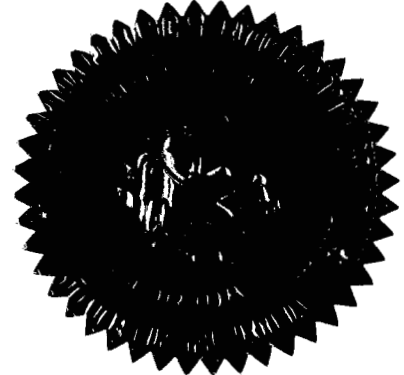


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 010795-TP

In the Matter of

PETITION BY SPRINT COMMUNICATIONS  
COMPANY LIMITED PARTNERSHIP FOR  
ARBITRATION WITH VERIZON FLORIDA,  
INC., PURSUANT TO SECTION 251/252  
OF THE TELECOMMUNICATIONS ACT OF  
1996.



ELECTRONIC VERSIONS OF THIS TRANSCRIPT ARE  
A CONVENIENCE COPY ONLY AND ARE NOT  
THE OFFICIAL TRANSCRIPT OF THE HEARING,  
THE .PDF VERSION INCLUDES PREFILED TESTIMONY.

PROCEEDINGS:           PREHEARING CONFERENCE

BEFORE:                 COMMISSIONER BRAULIO L. BAEZ  
                              Prehearing Officer

DATE:                    Tuesday, December 18, 2001

TIME:                    Commenced at 9:30 a.m.  
                              Concluded at 9:42 a.m.

PLACE:                   Betty Easley Conference Center  
                              Room 148  
                              4075 Esplanade Way  
                              Tallahassee, Florida

REPORTED BY:           LINDA BOLES, RPR  
                              Official FPSC Reporter  
                              (850) 413-6734

## 1 APPEARANCES:

2 SUSAN S. MASTERTON, 1313 Blair Stone Road,  
3 Tallahassee, Florida 32301, and JOSEPH P. COWIN, 7301 College  
4 Boulevard, Overland Park, Kansas 66210, appearing on behalf of  
5 Sprint Communications Company Limited Partnership.

6 KELLY L. FAGLIONI and MEREDITH MILES, Hunton &  
7 Williams, 951 East Byrd Street, Richmond, Virginia 23219 on  
8 behalf of Verizon Florida, Inc., appearing telephonically.

9 MARY ANNE HELTON and ADAM TEITZMAN, Florida Public  
10 Service Commission, Division of Legal Services, 2540 Shumard  
11 Oak Boulevard, Tallahassee, Florida 32399-0870, appearing on  
12 behalf of the Commission Staff.

13

14

15

16

17

18

19

20

21

22

23

24

25

## P R O C E E D I N G S

1  
2 COMMISSIONER BAEZ: All right. We're going to call  
3 the prehearing to order. Counsel, can you read the notice?

4 MS. HELTON: Pursuant to notice issued November the  
5 21st, 2001, the prehearing conference for Docket Number  
6 010795-TP was called for this time and place. The purpose of  
7 the prehearing conference is more fully set forth in the  
8 notice.

9 COMMISSIONER BAEZ: And we'll take appearances  
10 starting with our guests on the phone.

11 MS. FAGLIONI: This is Kelly Faglioni and Meredith  
12 Miles from Hunton & Williams on behalf of Verizon.

13 COMMISSIONER BAEZ: Welcome.

14 MS. MASTERTON: And Susan Masterton on behalf of  
15 Sprint Communications Limited Partner, also making an  
16 appearance for Joseph Cowin for Sprint.

17 COMMISSIONER BAEZ: Can you spell, can you spell  
18 Mr. -- is it Cowin?

19 MS. MASTERTON: Yes. C-O-W-I-N.

20 COMMISSIONER BAEZ: Okay.

21 MS. HELTON: Mary Anne Helton and Adam Teitzman on  
22 behalf of Commission Staff.

23 COMMISSIONER BAEZ: Okay. Ms. Helton, it's my  
24 understanding we don't have any preliminary matters.

25 MS. HELTON: That's correct.

1 COMMISSIONER BAEZ: Okay. And unless you have any  
2 changes to the, to the first four, I'm sorry, the first five  
3 sections of the prehearing statement --

4 MS. HELTON: I have no changes.

5 COMMISSIONER BAEZ: No changes? Do any of the  
6 parties have any changes to the first five sections?

7 MS. FAGLIONI: Verizon has no changes.

8 COMMISSIONER BAEZ: Ms. Masterton?

9 MS. MASTERTON: No. No. Sprint has no changes.

10 COMMISSIONER BAEZ: We're on the order of witnesses.  
11 Is there any changes we need to make here?

12 Verizon?

13 MS. FAGLIONI: Verizon has no proposed changes on the  
14 order of witnesses at this time.

15 MS. MASTERTON: I just had a question. I mean, often  
16 times we combine direct and rebuttal, and I didn't know if that  
17 was something, if Verizon had any concerns with doing that or  
18 the Staff, if we would be doing that this time.

