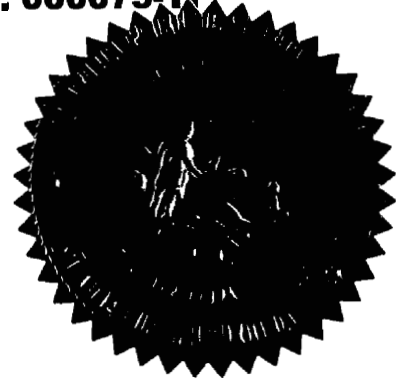


**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

DOCKET NO. 000075-TP

In the Matter of

**INVESTIGATION INTO APPROPRIATE
METHODS TO COMPENSATE
CARRIERS FOR EXCHANGE OF
TRAFFIC SUBJECT TO SECTION
251 OF THE TELECOMMUNI-
CATIONS 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

**CONDUCTED BY: HAROLD McLEAN
 Special Counsel to the Commissioners**

DATE: Wednesday, February 14, 2001

**TIME: Commenced at 8:00 a.m.
 Concluded at 8:30 a.m.**

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

**REPORTED BY: TRICIA DeMARTE
 Official FPSC Reporter**

DOCUMENT NUMBER - DATE

02238 FEB 15 2001

FPSC-REPORTS-REPORTING

1 APPEARANCES:

**2 MORTON POSNER, 1150 Connecticut Avenue,
3 N.W., Suite 205, Washington, D.C. 20036, appearing
4 on behalf of Allegiance Telecom of Florida, Inc.**

**5 MARSHA E. RULE, AT&T Communications of the
6 Southern States, Inc., 101 North Monroe Street,
7 Suite 700, Tallahassee, Florida 32301-1549,
8 appearing on behalf of AT&T Communications of the
9 Southern States, Inc., MediaOne, and TCG of South
10 Florida.**

**11 NANCY B. WHITE and E. EARL EDENFIELD, JR.,
12 c/o Nancy Sims, 150 South Monroe Street, Suite 400,
13 Tallahassee, Florida 32301, appearing on behalf of
14 BellSouth Telecommunications, Inc.**

**15 NORMAN H. HORTON, JR., Messer, Caparello &
16 Self, P.A., 215 South Monroe Street, Post Office Box
17 1876, Tallahassee, Florida 32302-1876, appearing on
18 behalf of American Communications Services of
19 Jacksonville, Inc., d/b/a e.spire Communications and
20 ACSI Local Switched Services, Inc., d/b/a e.spire
21 Communications, Inc.**

22**23****24****25**

1 APPEARANCES CONTINUED:

2 MICHAEL A. GROSS, Florida Cable
3 Telecommunications Association, Inc., 246 East 6th
4 Avenue, Suite 100, Tallahassee, Florida 32301,
5 appearing on behalf of Florida Cable
6 Telecommunications Association, Inc.

7 VICKI GORDON-KAUFMAN, McWhirter, Reeves,
8 McGlothlin, Davidson, Decker, Kaufman, Arnold &
9 Steen, P.A., 117 South Gadsden Street, Tallahassee,
10 Florida 32301, appearing on behalf of KMC Telecom,
11 Inc., and XO Florida, Inc.

12 JON C. MOYLE, JR., and CATHY SELLERS,
13 Moyle Law Firm, The Perkins House, 118 North Gadsden
14 Street, Tallahassee, Florida 32301, and CHRISTOPHER
15 SAVAGE, Cole, Raywid & Braverman, L.L.P, 1919
16 Pennsylvania Avenue, N.W., Suite 200, Washington,
17 D.C. 20006, appearing on behalf of Global NAPS, Inc.

18 KENNETH A. HOFFMAN and MARTIN P.
19 McDONNELL, Rutledge, Ecenia, Underwood, Purnell &
20 Hoffman, P. O. Box 511, 215 South Monroe Street,
21 Suite 420, Tallahassee, Florida 32302-0551,
22 appearing on behalf of Level 3 Communications, LLC,
23 and US LEC of Florida, Inc., AT&T Communications of
24 the Southern States, MediaOne, TCG of South Florida,
25 and Allegiance Telecom of Florida, Inc.

1 APPEARANCES CONTINUED:

2 JOSEPH A. McGLOTHLIN, McWhirter, Reeves,
3 McGlothlin, Davidson, Dekker, Kaufman, Arnold &
4 Steen, 117 South Gadsden Street, Tallahassee,
5 Florida 32301, appearing on behalf of The Florida
6 Competitive Carriers Association.

