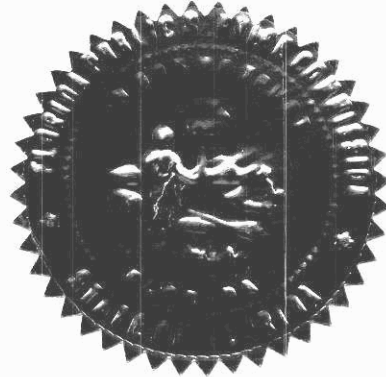


**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

DOCKET NO. 000028-TL

In the Matter of

**PETITION BY BELLSOUTH TELE-
COMMUNICATIONS, INC. FOR
WAIVER OF RULES 15-4.107,
25-4.108, AND 25-4.113, F.A.C.,
WHICH REQUIRE PROVISION OF
BASIC TELECOMMUNICATIONS
SERVICE TO CERTAIN LOCATIONS
AND PERSONS.**



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THE OFFICIAL TRANSCRIPT OF THE HEARING
AND DO NOT INCLUDE PREFILED TESTIMONY.**

PROCEEDINGS: PREHEARING CONFERENCE

**BEFORE: COMMISSIONER LILA A. JABER
Prehearing Officer**

DATE: Monday, March 12, 2001

**TIME: Commenced at 9:30 a.m.
Concluded at 10:00 a.m.**

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

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

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1 **APPEARANCES:**

2 **ANTHONY PARKS, P.O. Box 812283, Boca Raton,**
3 **Florida, 33481, appearing pro se, participating**
4 **telephonically.**

5 **JAMES MEZA, III, BellSouth**
6 **Telecommunications, Inc., c/o Nancy Sims, 150 South**
7 **Monroe Street, Suite 400, Tallahassee, Florida**
8 **32301, appearing on behalf of BellSouth**
9 **Telecommunications, Inc., participating**
10 **telephonically.**

11 **TIM VACCARO, Florida Public Service**
12 **Commission, Division of Legal Services, 2540 Shumard**
13 **Oak Boulevard, Tallahassee, Florida 32399-0870,**
14 **appearing on behalf of the Commission Staff.**

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1 you hear us well?

2 MR. PARKS: I can hear you fine.

3 MR. MEZA: There is an echo on my end, but I can
4 still hear you.

5 MR. PARKS: I'll make a suggestion. If you turn
6 the volume down, the echo might go away.

7 MR. MEZA: I will do that. Thank you, Mr.
8 Parks.

9 COMMISSIONER JABER: All right. Here's what we
10 will do. We are going to go through the draft prehearing
11 order that I understand you both have received by now.

12 MR. PARKS: That's correct.

13 COMMISSIONER JABER: I know that there are some
14 pending motions. We will take those up at the very end.
15 It is my plan to go forward with this prehearing
16 conference, and I'll let Mr. Vaccaro let us know if -- let
17 me know if there are any changes to the prehearing order
18 as we go along. And if you have changes to the prehearing
19 order, you just need to speak up and let me know. Please
20 identify yourself for me, though.

21 Okay. Mr. Vaccaro, are there any changes to
22 Sections 1 or 2 of the draft prehearing order?

23 MR. VACCARO: None that I'm aware of.

24 COMMISSIONER JABER: Any changes to Section 3 of
25 the prehearing order?

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1 **MR. VACCARO:** None that I'm aware of.

2 **COMMISSIONER JABER:** Sections 4 and 5?

3 **MR. VACCARO:** Again, none that I'm aware of.

4 **COMMISSIONER JABER:** Section 6 and 7.

5 **MR. VACCARO:** 6 and 7, no. I will note, though,
6 that as far as Section 7 goes, Mr. Parks has not provided
7 a basic position. And just while I'm mentioning that, as
8 far as Section 8 goes, he will also need to provide
9 positions on those issues.

