BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 990649B-TP

In the Matter of

INVESTIGATION INTO PRICING OF
UNBUNDLED NETWORK ELEMENTS
(SPRINT/VERIZON TRACK).
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PROCEEDINGS:	PREHEARING CONFERENCE
BEFORE:	COMMISSIONER BRAULIO L. BAEZ Prehearing Officer
DATE:	Friday, April 19, 2002
TIME:	Commenced at 9:30 a.m. Concluded at 10:57 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

APPEARANCES:

CHRISTOPHER S. HUTHER, ESQUIRE, Preston, Gates, Ellis, Rouvelas & Meeds, LLP, 1735 New York Avenue, NW, Suite 500, Washington, D.C. 20006-5209, and KIMBERLY CASWELL, ESQUIRE, Post Office Box 110, FLTC0007, Tampa, Florida 33601-0110, appearing on behalf of Verizon Florida, Inc.

JOHN P. FONS, ESQUIRE, Ausley & McMullen, 227 South Calhoun Street, Tallahassee, Florida 32301, and SUSAN MASTERTON, ESQUIRE, 1313 Blairstone Road, Tallahassee, Florida 32301, appearing on behalf of Sprint-Florida, Incorporated.

TRACY W. HATCH, ESQUIRE, Messer, Caparello & Self, P.A., Post Office Box 1876, Tallahassee, Florida 32302-1876, appearing on behalf of AT&T Communications of the Southern States, LLP.

DONNA C. McNULTY, ESQUIRE, The Atrium, 325 John Knox Road, Suite 105, Tallahassee, Florida 32303, and KENNARD B. WOODS, ESQUIRE, Six Concourse Parkway, Suite 3200, Atlanta, Georgia 30328, appearing on behalf of MCI WorldCom, Inc.

JOSEPH McGLOTHLIN, ESQUIRE, McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A., 117 South Gadsden Street, Tallahassee, Florida 32301, appearing on behalf of Z-Tel Communications.

APPEARANCES CONTINUED:

VICKI GORDON KAUFMAN, ESQUIRE, McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A, 117 South Gadsden Street, Tallahassee, Florida 32301, and WILLIAM H. WEBER, ESQUIRE, 19th Floor, Promenade II, 1230 Peachtree Street, NE, Atlanta, Georgia 30309, appearing on behalf of Covad Communications Company.

FLOYD SELF, ESQUIRE, Messer, Caparello & Self, P.A., Post Office Box 1876, Tallahassee, Florida 32302-1876, appearing on behalf of AT&T Communications of the Southern States, LLC, and KMC Telecom III, LLC.

MATTHEW FEIL, ESQUIRE, 390 North Orange Avenue, Suite 2000, Orlando, Florida 32801, and HARISHA J. BASTIAMPILLAI, ESQUIRE, (participating telephonically), Swidler, Berlin, Shereff & Friedman, LLP, 3000 K Street, NW, Suite 300, Washington, D.C 20007-5116, appearing on behalf of Florida Digital Network.

BETH KEATING and JASON K. FUDGE, FPSC General Counsel's Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, appearing on behalf of the Commission Staff.

P R O C E E D I N G

COMMISSIONER BAEZ: Good morning, everyone. I'm going to call this prehearing to order.

Mr. Fudge, will you read the notice?

MR. FUDGE: Pursuant to the notice, this time and place has been set for prehearing in Docket 990649B-TP, In Re: Investigation into Pricing of Unbundled Network Elements for Sprint/Verizon.

COMMISSIONER BAEZ: We'll take appearances starting stage left.

MR. HUTHER: Christopher Huther with Preston, Gates, Ellis & Rouvelas Meeds, LLP, on behalf of Verizon, Florida.

MR. FONS: John Fons with the Ausley Law Firm representing Sprint-Florida, Incorporated. Also appearing with me is Susan Masterton.

MR. HATCH: Tracy Hatch of the law firm Messer, Caparello & Self appearing on behalf of AT&T Communications of the Southern States, LLC.

