notes of said proceedings.

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

19 DATED this 20th DAY OF DECEMBER, 2000

20 
21 _____
22 KORETTA E. STANFORD, RPR
23 FPSC Official Commission Reporter
24 (850) 413-6734
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