7 DONNA C. McNULTY, 325 John Knox Road,
8 Suite 105, Tallahassee, Florida 32303-4131,
9 appearing on behalf of MCI WorldCom, Inc.

10 SUSAN S. MASTERTON, P. O. Box 2214,
11 Tallahassee, Florida 32316-2214, appearing on behalf
12 of Sprint-Florida, Incorporated, and Sprint
13 Communications Limited Partnership.

14 KAREN CAMECHIS, Pennington, Culpepper,
15 Moore, Wilkinson, Dunbar & Dunlap, P.A., Post Office
16 Box 10095, Tallahassee, Florida, 32302-0551,
17 appearing on behalf of Time Warner Telecom of
18 Florida, L.P.

19 KIMBERLY CASWELL, P. O. Box 100, FLTC0007,
20 Tampa, Florida 33601-0110, appearing on behalf of
21 Verizon Florida, Inc.

22 SCOTT A. SAPPERSTEIN, One Intermedia Way,
23 MC FLT-HQ3, Tampa, Florida 33647-1752, appearing on
24 behalf of Intermedia Communications, Inc.

25

1 APPEARANCES CONTINUED:

2 FELICIA BANKS and BETH KEATING, Florida
3 Public Service Commission, Division of Legal
4 Services, 2540 Shumard Oak Boulevard, Tallahassee,
5 Florida 32399-0870, appearing on behalf of the
6 Commission Staff.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PROCEEDINGS

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. McLEAN: Counsel, read the notice, please.

MS. BANKS: Pursuant to notice, this time and place has been set for a prehearing in Docket 00075-TP, investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996.

MR. McLEAN: Let's take appearances beginning with Mr. McGlothlin, please.

MR. McGLOTHLIN: Joe McGlothlin, 117 South Gadsden Street, Tallahassee, appearing for the FCCA, and also entering an appearance today for Intermedia Communications, I'd like to also enter an appearance for Scott Sapperstein of Intermedia.

MS. McNULTY: Donna McNulty, appearing on behalf of WorldCom.

MR. HORTON: Norman H. Horton, Jr., on behalf of e.spire Communications.

MS. GORDON-KAUFMAN: Vicki Gordon-Kaufman of McWhirter, Reeves on behalf of KMC Telecom and XO Florida, Inc.

MR. HOFFMAN: Kenneth Hoffman and Martin McDonnell on behalf of AT&T Communications of the Southern States, MediaOne, TCG South Florida, Allegiance Telecom, Level 3, and US LEC. And I'll also enter an

1 appearance for Marsha Rule on behalf of AT&T
2 Communications of the Southern States, Inc.

3 MS. MASTERTON: Susan Masterton on behalf of
4 Sprint.

5 MR. MOYLE: Jon Moyle, Jr., with the Moyle,
6 Flanigan Law Firm here in Tallahassee on behalf of Global
7 NAPS. Also, enter an appearance for Cathy Sellers who's
8 with our firm.

9 MR. EDENFIELD: Kip Edenfield for BellSouth.
10 Also, enter an appearance for Nancy White also of
11 BellSouth.

12 MS. BANKS: Felicia Banks on behalf of PSC
13 Staff. Also, enter appearances for an Anne Marsh,
14 Beth Keating, and Cayce Hinton, PSC Staff.

15 MR. McLEAN: Thank you. Ladies and gentlemen,
16 my name is Harold McLean. I'm special counsel to the
17 Commissioners. Commissioner Lila Jaber is assigned to
18 this prehearing conference. She is ill this morning,
19 unable to attend. And as I explained off the record, in
20 hopes for a bit of economy, we have, more or less, decided
21 to go ahead as best we can and settle the noncontroversial
22 aspects of the -- I shouldn't say settle, I should say
23 settle on the issues that the Commissioner is actually
24 going to be addressed with.

25 We'll go as far as we can. If we hit

1 controversial items, we'll try to preserve those in such a
2 way that the Prehearing Officer can rule upon those. I've
3 explained that it was my intention to take the prehearing
4 conference off the record fairly quickly, and that we
5 continue informally to the extent we can to do as I
6 explained.

7 So with that, let's leave the record and proceed
8 to the extent we can.

9 (Discussion off the record.)