19 COMMISSIONER BAEZ: I, I certainly don't have a  
20 problem with that. I think that'll help.

21 MS. HELTON: Staff certainly doesn't object to that.

22 If we're going to do that, I would suggest that maybe  
23 we go ahead and do that so that it will look that way in the  
24 final prehearing order that gets issued.

25 COMMISSIONER BAEZ: Right. And Ms. Faglioni or

1 Ms. Miles, any objections to combining testimony?

2 MS. FAGLIONI: No. I think that makes sense.

3 COMMISSIONER BAEZ: Okay.

4 MS. HELTON: It looks like all of the witnesses who  
5 filed direct testimony also filed rebuttal testimony, so we'll  
6 just --

7 COMMISSIONER BAEZ: We can keep the order and --

8 MS. HELTON: And just have it say direct and  
9 rebuttal.

10 COMMISSIONER BAEZ: Have the order reflect that.  
11 Next, basic positions. Any changes, Verizon?

12 MS. FAGLIONI: Verizon has no changes.

13 MS. MASTERTON: Sprint has no changes.

14 COMMISSIONER BAEZ: No?

15 Quickly through the issues. Issue 1, Verizon, any  
16 changes?

17 MS. FAGLIONI: No.

18 MS. MASTERTON: No changes.

19 COMMISSIONER BAEZ: No changes? Issues 2A and B?

20 MS. MASTERTON: Sprint has no changes.

21 COMMISSIONER BAEZ: Sprint has no changes? Verizon,  
22 any changes?

23 MS. FAGLIONI: No. No changes.

24 COMMISSIONER BAEZ: I tell you what, are there any,  
25 does Verizon have any changes to any of the positions?

1 MS. FAGLIONI: No. No changes.

2 MS. MASTERTON: And Sprint doesn't either.

3 COMMISSIONER BAEZ: Sprint doesn't either. This is a  
4 great way to go into the holidays, don't you think?

5 MS. HELTON: I would, I guess, like to reflect at  
6 this time that for the legal issue, Issue A, Staff did add a  
7 position reflected in the draft prehearing order that was not  
8 reflected in our prehearing statement.

9 COMMISSIONER BAEZ: Okay. That is, that's your right  
10 to add, so I'm assuming the companies don't have any, don't  
11 have any problem with the position.

12 MS. FAGLIONI: That's correct.

13 MS. MASTERTON: That's correct.

14 COMMISSIONER BAEZ: All right. I've got to tell you,  
15 it's great to see a lot of issues getting stipulated and  
16 withdrawn. That means that somehow the process is working.

17 Section 9, the exhibit list.

18 MS. MASTERTON: Sprint had a comment that I already  
19 shared with Staff, and that is that the exhibits are listed as  
20 if they're for both direct and rebuttal. And Mr. Hunsucker's  
21 was an exhibit to his rebuttal testimony and Mr. Burt's  
22 exhibits were to his direct. And I don't know --

23 COMMISSIONER BAEZ: Can you -- if you have any  
24 clarifications on that, you can get together with counsel and  
25 we can make the proper reflection on the final order.

1 MS. MASTERTON: Right.

2 MS. HELTON: That works for Staff.

3 COMMISSIONER BAEZ: Okay. Verizon?

4 MS. FAGLIONI: I don't have any corrections to the  
5 exhibit list.

6 COMMISSIONER BAEZ: Do you have, do you have any, do  
7 you have a similar situation? I mean, are any of the exhibits  
8 strictly to rebuttal or --

9 MS. FAGLIONI: I believe there's been a designation  
10 that's correct between direct and rebuttal.

11 COMMISSIONER BAEZ: Okay.

12 MS. FAGLIONI: We'll double check it.

13 COMMISSIONER BAEZ: If you do, if you do find  
14 corrections or clarifications that need making, just get in  
15 touch with Staff counsel.

16 MS. FAGLIONI: Okay.

17 COMMISSIONER BAEZ: I'm seeing here a proposed stip.  
18 We don't need to act on that. That's, that's a --

19 MS. HELTON: No. That's just a verbalization of the,  
20 of what's reflected in the issue statements.

21 COMMISSIONER BAEZ: All right. It doesn't look like  
22 we have anything else pending.

23 MS. FAGLIONI: On the Section 10 proposed stips, it  
24 may just, I don't know if it's my copy or what, but it looks  
25 like there's a nine and ten running together.

1           COMMISSIONER BAEZ: Yeah, I see that. We'll make  
2 that correction.

3           All right. Is there anything else the parties need  
4 to raise?

5           MS. MASTERTON: Well, Sprint was going to suggest  
6 that perhaps we would want to waive opening statements, if  
7 Verizon was agreeable to that.

8           COMMISSIONER BAEZ: Verizon?

9           MS. FAGLIONI: I hadn't given it a whole lot of  
10 thought yet. I don't think I have, I don't think I have any  
11 objection to waiving opening statements.

12           COMMISSIONER BAEZ: Well, if you're not, if you're  
13 not sure right now, that's something that I think we can, we  
14 can take care of waiving opening statements. As it stands for  
15 now, we'll just leave it as is. Y'all have a right to -- I'm  
16 assuming it says five or ten minutes per side or did we cover  
17 that?

