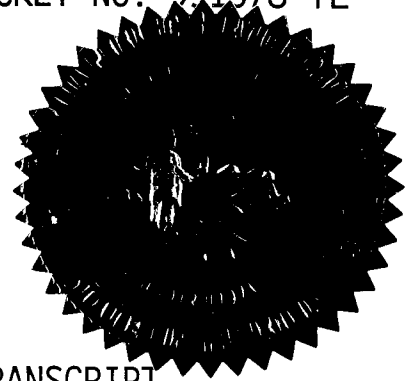


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 991378-TL

In the Matter of
INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST BELL SOUTH
TELECOMMUNICATIONS, INC. FOR
VIOLATION OF SERVICE STANDARDS



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER BRAULIO L. BAEZ
 Prehearing Officer

DATE: Monday, June 11, 2001

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
 (850) 413-6734

1 APPEARANCES:

2 NANCY B. WHITE and EARL EDENFIELD, BellSouth
3 Telecommunications, Inc., c/o Nancy Sims, 150 South Monroe
4 Street, Suite 400, Tallahassee Florida 32301, appearing on
5 behalf of BellSouth Telecommunications, Inc.

6 STEVE BURGESS and JACK SHREVE, Deputy Public Counsel,
7 Office of Public Counsel, 111 West Madison Street, Room 812,
8 Tallahassee, Florida 32399-1400, appearing on behalf of the
9 Citizens of the State of Florida.

10 WAYNE KNIGHT, FPSC Division of Legal Services, 1540
11 Shumard Oak Boulevard, Tallahassee, Florida, appearing on
12 behalf of the Commission Staff.

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P R O C E E D I N G S

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COMMISSIONER BAEZ: Call the prehearing to order.

Counsel, read the notice.

MR. KNIGHT: Notice was given on May 25th, 2001, in docket number 991378-TL, initiation of show cause proceedings against BellSouth Telecommunications, Incorporated for violation of service standards that a prehearing would be held at this time and place for the purpose set forth in the notice.

COMMISSIONER BAEZ: All right. Appearances.

MS. WHITE: Nancy White for BellSouth Telecommunications, and I'd also like to make an appearance for Earl Edenfield for BellSouth Telecommunications.

MR. BURGESS: I'm Steve Burgess. I'm here with Jack Shreve, public counsel, here representing the citizens of the state of Florida.

MR. KNIGHT: And Wayne Knight representing the Florida Public Service Commission Staff.

COMMISSIONER BAEZ: All right. We got any preliminary matters?

MR. KNIGHT: There were no preliminary matters or outstanding motions. However, the Office of Public Counsel noted in their prehearing statements that while BellSouth made claims that testimony offered by its witnesses and the witness proffered by the OPC contain confidential information, BellSouth has yet to make specific showings of confidentiality.

1 The OPC's requesting that BellSouth be immediately
2 ordered to make specific claims of confidentiality related to
3 all testimony and exhibits filed in the docket or relinquish
4 its claims of confidentiality. They're also asking that a
5 period of time be such that the specific claims be limited so
6 that a ruling can be made prior to the hearing.

7 COMMISSIONER BAEZ: Mr. Burgess, do you want to take
8 a crack at it?

9 MR. BURGESS: Commissioner, as I understand it -- I'm
10 covering this for Charlie Beck, but as I understand it, this is
11 an issue that the Commission has dealt with in the past and the
12 Commission has a -- has rule that covers this subject matter.
13 My understanding of the Commission's rule, my reading of the
14 Commission's rule, as well as my understanding of the
15 Commission's own interpretation of the rule is that during the
16 discovery purposes there is a shorthand method of providing
17 protection of information that may be confidential without a
18 need for demonstration; however, we're past that point now.
19 We're talking about what we're going to do as we move into the
20 hearing phase.

21 We're talking about whether the Commission intends to
22 prevent the public from being aware of information that affects
23 the public. And at that point, my understanding is the
24 Commission rule requires a specific finding by a party
25 asserting that the information is going to be confidential.

1 However, that's an issue that, basically, rests with the
2 Commission. Statutorily, we're simply a party in the case. It
3 is, in fact, the Commission's responsibility to make the
4 determination as to where it balances the interest with regard
5 to the public and the party that's asserting confidentiality
6 for the information.

7 And so, it's not really an issue that we are directly
8 in the line of; that is, we're not directly or statutorily
9 responsible for being part of the mechanism for making this
10 determination, but we do think that this information, it
11 affects the public; and before any of this information should
12 be prevented from public scrutiny that there should be a clear
13 and definitive showing, point by point, by the entity seeking
14 to have this information kept confidential.

15 COMMISSIONER BAEZ: Ms. White?

16 MS. WHITE: Yes, Commissioner Baez, I don't have any
17 problem with doing that. We'll be happy to file a line-by-line
18 claim of confidentiality. I would ask, I think, in the Verizon
19 case the prehearing officer there gave them ten days to do so
20 from the date of the prehearing. So, I would have -- if this
21 is acceptable, I would have something filed ten days from
22 today.