10 MR. GROSS: Michael Gross, FCTA. Thank you.

11 MR. McLEAN: Yes, sir. And, Mr. Gross, for your
12 benefit, my name is Harold McLean, special counsel to the
13 Commissioners. Commissioner Jaber is unable to join us
14 this morning because of illness, and I'm going to be
15 pinch-hitting for her, and we'll get as far as we can.

16 MR. HOFFMAN: Mr. McLean, before you go off the
17 record, if you don't mind, let me enter an appearance for
18 Mr. Morton Posner as well who will also be participating
19 in the hearing on behalf of Allegiance Telecom of Florida.

20 MR. McLEAN: Thank you, sir.

21 MR. MOYLE: And I should also do the same for
22 Chris Savage who is out of Washington, D.C. He's on the
23 pleadings, but I wanted to reflect that.

24 MS. CAMECHIS: Hi, this is Karen Camechis with
25 Time Warner Telecom.

1 **MR. McLEAN:** Thank you, ma'am. And let me
2 explain one time, you may have heard it as you came into
3 the room. Commissioner Jaber is ill and won't join us
4 this morning. We're going to go off the record and carry
5 on informally. And I will preserve whatever controversial
6 issues arrive for her, assuming there are, for her ruling
7 at a later time. Okay. Thank you, folks. Let's go off
8 the record, and then proceed as best we can.

9 **(Discussion off the record.)**

10 **MS. CASWELL:** Kim Caswell on behalf of Verizon
11 Florida, Incorporated.

12 **MR. McLEAN:** Ms. Caswell, as you can tell,
13 Ms. Jaber is not with us this morning; she's ill. We're
14 going to carry on as best we can. We have discussed a
15 party's motion to intervene, which I believe is
16 noncontroversial at this point, and another party's motion
17 to be excused from the hearing and so forth,
18 noncontroversial, I think. What we're going to do is try
19 to move through the hearing -- the prehearing order as
20 best we can.

21 **(Discussion off the record.)**

22 **MR. MOYLE:** And on behalf of Global NAPS,
23 Chris Savage should be reflected as also appearing on
24 behalf of them.

25 **MR. McLEAN:** Mr. Hoffman, would you repeat what

1 you just said, please.

2 **MR. HOFFMAN:** Yes, sir. If we could add
3 **Media One** as a company on whose behalf Mr. McDonnell and I
4 are appearing in this proceeding on Page 3. And then back
5 on Page 1, for Ms. Rule, if we could also add **MediaOne** and
6 **TCG South Florida**.

7 **MR. McLEAN:** And with that and with the other
8 comment the gentleman made, the appearances are correct.
9 **Say all, Parties?**

10 **The next section is conduct of proceedings,**
11 **which I assume is noncontroversial. How about case**
12 **background? Is that satisfactory to all parties?**

13 **MS. GORDON-KAUFMAN:** Mr. McLean, I just wanted
14 to repeat on the record my request that **XO Florida** and **KMC**
15 **Telecom** be excused from phase one of the hearing.

16 **MR. McLEAN:** Thank you very much. Are there any
17 other matters that we've discussed like that that probably
18 need to be on the record? Okay. Do you have something,
19 sir?

20 **MR. EDENFIELD:** In the case background, we
21 talked about opening statements not exceeding ten minutes
22 per party.

23 **MR. McLEAN:** That's an interesting issue because
24 we're dealing with 190 minutes' worth of opening
25 statements.

1 **MR. EDENFIELD:** I would say that normally in the
2 generic proceedings basically the incumbents get a certain
3 amount of time and the ALECs get the same amount of time,
4 and everybody just splits it up accordingly if, in fact,
5 anybody even wants to do an opening statement, which
6 frankly I couldn't care one way or the other. To the
7 extent we want to do them, though, I think we need to do
8 something a little more equitable as part of the --

9 **MR. McLEAN:** What's a rational time for each
10 side, 20 minutes, 30 minutes? What's your pleasure? Kim.

11 **MS. CASWELL:** I don't think the ILEC positions
12 are entirely congruent, and we might have a little problem
13 combining our time for the opening statements. I would
14 suggest that I don't feel strongly about having them or
15 not having them. I don't think they're really that
16 customary. Does anybody want an opening statement?