MS. McNULTY: Donna McNulty appearing on behalf of WorldCom, Inc. And I would also like to enter an appearance for Ken Woods.

MR. McGLOTHLIN: Joe McGlothlin, M-C-G-L-O-T-H-L-I-N, of the McWhirter, Reeves Law Firm, Tallahassee. I appear for Z-Tel Communications, Inc.

MS. KAUFMAN: Vicki Gordon Kaufman of the McWhirter,

Reeves Law Firm on behalf of Covad Communications. And I'd like to also enter an appearance for William Weber of Covad.

MR. SELF: Floyd Self of Messer, Caparello & Self on behalf of AT&T and KMC.

MR. BASTIAMPILLAI: Harisha Bastiampillai via phone on behalf of Florida Digital Network. And I would also like to enter an appearance for Matt Feil.

COMMISSIONER BAEZ: I'm sorry, sir. Can you repeat your name? And if you can spell it out for the court reporter.

MR. BASTIAMPILLAI: Yes. First name is Harisha, H-A-R-I-S-H-A. Last name is Bastiampillai, B-A-S-T-I-A-M-P-I-L-L-A-I.

COMMISSIONER BAEZ: Thank you.

MR. BASTIAMPILLAI: Thank you.

COMMISSIONER BAEZ: And can you hear us all right?

MR. BASTIAMPILLAI: Yeah.

COMMISSIONER BAEZ: All right. We're going to move on to preliminary matters.

I think I've granted this request, but I'm showing here a request from FCTA to, to be absent.

MR. FUDGE: Yes. Commissioner, I'd just like to enter an appearance for myself. Jason Fudge on behalf of the Commission.

COMMISSIONER BAEZ: I'm sorry.

MR. FUDGE: And Beth Keating on behalf of the

Commission.

COMMISSIONER BAEZ: Forgive me.

MR. FUDGE: Yes, sir. Florida Cable and Telecommunications Associated requests to be excused from this prehearing, and you've already indicated that you would grant that request.

COMMISSIONER BAEZ: That request is granted.

Secondly, I'm showing supplemental testimony or request. Is there, is there -- Mr. Huther, did you have an issue with filing supplemental --

MR. HUTHER: Yes. Last week we received word -- actually this week we received word of the Commission's ruling with respect to Z-Tel's Motion For Leave To File Supplemental Rebuttal Testimony Of Dr. George S. Ford. I believe that order granting Z-Tel's motion was issued on the 11th. We, however, for reasons I can't recall, did not receive the notice of that --

COMMISSIONER BAEZ: It's technology.

MR. HUTHER: -- it is technology -- until this week. And while we are doing our level best to finalize that testimony for filing today, we would seek leave, in the event we are unable to do so, to file it on Monday.

COMMISSIONER BAEZ: Well, with the understanding that you are working diligently to do that, I'm inclined to grant your request. So no later than the 22nd. Is that, is that all

right with Staff?

MR. FUDGE: That's fine.

COMMISSIONER BAEZ: Any parties object? No? Thank you.

MR. HUTHER: One other matter with respect to that testimony, if I might raise it now.

COMMISSIONER BAEZ: Yes.

MR. HUTHER: We are also attempting to prepare some discovery with respect to Dr. Ford's supplemental testimony that would not have been properly served until the testimony was received and accepted by the Commission. I think it would be very limited discovery, probably on the order of two to five interrogatories seeking work papers and those sort of things underlying it, which we also would like to have filed today, if we can pull it together, Monday at the very latest, and would seek an expedited response schedule so that we could have responses to that very limited discovery prior to the commencement of the hearing.

COMMISSIONER BAEZ: Let's hold off on that one. And I want you to check with -- let Staff take a look at it and give me a recommendation on it. I don't know how much time we're going to need. And if y'all can work that out -- see how appropriate the discovery is and what we can anticipate in terms of responses and any motions springing from there.

