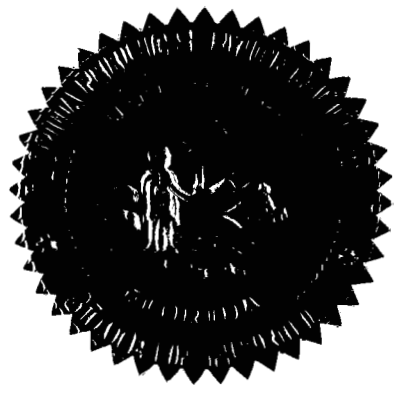


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 010743-TL

In the Matter of

PETITION FOR REVIEW OF PROPOSED
NUMBERING PLAN RELIEF FOR THE
407/321 AREA CODES BY NEUSTAR,
INC., AS NORTH AMERICAN NUMBERING
PLAN ADMINISTRATOR (NANPA), ON
BEHALF OF FLORIDA TELECOMMUNICATIONS
INDUSTRY.



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THE .PDF VERSION INCLUDES PREFILED TESTIMONY.

PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER J. TERRY DEASON
 Prehearing Officer

DATE: Monday, March 4, 2002

TIME: Commenced at 1:30 p.m.
 Concluded at 1:45 p.m.

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

REPORTED BY: JANE FAUROT, RPR
 Chief, Office of Hearing Reporter Service
 FPSC Division of Commission Clerk and
 Administrative Services
 (850) 413-6732

DOCUMENT NUMBER - DATE

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1 APPEARANCES:

2 THOMAS FOLEY, via telephone, on behalf of NeuStar,
3 Inc.

4 JAMES MEZA, III, ESQUIRE, 150 West Flagler Street,
5 Suite 1910, Miami, Florida 33130, appearing on behalf of
6 BellSouth Telecommunications, Inc.

7 SUSAN S. MASTERTON, Post Office Box 2214,
8 Tallahassee, Florida 32316-2214, appearing on behalf of
9 Sprint-Florida, Incorporated, Sprint Communications Company
10 Limited Partnership and Sprint PCS.

11 FRANK GUMMEY, III, 123 West Indiana Avenue, DeLand,
12 Florida 32720-4613, appearing on behalf of the County of
13 Volusia and the City of Deltona.

14 C. LEE FORDHAM and ADAM TEITZMAN, FPSC Division of
15 Legal Services, 2540 Shumard Oak Boulevard, Tallahassee,
16 Florida 32399-0850, appearing on behalf of the Commission.

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P R O C E E D I N G S

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COMMISSIONER DEASON: Call the hearing to order.

Could I have the notice read, please.

MR. FORDHAM: Pursuant to notice published on February 15th, 2002, this time and place has been set for a prehearing conference in Docket Number 010743-TL for purposes as set forth in the notice.

COMMISSIONER DEASON: Thank you.

Take appearances.

MR. MEZA: Jim Meza on behalf of BellSouth.

MR. GUMMEY: Frank Gummey on behalf of the County of Volusia and the City of Deltona.

MS. MASTERTON: Susan Masterton on behalf of Sprint.

MR. FORDHAM: Lee Fordham and Adam Tietzman representing Commission staff.

And, Commissioner, on the telephone we have Tom Foley as a technical resource from NeuStar standing by.

COMMISSIONER DEASON: Okay. Mr. Foley, can you hear us okay?

MR. FOLEY: Yes, I can, sir.

COMMISSIONER DEASON: Okay. Very good. I'm glad that you joined us by phone.

MR. FOLEY: Thank you.

COMMISSIONER DEASON: Mr. Fordham, do we have any preliminary matters?

1 MR. FORDHAM: Commissioner, the only one by staff has
2 to do with a very simple date change. We had some difficulty
3 getting the transcript from the out-of-house court reporter on
4 the service hearings. And, consequently, we just got the
5 testimony and the -- I mean, the transcripts, and supplemental
6 and rebuttal testimony is due today.

7 Staff would recommend we give about two more days on
8 that, since they just got the transcripts, and make those due
9 on Wednesday, the 6th, as opposed to Monday, the 4th.

10 COMMISSIONER DEASON: And which testimony is this,
11 again, Mr. Fordham?

12 MR. FORDHAM: Rebuttal and supplemental testimony.
13 That would still allow staff two days to prepare the prehearing
14 order without changing any other dates. So I think if we just
15 change that one date, that would be acceptable.

16 COMMISSIONER DEASON: Any questions or concerns from
17 the parties, Mr. Meza?

18 MR. MEZA: BellSouth has no objection.

19 COMMISSIONER DEASON: Any objections?

20 MR. GUMMEY: No objection.

21 COMMISSIONER DEASON: Mr. Foley, I assume you have no
22 objection?

23 MR. FOLEY: No objection.

24 COMMISSIONER DEASON: Very well. That's fine with
25 me, Mr. Fordham, if you will just --

1 MR. FORDHAM: I will make that change.

2 COMMISSIONER DEASON: -- make that change, we will
3 work from that schedule, then.

4 MR. FORDHAM: And that's all the preliminary matters
5 from staff, Commissioner.

6 COMMISSIONER DEASON: Do any of the parties have any
7 preliminary matters?

8 MR. GUMMEY: Commissioner, if possible, and I'm not
9 sure it will be, but if I could appear by telephone for the
10 hearing.