17 **MR. EDENFIELD:** Then again it suits BellSouth to
18 dispense with it altogether. I don't see what much good
19 it's going to do in a generic proceeding.

20 **MS. MASTERTON:** Sprint would be okay with doing
21 away with the opening statements.

22 **MR. McGLOTHLIN:** Mr. McLean, I, for one, would
23 like to preserve that opportunity. And I suggest if the
24 ILECs are not fully aligned, maybe 20 minutes per side.
25 The parties may choose to do less than that, but I would

1 like to have that opportunity.

2 MR. McLEAN: Ms. Caswell brings up a point that
3 there may be more than two sides, essentially, if I
4 understand your comment correctly.

5 MS. CASWELL: Right.

6 MR. McLEAN: That's an issue I'd like to resolve
7 for the Commissioner so that she doesn't have to deal with
8 it on the day of the hearing. Is there a possibility --
9 you're talking 20 minutes per side. If the ILECs want to
10 divide their time, it doesn't seem exactly fair to give
11 them 20 minutes to divide, and you 20 minutes not to
12 divide. Has anybody got a solution?

13 MR. HOFFMAN: I think that to the extent that
14 there are deviations in the ILEC position, they are
15 partial deviations so that the difference in positions can
16 be covered fairly quickly. I don't think we're talking
17 about BellSouth having Position A, Verizon having Position
18 B, and Sprint having Position C. So I would support what
19 Mr. McGlothlin has suggested, and try and have an ILEC
20 block of time of 20 minutes and an ALEC block of time of
21 20 minutes.

22 MR. McLEAN: Ms. Caswell, can you --

23 MS. CASWELL: I'm going to have to disagree
24 about our positions not being different. While we agree
25 on certain fundamental issues such as the law, I think the

1 remedy we're suggesting in each case, I guess in all three
2 of our cases, is different, just as their suggestion is
3 different. So I would suggest that we have ten minutes
4 each.

5 MR. McLEAN: It's potentially 190 minutes of
6 time, which is three hours.

7 MS. CASWELL: Well, it's ten minutes each for
8 the ILECs, and then they can have the 20 minutes.

9 MR. McLEAN: How about 30 and 30? Will that
10 accommodate you, Ms. Caswell?

11 MS. CASWELL: That's fine. I would also like
12 to -- Mr. McGlothlin said he's preserving the opportunity.

13 MR. McLEAN: I noticed that.

14 MS. CASWELL: I think we need to decide today
15 whether we're going to do it or whether we're not going to
16 do it because everybody is going to prepare an opening
17 statement if we're preserving the opportunity.

18 MR. McGLOTHLIN: I would propose to use some of
19 that time, and I imagine some of the other ALEC reps will
20 also.

21 MR. McLEAN: Do we have a consensus for 30
22 minutes per side? I don't want to force -- I can't force
23 any decision on you folks. If you want to preserve this
24 for Commissioner Jaber whenever the prehearing reconvenes,
25 we can do that, or we can present her with a consensus. I

1 can tell you for sure what she prefers, and that would be
2 for -- to be presented with something of a consensus of
3 the parties.

4 MR. McGLOTHLIN: My consensus is that 30 minutes
5 would be ample for the ALECs, and we would probably use
6 less than that.

7 MR. HOFFMAN: I agree.

8 MR. MOYLE: And I agree on behalf of Global
9 NAPS, and we would also like to preserve the opportunity
10 to make an opening statement.

11 MR. McLEAN: Okay. Then I intend to represent
12 to the Commissioner that 30 minutes was a consensus
13 position, 30 minutes per side. And if I understand
14 correctly, what are the two sides? The ILECs on one side,
15 and you folks on the other; correct?

16 MR. MOYLE: The parties will get together and
17 figure out how to divide that time.

18 MR. McLEAN: That sounds reasonable.

19 MS. BANKS: Excuse me. Mr. McLean?

20 MR. McLEAN: Yes, ma'am.

21 MS. BANKS: I just wanted to make a request for
22 the court reporter. If we could just -- if we're going to
23 be speaking, to speak into a microphone because these are
24 being recorded.

25 MR. McLEAN: Okay. You folks in the back row,

1 take that under advisement. You need to come right up to
2 the mic. And if I start to speak before you have a
3 chance, come up, please, get my attention.