MR. HUTHER: Okay. Thank you.

MR. McGLOTHLIN: And I would like to reserve my ability to object after I have a chance to see what they have in mind.

COMMISSIONER BAEZ: As usual.

Next, opening statements. The draft prehearing order has opening statements set at ten minutes per party. And unless I hear any, any objections to that, that's the way it's going to stay.

MS. McNULTY: Commissioner Braulio, my draft says that they have waived opening statements in mine.

COMMISSIONER BAEZ: Have they waived opening statements? I'm sorry.

MS. McNULTY: On Page 84. But clearly this is something we could discuss, so.

COMMISSIONER BAEZ: If you feel the need.

Is this everybody's understanding?

MS. McNULTY: WorldCom does not perceive a need for opening statements.

COMMISSIONER BAEZ: Anyone else?

MR. HATCH: That was my understanding, but we don't perceive a need either for AT&T.

COMMISSIONER BAEZ: All right. As usual, that might be open to change at the hearing. But I think, you know, Mr. Huther, you were going to say something?

MR. HUTHER: No. We have no objection to the waiver

of opening.

COMMISSIONER BAEZ: Okay. We'll let the prehearing, we'll let the prehearing order reflect that the opening statements have been waived by the parties. And there's a certain amount of flexibility built into the process. If anybody feels compelled to say something, I'm sure we can deal with it at hearing.

Okay. You all have a copy of a draft prehearing order, I'm assuming, and we're going to go to corrections now unless -- I'm sorry. Is there any other preliminary matters that, that I'm not showing listed or --

MR. HATCH: Yes, Commissioner Baez. AT&T and MCI have worked out a list of documents that we'd request official recognition of. I believe -- has that been circulated? It's circulated to the parties.

COMMISSIONER BAEZ: This is what I have?

MR. HATCH: That is what you have. Additionally, there may be two documents that I will add as of Monday.

COMMISSIONER BAEZ: Any objections to the list that's been passed?

MR. FONS: Before -- John Fons, Commissioner.

COMMISSIONER BAEZ: Yes.

MR. FONS: It looks as if this list is applicable to Verizon only.

MR. HATCH: That's correct.

MR. FONS: And it does not apply to Sprint-Florida.

MR. HATCH: That's our intent. We were not applying it to Sprint.

COMMISSIONER BAEZ: Okay.

MR. FONS: Which raises another point. The way the prehearing order has been put together, the Verizon proceeding and the Sprint proceeding have been segregated.

COMMISSIONER BAEZ: Sure.

MR. FONS: For this, for this time period I assume you're going to go through the Verizon portion of it and I will sit silent until we get to the Sprint portion.

COMMISSIONER BAEZ: And don't think I don't appreciate it, Mr. Fons. But, yes, that's our understanding as well.

Mr. Huther, you had indicated you wanted to mention something.

MR. HUTHER: Yes. Just briefly glancing over this list, I would object to the, the final four documents on the list beginning with the last one, the transcript of Witness Terri Murray from the Virginia case.

Obviously AT&T and WorldCom, had they wanted to proffer Ms. Murray in this case, could have done so. And the fact that they've chosen not to, I think, speaks volumes on its own.

But for the transcript of Ms. Murray to come in

without the associated discovery that was served would be inappropriate. That case, of course, focused on the UNE rates for Verizon in Virginia and had nothing to do with the rates in Florida.

Moreover, the cost models, the methodologies, the arguments and policies may or may not have any relevance to Florida. I participated in that case, and I can assure you that they were very different in many critical respects. And so the admission of that transcript, I think, would be wholly inappropriate in this case, particularly at the 11th hour when, had they wanted to sponsor Ms. Murray, they could have done so and chose not to.

COMMISSIONER BAEZ: Mr. Hatch?