18           MS. HELTON: I think it's, the time period, ten --  
19 "Opening statements, if any, shall not exceed ten minutes per  
20 party."

21           COMMISSIONER BAEZ: Okay. What we'll do is we'll  
22 hold that open for now. And if the parties' counsel want to  
23 get together as soon as Verizon has a chance to mull it over a  
24 little more, and we can take care of that at hearing.

25           MS. MASTERTON: Okay. Thanks.



1 MS. HELTON: Thank you.

2 MS. FAGLIONI: I've got, I've got one question at  
3 this point, if I may raise it.

4 COMMISSIONER BAEZ: Yes. Please.

5 MS. FAGLIONI: I have, I've discussed with Mr. Cowin  
6 and hopefully he's discussed with Ms. Masterton something that  
7 we're, we're mulling over whether it makes sense to propose,  
8 and that is we just went through a hearing on at least the  
9 identical, two of the identical issues here in Texas. And  
10 while we thought that there was a lot of sort of helpful  
11 discussion in the course of that hearing, some direct and some  
12 cross and some Commission questions there, we would expect that  
13 if we were to have a hearing on this issue in Florida, it would  
14 look almost exactly the same, it would require the appearance  
15 of the same witnesses, sort of probably be the same direct and  
16 the same cross. And I guess my concern, my thought was that we  
17 might, we might propose something to Sprint that would, you  
18 know, involve stipulating the Texas transcript into Florida,  
19 but only if that was something that the Commission would find  
20 useful.

21 I don't, I don't want to propose that or pursue it if  
22 it's something that you would find, you know, it's just as  
23 difficult for you to read through a transcript and it would be  
24 less helpful than having the hearing experience.

25 So it's an idea we've been discussing to possibly

1 stipulate further issues, but it's something that at this point  
2 I'd be interested in your thoughts or your guidance on whether  
3 you would find that helpful or not so helpful.

4 COMMISSIONER BAEZ: Well, I'm seeing nods from the  
5 Staff counsel, although I don't want to shut out their  
6 opportunity to consider if they have any cross necessarily that  
7 might get foreclosed.

8 But as far as your conversations with the other  
9 party, just knowing that you two are amenable to doing that, it  
10 is possible that we can have an answer for you. Certainly as a  
11 prehearing officer I don't have a problem with that. My only  
12 concern is for, is for our Staff, whether they have any cross  
13 that needs doing, if there's anything, but --

14 MS. FAGLIONI: And I guess one possibility that I can  
15 continue discussing with Sprint is that we go ahead and, you  
16 know, propose our stipulation. And maybe if we can reach an  
17 agreement on the transcript idea, that then, you know, the  
18 Staff can let us know after some period of time whether they  
19 indeed do have questions to follow up.

20 MS. HELTON: My, my client is telling me that they  
21 would like to go to hearing on the issues. So maybe we can  
22 talk about it a little bit more and have an answer by the end  
23 of this week.

24 COMMISSIONER BAEZ: That's fine. And that doesn't,  
25 that doesn't preclude the parties themselves from coming to

1 some kind of agreement, and then the only thing that we have to  
2 accommodate is how Staff is going to take care of the  
3 information they need to, they need to pick up.

4 But that's something -- was it Ms. Miles speaking or  
5 --

6 MS. FAGLIONI: That was Faglioni.

7 COMMISSIONER BAEZ: Oh, I'm sorry. I can't tell you  
8 two apart.

9 MS. FAGLIONI: That's all right.

10 COMMISSIONER BAEZ: But that's something that you all  
11 can continue to discuss with Staff.

12 When are we set for hearing on this?

13 MS. HELTON: January the 17th.

14 COMMISSIONER BAEZ: That's, I suspect that's plenty  
15 of time to work something out. Thank you for your suggestion.  
16 We're going to hold that one for further discussion.

17 MS. FAGLIONI: Okay.

18 COMMISSIONER BAEZ: Okay? Is there anything else?

19 MS. FAGLIONI: That's it from Verizon.

20 COMMISSIONER BAEZ: Ms. Masterton?

21 MS. MASTERTON: That's it for Sprint.

22 COMMISSIONER BAEZ: Great. Staff?

23 MS. HELTON: I would just ask if the parties do have  
24 corrections to the exhibit list, if they could get it to us by  
25 the end of this week so we can, when the new year starts we can

1 bring the order to you and go ahead and get it signed.

2 COMMISSIONER BAEZ: I'd hop on that suggestion as  
3 well.

4 MS. FAGLIONI: No problem.

5 COMMISSIONER BAEZ: If there's nothing else? Okay.  
6 We're adjourned. Thank you all.

7 (Hearing concluded at 9:42 a.m.)

8 . . . . .

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

4

5             I, LINDA BOLES, RPR, Official Commission  
6 Reporter, do hereby certify that the foregoing proceeding was  
heard at the time and place herein stated.

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

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

13                            DATED THIS 20th DAY OF DECEMBER, 2001.

14

15

16

17

18

19

20


21

22

23

24

25

  
LINDA BOLES, RPR  
FPSC Official Commissioner Reporter  
(850) 413-6734