4 We were dealing with case background. Are there
5 any issues with case background? Hearing no objection.
6 Moving to Page 5, procedure for handling confidential
7 information. I believe that pretty much encompasses the
8 Commission's normal procedures and issues to be presented
9 there. Posthearing procedures, Page 6. Hearing no
10 discussion. Prefiled testimony and exhibits; witnesses,
11 any there in Section 5?

12 Moving to Section 6, which is order of
13 witnesses, a potentially controversial area. Are there
14 any problems with the way it's set out by the Staff?

15 MS. McNULTY: Mr. McLean?

16 MR. McLEAN: Yes, ma'am.

17 MS. McNULTY: This is Donna McNulty with
18 WorldCom. WorldCom respectfully requests that the order
19 of witnesses be regrouped. Currently, it's set up so it's
20 ILEC, ALECs, ILEC. And we propose that it either be ILECs
21 followed by the ALECs, just something so that it's more
22 coherent for the Commissioners who are hearing the case.

23 MR. McLEAN: Do you have a draft of a proposal?

24 MS. McNULTY: I would propose that we start off
25 with BellSouth, Verizon, Sprint, followed by the ALECs,

1 Mr. Selwyn, and then e.spire, and then Staff, sorry about
2 that.

3 MR. McLEAN: Comments, please.

4 MR. McGLOTHLIN: FCCA supports that suggestion.

5 MR. McLEAN: Thank you, sir.

6 MS. CASWELL: We would prefer to remain with the
7 existing order, but if we don't, I would like to take
8 Ms. McNulty up on her suggestion that we group the ILECs
9 together, but put them at the beginning so that it would
10 be BellSouth -- I mean, at the end. So all of the ALECs
11 would go first and then BellSouth, and Verizon would go
12 right before Staff at the end.

13 I don't think there's a problem with -- I think
14 it's coherent the way it is now, and we don't need to
15 change it, but if there's any need to change, I think we
16 should put the ILECs last.

17 MS. MASTERTON: This is Susan Masterton with
18 Sprint. Yeah, I think I'd probably need to point out at
19 some phase that we're participating as both an ILEC and an
20 ALEC. So I don't know how anybody wants to factor that
21 into the equation, but --

22 MS. CASWELL: You can stay in the middle.

23 MS. MASTERTON: Yeah, that's okay with us.

24 Yeah.

25 MR. McLEAN: Well, we have two voices on the

1 issue of order of witnesses who seem to be a little bit
2 out of phase with each other. Is there a possibility of
3 consensus on that point?

4 **MR. HOFFMAN:** My feeling is that we should
5 basically keep the order as is but make a change to put
6 Mr. Falvey, Mr. Selwyn at the end before Staff and just
7 have the ILEC position go first and then follow with the
8 ALEC position and then with Staff.

9 **MR. MOYLE:** Global NAPS agrees with that
10 position.

11 **MS. CASWELL:** What would be the rationale for
12 that?

13 **MR. HOFFMAN:** The rationale for that would be to
14 have some sort of cohesion of presentation, so you would
15 have -- I understand that you are saying that your
16 positions are a little bit different, but I think it would
17 be easier for the Commissioners to hear from all of the
18 incumbent witnesses first, then bring on the alternative
19 local exchange company witnesses, and then conclude with
20 the Staff, just in terms of cohesion and presentation.

21 **MS. CASWELL:** Yeah, obviously, we disagree with
22 that. Again, we have different positions, and I think the
23 Commissioners are well able to distinguish between the
24 positions no matter, you know, if we keep the witnesses'
25 order the same or if we change it.

1 **MR. MOYLE:** But I hear there is disagreement,
2 but I'm not sure there's disagreement with respect to the
3 ILECs going in sequential order. I think it's just a
4 matter of whether that order is first or last, if I hear
5 it, because I think it would make, as Mr. Hoffman
6 suggested, it would make sense to have the ILECs, and then
7 to the extent their positions vary a little bit, you will
8 get that variation sort of in the next position. It's
9 just a matter of whether they all go up front or the ALECs
10 all go up front.

11 **MS. CASWELL:** No. Actually, our primary
12 position would be to leave the list the way it is. We
13 think it is fine.

14 **MR. McLEAN:** Now, understand, arguing to me
15 doesn't do any good. I can either take a consensus -- I
16 can either deliver to the Commissioner a consensus or some
17 disagreement, and she may -- she probably would make a
18 decision on that immediately before the hearing, which is
19 probably not healthy for your witnesses and so forth
20 because you won't know. So my request is that you-all try
21 to work out that difference, if you can. Would you like
22 to move on to other issues and return to this after a bit
23 after you've had an opportunity to think about it some and
24 maybe negotiate a bit?