MR. HATCH: Commissioner Baez, with respect to the transcript of Mr. (sic.) Murray, GTE/Verizon raised this testimony up in their surrebuttal testimony. It wasn't proffered by us. They have raised the issue and now, and we believe they've quoted him out of context. And in order to -- pardon? Her. My apologies. Never met her or him personally.

They're the ones that raised that there's no possibility that we could have proffered that testimony because there's nothing in the schedule that would allow it. And so this is our best efforts rather than filing a motion for sur-surrebuttal testimony. We just want to bring the transcript so that the record will be complete as to their

references.

COMMISSIONER BAEZ: Mr. Huther, one last shot.

MR. HUTHER: Thank you. If they would like to cross-examine the sponsoring witness with respect to Ms. Murray's testimony, they're free to do so, if they think that Ms. Murray's quotes have been taken out of context. But to introduce the entire transcript without regard to the limited paragraph or sentences that were quoted by Verizon is inappropriate.

COMMISSIONER BAEZ: Mr. Hatch, what is, what is the problem with actually crossing the witness under the testimony that's included?

MR. HATCH: When we move, when we move for admission of this exhibit, it's subject to a hearsay objection. Now we have a response to that. But this absolves that whole debate and argument; because it is sworn transcript in another jurisdiction, it is a matter that the Commission can take official recognition of.

COMMISSIONER BAEZ: Staff?

MR. FUDGE: Staff agrees with Verizon that if AT&T seeks to impeach Verizon's surrebuttal witness, that they may do so on the stand by crossing him on the statements that Ms. Murray has made and whether those statements are indeed consistent with the transcript.

COMMISSIONER BAEZ: Mr. Hatch, it seems to me that

you do still have preserved an opportunity to, to take up the matter, if it's your contention that, that -- is it, it's Ms. Miller?

MR. HATCH: Apparently it's Ms.

COMMISSIONER BAEZ: Her testimony was taken or her statements were taken out of context, then you're still having the opportunity to, to cross the witness on it and clarify that. So I'm inclined to keep out gads of documentation, knowing well that you're going to get an opportunity to bring them up in some form eventually.

MR. HATCH: Very well.

COMMISSIONER BAEZ: Mr. Huther, you had, you had points to make on the other three exhibits?

MR. HUTHER: Yes. Yes, Commissioner.

COMMISSIONER BAEZ: Go ahead and make them now, please.

MR. HUTHER: The order and tariff associated with the Verizon New York filing issued in January and February and effective in March of this year likewise is irrelevant to this case. Verizon New York's rates have no bearing on the cost of providing service in Florida. They're different entities. And although we have seen a fair bit of effort expended by the ALEC Coalition and Z-Tel to make this case about Verizon's service territory in New York, there's absolutely no nexus between the two, and to take official recognition of orders and tariffs for

Verizon New York's territory would be inappropriate.

COMMISSIONER BAEZ: Mr. Fudge, remind me. I think -- don't we have a practice of accepting or taking official recognition of other commissions' orders?

MR. FUDGE: Yes, sir. We -- well, we used to have a practice of taking official recognition of all orders or findings of other commissions or agencies. But I think we've, we've accepted that if they're just an order just for the ruling, then we accept them on their face. But if you're trying to allege the facts within those orders or findings, then you have to seek official recognition.

COMMISSIONER BAEZ: Now is that something that's subject to rebuttal, whatever, whatever is in, in there? I mean, I'm inclined to, I'm inclined to let it in because in a general sense it's been our practice. I'm not -- that wouldn't foreclose this same argument that the facts are different and why, why this, why this basis is inapplicable in this case. So I don't believe you're being prejudiced necessarily by us taking official recognition of that one.

And the other orders, the incentive plan and the network element rates are the only two that are left here.

MR. HUTHER: I'm sorry. I may have confused you. I was not objecting to taking official recognition of the FCC's orders.

COMMISSIONER BAEZ: Right.

MR. HUTHER: I was objecting to the New York orders and the UNE tariff. Now I understand your ruling.