10 **COMMISSIONER JABER:** Mr. Parks, what Mr. Vaccaro
11 was referring to, it's fine that you haven't filed a
12 prehearing statement or testimony. You're entitled to
13 come to the hearing and cross examine the BellSouth
14 witnesses, but with respect to letting us all know what
15 your positions are to these issues, I need you to -- by
16 the end of tomorrow, by close of business tomorrow, by
17 5:00 tomorrow, I need you to submit in writing a basic
18 position to comply with Section 7 of this draft prehearing
19 order, and then for every issue delineated in the draft
20 prehearing order, I need you to send over some positions
21 to Mr. Vaccaro and to Mr. Meza.

22 **MR. PARKS:** Okay. I certainly have no problems
23 doing that. One thing is, just to let you folks know, and
24 that also relates to the motion that you have already.
25 I'm not going into that. I'm just stating, I don't have

1 any communication as far -- and I could not receive a
2 phone number for Mr. Meza. I would have been happy to fax
3 him over things, but -- to expediate (sic) things, but I
4 don't have any -- you know, I don't have any information
5 on him at the point and time when I found out that he was,
6 you know, going to be of record.

7 COMMISSIONER JABER: That's not a problem. At
8 the conclusion of the prehearing conference, I'll ask
9 Mr. Meza to stay on the line and he can give you his phone
10 number, his address, and his fax number. And for
11 purposes, though, of the draft prehearing order, you can
12 fax Mr. Vaccaro and Mr. Meza the copies of your positions,
13 all right?

14 MR. PARKS: I will gladly do that.

15 COMMISSIONER JABER: Thank you.

16 Mr. Vaccaro, Issue A?

17 MR. VACCARO: No changes to Issue A that I'm
18 aware of.

19 COMMISSIONER JABER: Okay. The draft I have
20 indicates that there are three numbered issues. Are there
21 any changes to Issues 1 through 3?

22 MR. VACCARO: None that I'm aware of.

23 COMMISSIONER JABER: Any changes to the Exhibit
24 List?

25 MR. VACCARO: Again, none that I'm aware of.

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1 **COMMISSIONER JABER: Mr. Parks, I'm assuming you**
2 **will attend the hearing and cross examine the BellSouth**
3 **witnesses.**

4 **MR. PARKS: Yes, I do intend to attend the**
5 **hearing.**

6 **COMMISSIONER JABER: All right. My copy**
7 **reflects there are no proposed stipulations at this time,**
8 **and there is one pending motion that I'm aware of. And,**
9 **Mr. Parks, that is a request we just received from you to**
10 **change the date of the hearing and to compel BellSouth to**
11 **copy the respondent with all communication it plans to use**
12 **at trial within the next 10 days; is that correct?**

13 **MR. PARKS: Correct. And while I haven't also**
14 **addressed -- while I haven't put that down in the motion,**
15 **there is another matter, but if you want me to address it**
16 **now, I will, but if not, then, I won't say anything. I**
17 **could put it in writing and request a hearing in a future**
18 **date.**

19 **COMMISSIONER JABER: All right. Let's talk**
20 **about the motion that my office received today and that**
21 **Mr. Vaccaro has received. BellSouth, do you have a copy**
22 **of this motion?**

23 **MR. MEZA: Yes, ma'am, we received it this**
24 **morning.**

25 **COMMISSIONER JABER: Are you prepared to respond**

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1 to it today?

2 MR. MEZA: Yes, it's not a problem.

3 COMMISSIONER JABER: All right. It would be my
4 preference to deal with this today, but recognize,
5 Mr. Parks, that BellSouth received it today and,
6 technically, they're entitled -- did you receive it by fax
7 or mail, Mr. Meza?

8 MR. MEZA: I received it from Mr. Vaccaro. I
9 have not received anything from Mr. Parks.

10 MR. PARKS: I mailed him a copy, but since I
11 didn't have his fax number, I didn't have any other way of
12 getting it to him. But in the future, since I'm going
13 have his fax number, that will also help.

14 COMMISSIONER JABER: Fine. Mr. Parks, BellSouth
15 has indicated they're prepared to respond today.
16 Technically, if you mail them a pleading, they have seven
17 days, plus five days for mailing to respond.