11 COMMISSIONER DEASON: For the hearing itself?

12 MR. GUMMEY: Yes.

13 COMMISSIONER DEASON: Any objections to that, Mr.
14 Meza?

15 MR. MEZA: Yes. My only concern is if Mr. Gummey is
16 going to be a witness at the hearing, if he is going to adopt
17 the testimony of Mr. Weiss, I don't know if the Commission has
18 a procedure of having the witness testify via phone. BellSouth
19 has no objection to that, but I would just like to make the
20 Commission aware of it.

21 MR. GUMMEY: If I could proffer my witnesses by
22 telephone, it would be helpful. One doesn't work for me
23 anymore and the other one has a council meeting.

24 COMMISSIONER DEASON: Review this for me for a moment
25 then, Mr. Gummey. Who exactly are your witnesses?

1 MR. GUMMEY: The direct testimony is the chair of the
2 county council, our governing body, which has a meeting
3 starting at 8:30 on the 14th. And the other is Robert Weiss,
4 who has rebuttal testimony, who retired from county employment
5 on the 28th of February.

6 COMMISSIONER DEASON: Now, is it your intention to
7 call Mr. Weiss in his former capacity, or he is not going to be
8 presenting testimony?

9 MR. GUMMEY: In his former capacity I would offer his
10 prefiled rebuttal testimony.

11 COMMISSIONER DEASON: And is Mr. Weiss going to be at
12 the hearing in person?

13 MR. GUMMEY: I would prefer to have him appear by
14 telephone. But, if necessary, I could have him appear.

15 COMMISSIONER DEASON: So you would want both of your
16 witnesses to present their testimony via telephone?

17 MR. GUMMEY: That is correct.

18 COMMISSIONER DEASON: Mr. Fordham, do you have any
19 comments?

20 MR. FORDHAM: Commissioner, my only observation is
21 that any witness testifying by telephone would be required to
22 be sworn by -- would be required to be sworn, and there would
23 need be a notary on the other end of the phone to administer
24 that oath.

25 COMMISSIONER DEASON: I assume that would not be a

1 problem?

2 MR. GUMMEY: That would not be a problem, and they
3 were placed under oath at the public testimony hearings.

4 COMMISSIONER DEASON: We traditionally renew that
5 during the technical hearings.

6 MR. GUMMEY: I will certainly have a notary
7 available.

8 COMMISSIONER DEASON: Mr. Meza.

9 MR. MEZA: We have no objection.

10 COMMISSIONER DEASON: Staff, you have no objection?

11 MR. FORDHAM: Staff would have no objection with that
12 caveat regarding the oath.

13 MR. MEZA: Commissioner Deason, may I just have Mr.
14 Gummey's commitment that they will be available via phone and
15 that we will have an opportunity to cross-examine them.

16 MR. GUMMEY: Yes.

17 COMMISSIONER DEASON: This is a little bit out of the
18 ordinary, so I just want to make sure, is there any problem
19 with the court reporter in having these witnesses appear via
20 telephone?

21 THE REPORTER: No, sir. Sometimes it's difficult to
22 hear witnesses via phone, and they may need to talk slower. We
23 may also need to pause between the question and answer so that
24 folks are not talking at the same time.

25 COMMISSIONER DEASON: Very well.

1 MR. GUMMEY: I will so instruct them, Commissioner.

2 COMMISSIONER DEASON: Very good. Okay. Well, we
3 will proceed with that understanding. Any other preliminary
4 matters? Hearing none, then it is my intent to proceed through
5 the draft prehearing order, which all parties should have in
6 front of them, and should have had an opportunity to review.

7 Given that situation, it is my hope that we can
8 proceed rather quickly. If I proceed too quickly and you need
9 to call my attention or have something explained or reviewed,
10 please bring it to my attention and we will go back and take
11 care of anything that you have a question about.

12 But having set that as the procedure, let me simply
13 go through the draft prehearing order and begin with Section I,
14 conduct of the proceedings; II, case background; Section III,
15 confidential information; Section IV, post-hearing procedures;
16 Section V, prefiled testimony and exhibits; Section VI, order
17 of witnesses.

18 MR. MEZA: Commissioner Deason, upon looking at the
19 order of witnesses, I see Verizon Wireless has proffered a
20 witness. I may be mistaken, but I have not seen direct
21 testimony.

22 COMMISSIONER DEASON: Mr. Fordham, has that testimony
23 actually been filed?

24 MR. FORDHAM: I don't recall it being filed, either,
25 Commissioner. I don't have the full listing of the filings

1 with me. Mr. Casey may.

2 COMMISSIONER DEASON: We will take just a moment and
3 review that.

4 (Pause.)

5 MR. FORDHAM: It appears, Commissioner, that they
6 have filed no testimony, but they have filed a prehearing
7 statement. I would assume that would convey upon them
8 cross-examination rights, but not testimony rights.