COMMISSIONER BAEZ: I'm sorry. You had said four. That's why I had marked these. But if you don't have objection to the first four, I guess is what I'm showing here.

MR. HUTHER: I only had objections --

COMMISSIONER BAEZ: To the last two.

MR. HUTHER: I'm sorry. I don't have objection to the FCC orders, that is the first two items on this list. I did object to the New York orders, that is items three and four.

COMMISSIONER BAEZ: The New York orders.

MR. HUTHER: But I understand your ruling. And I do object to the tariff, which I understand is different from what the practice may have been here to take official recognition of orders by commissions as opposed to filed tariff.

COMMISSIONER BAEZ: We're going to allow all three of them that you pointed out. Nonetheless, I think you do have an opportunity to point up differences at the appropriate time. So I guess with the exception of -- no. We're going to take official recognition of all of them, that is six documents on the list that AT&T has provided. Oh, I'm sorry. That's not right. This last one is out.

MR. FUDGE: That's correct, Commissioner.

COMMISSIONER BAEZ: Forgive me. It's too early in

the morning for me today.

MR. HATCH: Commissioner Baez, I'm assuming by out, you mean we still reserve our right to cross and so forth?

COMMISSIONER BAEZ: You have a right to cross based on what I had said before, which I quickly forgot, and I apologize for that.

We're on to the prehearing order. It's a lengthy document, so I think we're going to try and go by whatever changes need to be made. We're not going to go section by section, but for the first four sections or, I'm sorry, for the first five sections, 1 through 5, are there any corrections by the parties?

MR. FONS: Commissioner, I don't have --

COMMISSIONER BAEZ: You're -- I'm sorry. Go ahead.

MR. FONS: Are we -- unfortunately, Number 5 applies to Sprint as well as to Verizon. So this is -- unless you want me to wait and take it up at that point in time.

COMMISSIONER BAEZ: I'll give you -- you know, we're going to go from Mr. Huther, to his left, and you're next up, so you'll get to make --

MR. FONS: Okay.

COMMISSIONER BAEZ: Mr. Huther?

MR. HUTHER: I only had two issues on the first five sections. The first is on Page 1, fairly ministerial. The middle initial in my name is S and not H. I think --

COMMISSIONER BAEZ: Otherwise you wouldn't be you; right?

MR. HUTHER: That would not be me.

COMMISSIONER BAEZ: Okay.

MR. HUTHER: My colleague Megan Troy's middle initial is H, and I think that may have been where the confusion was.

COMMISSIONER BAEZ: Okay. We'll show changes; Christopher S. Huther and Megan H. Troy?

MR. HUTHER: Yes, Commissioner.

COMMISSIONER BAEZ: Anything else, Mr. Huther?

MR. HUTHER: In Section 4 I noticed, and I --

COMMISSIONER BAEZ: Do you have a page number? I'm sorry.

MR. HUTHER: I'm sorry. That's Page 5, "Post-Hearing Procedures."

COMMISSIONER BAEZ: Right.

MR. HUTHER: In the last paragraph of that section, which actually appears on Page 6, I notice that the proposal is to limit the post-hearing brief to not more than 40 pages. And if, if I'm interpreting that section correctly, I would seek leave to expand the page limit on the opening brief.

COMMISSIONER BAEZ: Mr. Huther, normally, normally, depending on how the hearing goes, normally we don't change this unless it's readily apparent that the limit is too onerous. But we're always, we're always free to adjust that at

the hearing depending on how the hearing goes. It may be at the end that you don't have a problem with, with the page limit. We're talking about it now, so go ahead, Ms. McNulty.

MS. McNULTY: We would surprisingly actually agree with Verizon on this issue. I think sometimes when it's, especially a cost docket or a docket that's very involved, if Staff doesn't object and clearly if the Commissioner doesn't object --

COMMISSIONER BAEZ: I don't have, I don't have any objection. You know, it's all the same to me. But rather than get -- I think right now we would be speaking in the abstract, a little later on in a more abstract sense than, than after we've got all the, after we've got a record in and we can see what issues are coming back.