18 MR. PARKS: Mm-hmm.

19 COMMISSIONER JABER: But BellSouth has agreed to
20 go forward. So, Mr. Parks, why don't you tell me about
21 your motion.

22 MR. PARKS: Well, okay. Well, first of all,
23 number one, within the motion there are two issues. The
24 first issue is the hearing that's set for March the 29th
25 will be impossible for me to attend and properly prepare

1 for two reasons; number one, I have a court hearing that
2 starts on the 28th, which is the date prior in Palm Beach
3 that I must attend. I'm not sure how long that will go,
4 unfortunately, because I can't tell you that at this
5 point.

6 And number two, for me to appear in Tallahassee
7 in person, as I'm going to be required to do for these
8 proceedings coming up, obviously, of course, as you know,
9 that's a few hundred miles from Palm Beach from where I am
10 here. And so, I'm going to have to take a plane, it's
11 going to take me time to get there, and I'm not going to
12 try to attempt to get there the day of the hearing,
13 because if there's any problems in me getting there, then
14 I could miss the hearing, which I certainly don't want to
15 do. So, I'm requesting that that date be changed, that's
16 issue one.

17 Issue two, in reference to what I put in the
18 motion, reference to the -- I received a motion from
19 BellSouth requesting to include certain types of, I guess,
20 confidential information. I do not know what it is that
21 they plan to include. Now, I know this is not a normal
22 court proceeding, you know, as stated in the rules of
23 civil procedure, but what I don't want to have happen and
24 what it would be, if it weren't allowed to go forward that
25 way, is I don't want to walk into a situation where there

1 is a trial by ambush, because I would like to have --
2 whatever information they plan to use, I would like to be
3 able to prepare to defend myself. And I cannot prepare to
4 defend myself on something that's never been presented to
5 me that I have no -- you know, I may have -- what do you
6 call it -- opposing exhibits that I would like to bring in
7 reference to that. I can't do that without knowing in
8 advance what they're going to -- what they're going to
9 present.

10 So, therefore, I think, in all fairness and
11 legally speaking, I have a right to know what they're
12 going to use in advance so I can properly prepare. There
13 is another aspect of this that I believe I alluded to in
14 my motion. And that is that, in all frankness, they're
15 bringing up -- when I was reading this draft earlier, I
16 noticed something that I didn't catch on it before when I
17 did get it last week in that there was a statement in
18 there where BellSouth claims that Anthony Parks owes them
19 \$22,000. I mean, that's what they're alleging.

20 I would like -- if they're going by other -- I'm
21 a landlord, and if they're going by disputes that involve
22 tenants or other things, I'm going to make some major
23 objection to them bringing in things, because they need
24 permission from those individuals or corporate entities to
25 bring up or to disclose people's confidential accounts.

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1 **But in addition to that, if they have a bill**
2 **that says that Anthony Parks owes them \$22,000 personally,**
3 **that's fine, they're entitled to bring that up. But I**
4 **have no knowledge of any bills ever on the planet earth**
5 **being anywhere near that amount of money. So, that is why**
6 **I need to know in advance what they're contending so that**
7 **I can properly defend prior to hearing, not at hearing.**

8 **COMMISSIONER JABER: Okay. Does that conclude**
9 **your summary of this motion, Mr. Parks?**

10 **MR. PARKS: Yes, ma'am.**

11 **COMMISSIONER JABER: Mr. Meza, do you have a**
12 **response?**

13 **MR. MEZA: Yes, ma'am, thank you.**

14 **First, regarding the motion for a continuance, I**
15 **must point out that the order establishing the procedure**
16 **and the hearing date was set by this Commission on**
17 **December 14th giving Mr. Parks more than adequate time to**
18 **schedule his calendar around this hearing. For that**
19 **reason and the reason that this matter has been pending,**
20 **since Mr. Parks filed his request for a hearing in May of**
21 **2000, BellSouth respectfully requests that the hearing**
22 **continue and move forward on the selected date.**