9 COMMISSIONER DEASON: Well, that being the case, then
10 we would need to modify the prehearing order and show that
11 there is no witness for Verizon. Obviously they have filed a
12 prehearing statement and they can participate in the hearing
13 and conduct cross-examination. But if they have not prefiled
14 testimony, they will not be able to present such testimony at
15 the hearing.

16 MR. FORDHAM: I will delete them, Commissioner, from
17 the list of witnesses.

18 COMMISSIONER DEASON: Very well. Any other questions
19 or concerns with the order of witnesses? Very well.

20 Basic positions, changes, questions? Section VIII,
21 issues and positions. Begin with Issue 1. Issue 2.

22 Issue 3. The only question I have about Issue 3 is
23 that apparently there is some desire for the Commission to make
24 a decision quicker rather than later. Mr. Fordham, can you
25 review for me the schedule. I know that we normally do that at

1 the end, but this has triggered a question. I just wanted to
2 review briefly what the schedule is.

3 MR. FORDHAM: Commissioner, the hearing is next week
4 on March 14th. The staff recommendation is to be filed on May
5 9th for the May 21st agenda conference.

6 COMMISSIONER DEASON: That seems to be moving in
7 rapid fashion to me. Is there any concern by any of the
8 parties with the schedule as just described by Mr. Fordham? I
9 hear there are no objections to that. Very well.

10 Issue 4, changes, corrections questions? Issue 5.

11 MR. GUMMEY: Commissioner, under Volusia's position
12 it says that the Commissioner has the power. I believe that
13 is -- even though I'm sure the Commissioner does, I think that
14 is meant to state the Commission has the power.

15 COMMISSIONER DEASON: Very well. We will make that
16 correction.

17 Mr. Meza, in your position you indicate that the
18 Commission would like authority to order it. Is this -- how do
19 we get to the Commission's authority? Is that going to be a
20 legal issue which will be briefed?

21 MR. MEZA: Yes, sir. We attack it both ways through
22 direct testimony, and I plan to address it with the brief.

23 COMMISSIONER DEASON: Very well. Okay. And then
24 Issue 6.

25 Moving right along, then. Section IX, exhibit list.

1 Section X, proposed stipulations. I understand that there are
2 no stipulations proposed at this time. And likewise with
3 Section XI, there are to pending motions. And likewise with
4 Section XII, there are no pending confidentiality matters.

5 Section XIII. Mr. Fordham, can you review with me
6 for a moment exactly the purpose for this section?

7 MR. FORDHAM: Commissioner, this is new. We were
8 asked to add this section and ask any party who is aware of any
9 recent decisions or any recent law changes that might impact to
10 identify those up front rather than pull them out at the
11 hearing and have everyone scrambling for the latest advance
12 sheet or something.

13 COMMISSIONER DEASON: Very well. Yes, I agree that
14 this is something that is certainly helpful, at least helpful
15 to me, as one Commissioner, and I think it would be helpful to
16 the entire panel of Commissioners which will be hearing this
17 matter. Do any of the parties have anything to add to what has
18 been listed under this particular section? There seems to be
19 agreement. Very well.

20 Section XIV, the only item listed there is that
21 opening statements shall not exceed ten minutes per party. Any
22 concerns with that provision? Let me ask this, do the parties
23 anticipate making opening statements?

24 MR. MEZA: BellSouth does not.

25 MR. GUMMEY: Excuse me, I didn't hear the question.

1 COMMISSIONER DEASON: Do the parties anticipate
2 making an opening statement?

3 MR. GUMMEY: No, Commissioner.

4 MS. MASTERTON: And Sprint does not, either.

5 COMMISSIONER DEASON: And, Mr. Foley, as much as I
6 know you would like to give your presentation another time, I
7 think we will bypass it.

8 MR. FOLEY: All right. No opening statement, then.

9 COMMISSIONER DEASON: Okay. Well, then we can just
10 indicate under this section that the parties have indicated
11 that there will not be the need to engage in opening
12 statements.

13 MR. FORDHAM: We will make that change, Commissioner.

14 COMMISSIONER DEASON: That is the last section of the
15 prehearing order, so I will just open it up at this time to ask
16 if there are any other matters which need to come before the
17 prehearing officer at this time?

18 Hearing none, let me take this opportunity to thank
19 everyone for being here. And, Mr. Foley, you participating by
20 phone.

21 MR. FOLEY: Thank you.

22 COMMISSIONER DEASON: We look forward to this hearing
23 and expect that it will proceed in an expeditious manner.

24 Thank you all. This prehearing conference is
25 adjourned.

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MR. FORDHAM: Thank you, Commissioner.

MR. FOLEY: Thank you.

(The prehearing concluded at 1:50 p.m.)

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STATE OF FLORIDA)

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CERTIFICATE OF REPORTER

COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, Office of Hearing Reporter Services, FPSC Division of Commission Clerk and Administrative Services, 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 6TH DAY OF MARCH, 2002.



JANE FAUROT, RPR
Chief, Office of Hearing Reporter Services
FPSC Division of Commission Clerk and
Administrative Services
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