23 COMMISSIONER BAEZ: Staff, is ten days enough?

24 MR. KNIGHT: That would give us enough time.

25 COMMISSIONER BAEZ: Okay. We'll have BellSouth file,

1 more precisely, line-by-line confidentiality requests in ten
2 days. Is there any response that OPC needs to have? No?
3 Okay. All right. Got that out. All right. Everybody got a
4 prehearing order or at least a draft? Let's go -- if there's
5 any changes that need to be made, Sections 1 through 5.

6 MS. WHITE: I'm sorry, did you ask if I had any
7 changes?

8 COMMISSIONER BAEZ: Yeah, if anybody has any changes
9 to Sections 1 through 5.

10 MS. WHITE: I don't. I have two questions, but I
11 have no changes to the prehearing statement.

12 COMMISSIONER BAEZ: Okay. Public counsel?

13 MR. BURGESS: No, we're fine with the draft.

14 COMMISSIONER BAEZ: Staff?

15 MR. KNIGHT: No changes.

16 COMMISSIONER BAEZ: Ms. White, your questions.

17 MS. WHITE: My two questions would be are we going to
18 put on direct and rebuttal at the same time? I guess, the only
19 person that has that is Mr. Poucher really. Is he going to do
20 all his testimony at one time?

21 MR. BURGESS: That is Section 6 so I was waiting --

22 MS. WHITE: Sorry.

23 MR. BURGESS: -- to address that when we moved on to
24 that.

25 COMMISSIONER BAEZ: And we are properly in it.

1 MR. BURGESS: If we are properly --

2 COMMISSIONER BAEZ: We are.

3 MR. BURGESS: -- with that force now, we believe very
4 strongly that the testimony should be presented to the
5 Commission orally as it was filed in the order in which it was
6 filed. We believe that the order in which it was filed is
7 helpful to the Commission's understanding, because the way it
8 unfolds is a part of the chronology of the testimony being
9 presented is how the actual case unfolds. And we think it
10 would be improper and unhelpful to the Commission to take this
11 out of order.

12 MS. WHITE: So, what you're looking at is that
13 Mr. Trubelhorn would be the first witness, Mr. Poucher would go
14 second and do his direct, Mr. Lacher would go third and
15 Mr. Poucher would go again, number 4? Is that what you're
16 suggesting?

17 MR. BURGESS: Well, I would suggest that; although, I
18 think, most important from our standpoint is that Mr. Poucher's
19 surrebuttal testimony be presented as surrebuttal, and that is
20 in response to the rebuttal testimony filed by Mr. Lacher.

21 COMMISSIONER BAEZ: Any objections?

22 MS. WHITE: I don't have an objection to that. I
23 think, it's more efficient to do it all at once, but if that's
24 the way they prefer, that's fine.

25 COMMISSIONER BAEZ: It's only three witnesses. I

1 think, we can accommodate that for this case anyway.

2 MS. WHITE: And my second question is that at the --
3 I think, it's number 13 under Rulings that says "opening
4 statements, if any, shall not exceed ten minutes per party." I
5 wanted to ask specifically whether Staff and/or public counsel
6 were going to do an opening statement, because I don't want to
7 put one together if nobody else is, let's put it that way. If
8 I put one together I will want to give it, and I'd just assume
9 not put one together.

10 COMMISSIONER BAEZ: That's very kind of you,
11 Ms. White.

12 MR. BURGESS: Mr. Chairman, we would like to have the
13 opportunity to present an opening statement, because we think
14 it would be important, again, to basically lay out the road map
15 that we intend to follow for presentation to the Commission.

16 COMMISSIONER BAEZ: That is your right. And ten
17 minutes is going to be enough, I hope.

18 MS. WHITE: Yeah, absolutely. And that's all I have.

19 COMMISSIONER BAEZ: All right. If we don't have any
20 other changes, anything else, any of the parties? Public
21 counsel, nothing?

22 MR. BURGESS: No, sir, I believe, that's it.

23 COMMISSIONER BAEZ: Okay.

24 MR. KNIGHT: Staff has nothing.

25 COMMISSIONER BAEZ: We're adjourned.

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MR. BURGESS: Thank you, Commissioner.

MS. WHITE: Thank you.

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

- . . . -

1 STATE OF FLORIDA)
2 :
3 COUNTY OF LEON)
4

CERTIFICATE OF REPORTER

5 I, KORETTA E. STANFORD, RPR, Official Commission
6 Reporter, do hereby certify that a Prehearing Conference in
7 docket number 991378-TL was heard by the Prehearing Officer
8 Braulio L. Baez at the time 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 constitutes a true transcription of my notes of said
13 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 relative
16 or employee of any of the parties' attorneys or counsel
17 connected with the action, nor am I financially interested in
18 the action.

DATED THIS Friday, June 15, 2001.

19 *Koretta E. Stanford*
20 KORETTA E. STANFORD, RPR
21 FPSC Official Commissioner Reporter
22 (850) 413-6734
23
24
25