

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 990362-TI

In the Matter of

INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST GTE
COMMUNICATIONS CORPORATION
(N/K/A VERIZON SELECT
SERVICES INC.) FOR APPARENT
VIOLATION OF RULE 25-4.118,
F.A.C., LOCAL, LOCAL TOLL, OR
TOLL PROVIDER SELECTION.

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AND DO NOT INCLUDE PREFILED TESTIMONY.

PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER LILA A. JABER
 Prehearing Officer

DATE: Wednesday, May 16, 2001

TIME: Commenced at 9:30 a.m.
 Concluded at 9:40 a.m.

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

REPORTED BY: JANE FAUROT
 FPSC Division of Records and Reporting
 Chief, Bureau of Reporting

CONTINENT NO.
06561-01
5/24/01

1 APPEARANCES:

2 KIMBERLY CASWELL, Vice President and
3 General Counsel, Southeast Legal Department,
4 FLTC0007, 201 North Franklin Street, Post Office Box
5 110, Tampa, Florida 33601-0100, appearing on behalf
6 of Verizon Select Services, Inc.

7 CHARLES BECK, Deputy Public Counsel,
8 Office of Public Counsel, 111 West Madison Street,
9 Room 812, Tallahassee, Florida 32399-1400,
10 appearing on behalf of the Citizens of the State of
11 Florida.

12 C. LEE FORDHAM, Florida Public Service
13 Commission, Division of Legal Services, 2540 Shumard
14 Oak Boulevard, appearing on behalf of the Commission
15 Staff.

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P R O C E E D I N G S

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COMMISSIONER JABER: Counsel, read the notice.

MR. FORDHAM: Pursuant to notice published on April 27, 2001, this time and place has been set for a hearing in Docket Number 990362-TI, for purposes as set forth in the notice.

COMMISSIONER JABER: Let's take appearances.

MR. BECK: My name is Charlie Beck, Office of the Public Counsel, appearing on behalf of the Citizens. And with me this morning is Mr. Earl Poucher.

COMMISSIONER JABER: Ms. Caswell.

MS. CASWELL: And this is Kim Caswell with Verizon Select Services, Inc.

MR. FORDHAM: Lee Fordham, Commission Staff.

COMMISSIONER JABER: Let me just ask the parties, do you have a lot of --

(Interruption.)

MS. CASWELL: Hello?

COMMISSIONER JABER: Good. We thought we lost you there.

MS. CASWELL: Sorry.

COMMISSIONER JABER: No problem. Let me ask you and Mr. Beck if you have a lot of changes to the prehearing order, because what I -- or preliminary matters for that matter. But what I propose to do is go through the changes and not necessarily every page of the draft prehearing order.

1 MS. CASWELL: I have no changes.

2 MR. BECK: Just one.

3 COMMISSIONER JABER: Go ahead, Mr. Beck.

4 MR. BECK: What I was going to request, Commissioner,
5 is on the order of witnesses, and it's on Page 5, the draft
6 prehearing order. We filed direct testimony and supplemental
7 direct and surrebuttal. And the flow was the direct and
8 supplemental direct, then Verizon filed, and then we filed the
9 surrebuttal. We think the flow would be more logical and it
10 would help the Commissioners if Mr. Poucher testified in the same
11 sequence that he filed testimony.

12 MS. CASWELL: So that Earl would be up twice?

13 MR. BECK: Yes. Once for his direct and supplemental
14 direct, and then a second time for the surrebuttal.

15 MS. CASWELL: Yes. I mean, I think I would prefer it
16 stay the way it is. I don't think Commission typically has any
17 problem with seeing the witness once and have them testify
18 (inaudible) at once. I mean, we typically do direct, rebuttal,
19 and then (inaudible).

20 COMMISSIONER JABER: Ms. Caswell, let me tell you broke
21 up a lot there and the court reporter didn't catch anything you
22 said. And, quite frankly, I didn't hear you, either. Are you on
23 a cellphone?

24 MS. CASWELL: No, I'm not. I'm taking it off the
25 speaker phone now.

1 COMMISSIONER JABER: Okay.

2 MS. CASWELL: Can you hear me now?

3 COMMISSIONER JABER: Yes. But I didn't hear anything
4 you said in response to Mr. Beck.

5 And before you start, let me tell you that I had not
6 decided to take up direct and rebuttal at the same time, for what
7 it's worth to you.