23 **As to Mr. Parks' request for all information**
24 **that BellSouth intends to introduce at the hearing on this**
25 **matter, as this Commission fully knows, BellSouth is**

1 prohibited from disclosing certain customer information.
2 The only information that Mr. Parks does not have is the
3 redacted version of customer-specific account information,
4 which is limited to the names of certain customers, their
5 phone numbers and their addresses. As this Commission
6 also notes, it ordered BellSouth to request this
7 information, but BellSouth on its own is prohibited from
8 disclosing it to Mr. Parks.

9 It's somewhat interesting in Mr. Parks' argument
10 in that in one hand he's arguing that BellSouth should be
11 required to produce this confidential information, and yet
12 he's also arguing that BellSouth is prohibited from using
13 this information at the hearing of this matter.

14 All of this information that we will be using at
15 the trial, BellSouth will establish that it is related to
16 Mr. Parks in some fashion or another. After reading our
17 petition and our prehearing statement, it's clear, and
18 BellSouth fully believes, that Mr. Parks has used numerous
19 avenues to obtain service through using illegitimate
20 corporations, having people that he is associated with
21 attempting to establish service with BellSouth, and all
22 that information will be established at the hearing, and
23 it is essential to BellSouth's case.

24 MR. PARKS: Can I respond to that?

25 COMMISSIONER JABER: No. Hang on one second,

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1 **Mr. Parks.**

2 **Staff, the request for specified confidential**
3 **classification is for the exhibit that was filed with**
4 **Ms. Sims and Ms. Shields' testimony?**

5 **MR. VACCARO: That's correct.**

6 **COMMISSIONER JABER: All right. Mr. Parks,**
7 **here's what I will do. I am going to grant your motion to**
8 **change the date of the hearing today, but we will announce**
9 **the date of the hearing in a subsequent order or through**
10 **Staff counsel.**

11 **With respect to your motion to compel -- and let**
12 **me be clear, the only reason I am granting your motion to**
13 **change the date of the hearing is because you have a**
14 **hearing on March 28th.**

15 **With respect to your motion to compel BellSouth**
16 **to copy you with every communication they plan to use, I'm**
17 **going to take that under advisement. I'd like an**
18 **opportunity to look at the exhibit that you all are**
19 **referencing, but I will tell you that the draft prehearing**
20 **order gives you plenty of notice with respect to what**
21 **BellSouth intends to use at the hearing and what documents**
22 **they plan to rely on. That exhibit will be an exhibit**
23 **that those witnesses sponsor.**

24 **Now, with respect to your concern in relation to**
25 **surprise, the prefiled testimony and their positions**

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1 stated in the prehearing order give you good indication
2 with respect to what they intend to use. Do you
3 understand?

4 MR. PARKS: I understand what you're saying.
5 Maybe -- all that I'm trying to state here in reference to
6 that is that I have not seen -- I am missing right now --
7 the only pleadings I have from BellSouth are two recent
8 pleadings, I would say, probably within the past month or
9 so that I have received in reference to change of counsel
10 or permission for that and also in reference to the use of
11 this information. A prior pleading that I -- my
12 understanding has been from, I have not received, so I
13 don't have possibly all that you're referring to that you
14 think I have; that's issue number one --

15 COMMISSIONER JABER: You don't --

16 MR. PARKS: -- in reference to what you just
17 said.

18 COMMISSIONER JABER: Mr. Parks?

19 MR. PARKS: And number two, when you say that I
20 might have some knowledge as far as what they're alluding
21 to, well, all I'm saying here is in reference to that, you
22 can't have your cake and eat it. If they want to say --
23 if they're going to provide documenta-- if they're going
24 to make allegations that I'm using fraudulent names and
25 things of that nature, considering the fact that I'm a

1 landlord and I have many tenants and they do exist and
2 they have appeared in civil court before themselves, I'd
3 like to see exactly what they're referring to.