25 **MR. HOFFMAN:** That's fine.

1 **MS. McNULTY: That sounds good.**

2 **MR. McLEAN: Why don't we do that? I think**
3 **we're pretty close together, but it looks like there's an**
4 **issue or two there to deal with.**

5 **MR. McGLOTHLIN: Before you move beyond this**
6 **point, there's a small correction that needs to be made on**
7 **Page 8. It shows that Lee Selwyn is proffered by ALECs.**
8 **On the next page, there's a footnote that delineates**
9 **several ALECs. To avoid confusion, we need to note**
10 **somehow on Page 8 that the ALECs who are sponsoring the**
11 **testimony are AT&T, TCG, Global NAPS, MediaOne, Time**
12 **Warner, Allegiance, Florida Cable Association, and the**
13 **FCCA, which is a smaller -- which is a subset of the**
14 **larger number of ALECs listed in the footnote.**

15 **MR. EDENFIELD: Mr. McLean?**

16 **MR. McLEAN: Yes, sir.**

17 **MR. EDENFIELD: One other thing on this order of**
18 **witnesses. BellSouth Witness Taylor only filed rebuttal.**
19 **So if we are going to do direct and rebuttal together,**
20 **BellSouth wants its witnesses in the order of Shiroishi,**
21 **Scollard, and Taylor.**

22 **MR. McLEAN: Any objection to that one anyone?**
23 **Do you have that notation, Staff?**

24 **MS. BANKS: Yes, sir.**

25 **MR. McLEAN: Great. Yes, ma'am.**

1 **MS. CASWELL: Yes. I would also point out that**
2 **our witness, Howard Lee Jones, filed rebuttal testimony.**
3 **He's been left off here. I'm sorry I didn't notice that**
4 **earlier.**

5 **MR. McLEAN: Staff, you note that?**

6 **MS. BANKS: I'm sorry. Could you please restate**
7 **that.**

8 **MS. CASWELL: Verizon Witness Howard Lee Jones**
9 **filed rebuttal testimony, and I think he's been left off**
10 **the list.**

11 **MS. BANKS: Okay. Staff has noted it.**

12 **MR. HOFFMAN: Mr. McLean?**

13 **MR. McLEAN: Yes, sir.**

14 **MR. HOFFMAN: To the extent the parties cannot**
15 **work this issue out, I would ask that the -- I think it's**
16 **really a very simple issue. So we're all going to need a**
17 **prehearing order before the hearing, and I would just ask**
18 **that the Prehearing Officer make a ruling on the matter**
19 **one way or the other and reflect that in the prehearing**
20 **order.**

21 **MR. McLEAN: With respect to the --**

22 **MR. HOFFMAN: Order of witnesses.**

23 **MR. McLEAN: Well, I think that would require**
24 **you-all to waive her participation -- to waive your**
25 **participation in open court, so to speak. If she's going**

1 to decide it back in her office and that's satisfactory to
2 everybody, I don't think it's a problem.

3 MS. CASWELL: That's okay with us.

4 MR. McLEAN: Any objection?

5 MR. HOFFMAN: That's what I'm suggesting.

6 MR. McLEAN: Okay. Thanks.

7 MR. MOYLE: We wouldn't have a problem, and
8 she'll have possibly the benefit of the record.

9 MR. McLEAN: I hear no objection to that
10 procedure? Good.

11 Mr. McGlothlin, I'm not sure I have your point
12 about the changes that you wanted to make on Page 9,
13 perhaps. That was simply an administrative notation you
14 were making?

15 MR. McGLOTHLIN: Page 9 is fine. The correction
16 or the change would be on Page 8 because the ALECs who are
17 sponsoring Selwyn are a smaller group than those that are
18 listed on Page 9.

19 MR. McLEAN: I see.

20 MR. McGLOTHLIN: And we're fine with the idea
21 that we would accept a ruling by the Prehearing Officer
22 prior to the hearing. We would ask that Mr. Selwyn follow
23 Mr. Falvey in that sequence.

24 MR. McLEAN: Yes, sir. Staff, do you have the
25 gist of Mr. McGlothlin's comment on that -- the notion

1 that there are fewer ALEC sponsors than are listed on Page
2 9. Do you have that?