8 MS. CASWELL: Okay. Well, my preference would be to
9 keep it the way it is. But, you know, if you want it the way --
10 if you want it the way Charlie suggested, I don't have any strong
11 opposition to it, that's fine.

12 COMMISSIONER JABER: All right. Well, it's really
13 the -- the normal course of business is to take direct up and
14 then rebuttal. As a matter of convenience we have allowed the
15 parties to request that direct and rebuttal be taken up at the
16 same time. I think because we don't have many, many witnesses, I
17 would prefer that we do all of the direct first, and then all of
18 the rebuttal next.

19 MS. CASWELL: Okay. That's fine.

20 COMMISSIONER JABER: And so we will separate it out in
21 the draft prehearing order. And to make sure that we are all
22 understanding what we are doing, we will have Ray Kennedy first
23 with his direction case, Carol Ann Broome, Mr. Poucher will come
24 on the stand and do direct and supplemental direct at the same
25 time, and then we will have Christopher Owens' rebuttal, Joseph

1 Caliro rebuttal, Mr. Poucher, rebuttal. Does that make sense?

2 MS. CASWELL: That's fine.

3 COMMISSIONER JABER: I had a couple of changes directed
4 to staff really. I know you are accommodating my desire to make
5 clear that opening statements should be ten minutes, Mr. Fordham.
6 That statement in the middle of the state background just didn't
7 seem to work. So maybe we should start creating a section on
8 opening statements. I don't necessarily know where that
9 statement belongs, I just know it doesn't belong in the case
10 background. So maybe you could --

11 MR. FORDHAM: It doesn't fit neatly anyplace, so we
12 will find a place where we can make it a little neater anyway.

13 COMMISSIONER JABER: Sounds good. On Page 4, under
14 prefiled testimony and exhibits, I would remove the words "and
15 staff," because in this case staff is a party. Mr. Fordham,
16 testimony of all witnesses to be sponsored by the parties has
17 been prefiled.

18 MR. FORDHAM: Thank you.

19 COMMISSIONER JABER: And, of course, on Page 5 you will
20 be changing that page in accordance with what we have already
21 discussed.

22 MR. FORDHAM: Correct.

23 COMMISSIONER JABER: And that's it.

24 Ms. Caswell, did you have anything else that you needed
25 to discuss before we adjourned the prehearing?

1 MS. CASWELL: No, I have nothing else. I would just
2 like to thank you and all the parties for agreeing to the call-in
3 number, as well as Staff.

4 COMMISSIONER JABER: No problem. Thank you.

5 Mr. Beck.

6 MR. BECK: Commissioner, just one or two. I'm not sure
7 they belong here, but I thought I would mention them. I spoke to
8 Kim yesterday about the Attorney General's settlements with
9 Verizon. We don't really know whether the Commission is
10 interested or not, but both Verizon and our office are willing to
11 stipulate them into the evidence if you wish and address them.
12 It is really the Commission's pleasure on that.

13 MS. CASWELL: Yes. And I might add that I have already
14 given copies of those settlements to the staff.

15 COMMISSIONER JABER: If the parties have reached
16 agreement that the documents should be part of the record, you
17 are certainly not going to have an objection from the Commission.
18 I think that you might receive a question.

19 MR. BECK: That's what we thought, that it's well known
20 and there might be questions. And it would just seem logical
21 just to put it into evidence. And then if the Commission wants
22 to ask questions about it, at least it's there.

23 COMMISSIONER JABER: I don't think there is anything
24 wrong with identifying it as an exhibit early on. Is it
25 something that can have official recognition, or does it need to

1 be an exhibit, Mr. Beck?

2 MR. BECK: I think an exhibit.

3 COMMISSIONER JABER: I think that's fine. And I think
4 you need to bring it up at the beginning of the hearing.

5 Ms. Caswell, that's acceptable?

6 MS. CASWELL: That's fine.

7 COMMISSIONER JABER: All right. Thank you. We will
8 adjourn the prehearing.

9 MS. CASWELL: Thank you.

10 (The prehearing conference concluded at 9:40 a.m.)

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STATE OF FLORIDA)

: CERTIFICATE OF REPORTER

COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, FPSC Bureau of Reporting
FPSC Commission Reporter, do hereby certify that the foregoing
proceeding was heard at the time and place herein stated.

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

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

DATED THIS 24TH DAY OF MAY, 2001.

JANE FAUROT, RPR
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Chief, Bureau of Reporting
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