4 Now, if they are not allowed to use these
5 things, then, it should be excluded. If they are going
6 use it, then I need to see fully what they plan to use so
7 that I can properly -- because I have some very strong
8 defenses to these things, but I need to know in advance
9 what's going on and to receive advice from counsel in the
10 process. And I cannot seek advice from counsel on just
11 what I think, because right now that's all I'm going by is
12 what I think.

13 COMMISSIONER JABER: Mr. Parks, do you have a
14 copy of the prefiled testimony that was filed by
15 BellSouth? Do you have a copy of Ms. Sims and
16 Ms. Shields' prefiled testimony?

17 MR. PARKS: No, I don't.

18 COMMISSIONER JABER: Mr. Meza?

19 MR. MEZA: Commissioner Jaber, I must point out
20 at this time upon reading Mr. Parks' motion this morning,
21 I quickly reviewed my file, and we have sent all
22 correspondence and pleadings to the address and post
23 office box listed by Mr. Parks. And so, it is my firm
24 belief that BellSouth has sent all of this information to
25 Mr. Parks.

1 **MR. PARKS:** Well, these are all --

2 **COMMISSIONER JABER:** Mr. Parks, wait a minute.

3 **MR. PARKS:** -- I'm not sure how he can certify
4 to something that he wasn't involved with, because he was
5 not the counsel of record at that point and time. I don't
6 know how --

7 **COMMISSIONER JABER:** Mr. Parks?

8 **MR. PARKS:** Yes.

9 **COMMISSIONER JABER:** Wait a minute.

10 **MR. PARKS:** I'm sorry.

11 **COMMISSIONER JABER:** Mr. Meza, do you have a
12 certificate of service?

13 **MR. MEZA:** Yes, ma'am. I will get that for you,
14 if you can hold on for two seconds, please. Okay. My
15 secretary is getting the file right now, but I must point
16 out that our standard certificate of service lists
17 Mr. Parks' address at P.O. Box 812283, Boca Raton, Florida
18 33481.

19 **MR. PARKS:** That's correct.

20 **MR. MEZA:** And that is on our standard
21 certificate of service letter.

22 **MR. PARKS:** Okay. Well, I'm referring to this
23 particular motion, to the one that she was just refer--
24 the Commissioner was just -- the Prehearing Officer was
25 referring to. I'm not talking about what's general.

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1 **MR. MEZA: I guess, I'm somewhat confused,**
2 **Mr. Parks, in that we have no pending motion.**

3 **MR. PARKS: I'm not talking about -- she was**
4 **referring to the statements made by Ms. Shields, I believe**
5 **it was, I think, she just indicated, and also Ms. Sims.**

6 **MR. MEZA: Yes.**

7 **MR. PARKS: That's not a motion. I didn't say**
8 **that was a motion. I'm referring to the -- whatever it is**
9 **that they supposedly are claiming.**

10 **COMMISSIONER JABER: Mr. Parks?**

11 **MR. PARKS: Yes.**

12 **COMMISSIONER JABER: The documents that were**
13 **filed by Ms. Sims and Ms. Shields, that is BellSouth's**
14 **testimony.**

15 **MR. PARKS: I understand what you're saying.**

16 **COMMISSIONER JABER: And it looks like it was**
17 **served on you, but in any case, here's my ruling, and then**
18 **we are going to move on. My ruling is that I will grant**
19 **your motion to continue the hearing. We will announce the**
20 **new date of the hearing in a subsequent order. And I am**
21 **taking under advisement your motion with respect to being**
22 **served with copies that BellSouth intends to use at the**
23 **hearing.**

24 **I do want to point one more thing out to you.**
25 **Administrative proceedings are not like civil proceedings**

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1 in the sense that your opportunity to respond to their
2 testimony has passed. In administrative litigation here
3 at the PSC, we have prefiled testimony, so you will be
4 able to cross examine these witnesses at the hearing.
5 That will be your next opportunity. You will have cross
6 examination at the hearing, all right?