3 MS. BANKS: Yes, sir, Staff has made note of it.

4 MR. McLEAN: Great. Well, I think we're ready
5 to move into basic positions. Is everybody ready for
6 that? Page 8, Item 7, Roman Numeral VII, are there any
7 changes to be made? Hearing no comments, Section 7.

8 Moving into issues and positions. Why don't we
9 go -- I'll just mention the issues one at a time. If you
10 have a comment with respect to the issue, please speak up.
11 Issue 1. Issue 2, Page 14. Issue 3, Page 15. Issue 4.

12 Let me change the procedure just a bit, and ask
13 for anyone who has a problem with any issue to speak up
14 and let's just go directly to the issue.

15 I've always wondered why Commissioners did
16 things that way. This is my first opportunity to do
17 something about it.

18 Any problem with any of the issues? Judicial
19 economy is a marvellous thing, isn't it? That takes us, I
20 believe, to Item 9, the exhibit list. Anyone have any
21 problem with the exhibit list?

22 Proposed stipulations and pending motions? We
23 discussed a little bit before with the idea that you-all
24 don't mind Commissioner Jaber deciding the order of
25 witnesses back in her office. How about the listed

1 pending motions? Do you have any problem with her
2 resolving those in the office? Any objection to that
3 procedure? Seeing none.

4 MS. BANKS: Excuse me. Mr. McLean?

5 MR. McLEAN: Yes, ma'am.

6 MS. BANKS: Staff does want to add a note that
7 we have also received via e-mail a request from Focal
8 Communications to request leave for prehearing and hearing
9 dates in this proceeding. And it's my understanding that
10 they are going to file a hard copy of that request with
11 Division of Records and Reporting.

12 MR. McLEAN: Motion to be excused. And what was
13 the party's name?

14 MS. BANKS: Focal Communications.

15 MR. McLEAN: Okay. Great. And I propose to let
16 Commissioner Jaber decide that in her office. Any
17 objection to that proceeding? Thank you. Procedure,
18 rather.

19 Pending confidentiality matters, any comment,
20 problems with that?

21 MS. BANKS: Staff is unaware of any pending
22 confidentiality motions at this time.

23 MR. McLEAN: Thank you. Okay. That may
24 conclude things. Anybody got anything else? We will have
25 Commissioner Jaber decide the order of witnesses. If

1 there's a possibility of your resolving that, I suggest
2 you communicate that with Commissioner Jaber, although it
3 will be difficult to represent to her, I would think, that
4 you have everyone's agreement on that. So probably that's
5 something she's going to have -- and because the court
6 reporter was here, she'll hear your arguments or read your
7 arguments on that point. And we will have her determine
8 the outstanding motions.

9 And as I understand, none of you have any
10 objection to Commissioner Jaber's resolving those items in
11 her office outside open court, so to speak.

12 Mr. Hoffman, do you have an issue?

13 MR. HOFFMAN: Just a comment, Mr. McLean. We
14 have a correction to Mr. Selwyn's prefiled direct
15 testimony of a number that's reflected on a page of his
16 testimony. It is carried over to another page. And
17 rather than waiting until the hearing and doing that
18 verbally, we wanted to give everybody notice, and we
19 provided -- we have copies of the two corrected pages
20 today. We will formally file them either later today or
21 tomorrow, but we wanted to give everybody a copy of that
22 this morning.

23 MR. McLEAN: Thank you, sir. I have my master's
24 voice here. Let me see what this says. All right.
25 Anyone have anything else?

1 STATE OF FLORIDA)

2) CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4

5 I, TRICIA DeMARTE, Official Commission Reporter,
6 do hereby certify that the Prehearing Conference in Docket No.
000075-TP was heard by Harold McLean at the time and place
herein stated.

7

8 IT IS FURTHER CERTIFIED that I stenographically
9 reported the said proceedings; that the same has been transcribed
under my direct supervision; and that this transcript, consisting
of 25 pages, constitutes a true transcription of my notes of said
proceedings.

10


11 I FURTHER CERTIFY that I am not a relative, employee,
attorney 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.

12

DATED THIS 16th day of February, 2001.

13

14



15

TRICIA DeMARTE

16

FPSC Official Commission Reporter
(850) 413-6736

17

18

19

20

21

22

23

24

25