7 MR. PARKS: Okay. The only one thing I wanted
8 to address, Ms. Commissioner, is that if -- all I'm
9 requesting at this point is you said you're going to take
10 the other phase of my motion under advisement. If you do,
11 and if you decide, ultimately, to deny my request in that
12 respect, okay, what I'm going to request at that point --
13 I guess, maybe I ought to put it in writing and copy
14 Mr. Meza also as well, but what I'm going to request is
15 I'm going to request to file a petition with the First
16 District Court of Appeals, and I am requesting a stay of
17 this until they rule on it.

18 When you come back, if you could at least let me
19 know whether or not you're going to grant the stay at that
20 point and time. Now, of course, if you're going to grant
21 my motion, obviously, that's not necessary, but if you're
22 going to deny it, then, I feel I have some further appeal
23 left. I understand what you're saying, that we're not in
24 normal civil court, but I also do feel that this is not
25 (sic) also a trial by ambush, and I am going to send a

1 certified letter to counsel to request a copy, because if
2 he claims he put it in the mail and something was
3 misaddressed or something on the envelope, which I
4 certainly don't know, that's part of the reason why I have
5 not yet responded to it, because I have not seen what
6 they're talking about.

7 So, I'm going to request that he resubmit it, if
8 he is claiming that he has already done so. I'm talking
9 about the statement from Ms. Shields and Ms. Sims. That's
10 what I'm referring to.

11 COMMISSIONER JABER: Okay. Mr. Parks, when I
12 issue my ruling, it will be memorialized in an order, and
13 that order will tell you exactly what recourse you may
14 take, all right?

15 MR. PARKS: Good enough.

16 COMMISSIONER JABER: We're on Page 9, Section 12
17 now.

18 MR. PARKS: Page 9, Section 12.

19 COMMISSIONER JABER: And Mr. Vaccaro, I see that
20 there is one request pending for confidential
21 classification for the very exhibit we were just
22 discussing.

23 MR. VACCARO: Correct. And legal will be
24 bringing you an order.

25 COMMISSIONER JABER: Thank you.

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1 **And by what I have in front of me, Mr. Meza and**
2 **Mr. Parks, I see nothing else pending and nothing else**
3 **that we need to discuss; is that correct?**

4 **MR. MEZA: Commissioner Jaber, I would like to**
5 **address Mr. Parks' last comment regarding a request for**
6 **additional information. I have no problem providing him**
7 **with everything that we have filed again. I just wanted**
8 **to let the Commission be aware of that. My intentions are**
9 **not to have any trial by ambush. And if Mr. Parks feels**
10 **that he has not received certain information, I will be**
11 **more than happy to resend it to him.**

12 **MR. PARKS: Fine.**

13 **COMMISSIONER JABER: With respect to the**
14 **testimony and the exhibit, I think, you should resend the**
15 **testimony. With respect to the exhibit, that's the**
16 **subject of the pending confidentiality, correct?**

17 **MR. MEZA: Yes, ma'am.**

18 **COMMISSIONER JABER: We will issue an order as**
19 **expeditiously as possible to address that. Are there any**
20 **other exhibits you intended to use?**

21 **MR. MEZA: No, ma'am.**

22 **COMMISSIONER JABER: Mr. Parks?**

23 **MR. PARKS: No, ma'am.**

24 **COMMISSIONER JABER: Thank you.**

25 **MR. MEZA: Thank you.**

FLORIDA PUBLIC SERVICE COMMISSION

1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4

5 I, KORETTA E. STANFORD, RPR, Official Commission
6 Reporter, do hereby certify that a Prehearing Conference
7 was conducted in docket number 000028-TL before the
8 Prehearing Officer Lila A. Jaber at the time and place
9 herein stated.

8 It is further certified that I stenographically reported
9 the said proceedings; that the same has been transcribed
10 under my direct supervision and that this transcript,
11 consisting of 21 pages, constitutes a true transcription
12 of my notes of said proceedings.

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

14

DATED this 16th day of March, 2001.

15

16


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

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