Now if y'all want to discuss this, that's fine by me. Do you have any thoughts, Mr. Fudge? What's, what's your Christmas wish here on the numbers? Let's start with that.

MR. HUTHER: I'm not sure I have a number. And I think that you're correct in noting that we'll have a better sense of what the parties will need as, as we get closer to the end of the hearing. And so I'm perfectly happy to wait until that time to address it, but I wanted to raise it at least for discussion now.

COMMISSIONER BAEZ: Are the rest of the parties comfortable with that or is that something that you, you need

more guidance on? I mean, I'm just not -- forgive me. I'm just not, I'm just not clear on what a hard and fast number on day T minus 15 has, has to do with, with what the reality is ultimately going to be. But if you need that kind of comfort, I'm willing to give it to you within a reasonable, within reasonable bounds. I just, you know --

MS. McNULTY: I would make a suggestion that perhaps we could increase it a little bit for now, maybe to 60 pages, and then at the conclusion of the hearing we could take this issue up again, if the parties believe it's necessary.

COMMISSIONER BAEZ: Does Staff have any objections? I mean --

MR. FUDGE: That's fine.

COMMISSIONER BAEZ: All right. We'll reflect a change to 60.

Ms. McNulty, you had something else on that?

MS. McNULTY: Yes. In the same section, if you don't mind, Mr. Huther, also in the same section in the first paragraph the summary of each position consists of no more than 50 words, which is typical in a prehearing order. But we were -- some of these issues are quite involved and they also involve a number of subparts, and we wish to extend that perhaps to 75 words per subpart and, where possible, we try to use that word limit per position for the entire series. For example, number, on Number 7 or 8 there are a number of items.

COMMISSIONER BAEZ: That's not much of a standard at all, is it? I mean, I'm not trying to be combative. I just -- it seems to me, you know, if you've got -- is it 50 per subpart now?

MS. McNULTY: It's just per position.

COMMISSIONER BAEZ: Is that your interpretation of it or --

MR. FUDGE: I think it's always been 50 per issue.

COMMISSIONER BAEZ: Per issue.

MR. FUDGE: I don't think we've ever counted up the words in a subpart, so.

COMMISSIONER BAEZ: You know, it seems a little too -- but anyway.

MR. HATCH: To be perfectly candid, it's been an open gray area and people have taken advantage of the "as needed" based on the problems inherent --

COMMISSIONER BAEZ: Its effects of when I see it; right? It's a violation when you, when you make it one; right?

If there's an understanding that it was 50 per subpart where applicable, I mean, is that, would that at least take care of it?

MS. McNULTY: Pardon me for one second. I think the NRC issue or the, it's either Issue 7 or 8, they're comprehensive issues. And if we -- I guess I'm not sure at this point if it would be better to have per subpart or if we

address some of them altogether. I believe it's Number 8, the NRC issue.

COMMISSIONER BAEZ: I think 50 per subpart gives you a whole lot of leeway to figure out how you want to work it. I mean, unless --

MS. McNULTY: It does. Okay. Well, I appreciate that.

COMMISSIONER BAEZ: All right. Just if we need to make clarification in the prehearing order that it's 50 per subpart in this case, that's, you can go ahead and take care of that.

Mr. Huther, is that it for Section 4 or is that it for you entirely or --

MR. HUTHER: That was it for me through Section --

COMMISSIONER BAEZ: Through Section 5; right?

MR. HUTHER: Yes. Through Section 5.

COMMISSIONER BAEZ: Mr. Fons, you didn't have anything on that.

Mr. Hatch, anything other than what we've already discussed?

MR. HATCH: No, sir.

COMMISSIONER BAEZ: Ms. McNulty?

MS. McNULTY: No.

COMMISSIONER BAEZ: Mr. McGlothlin?

MR. McGLOTHLIN: Nothing beyond what's been talked

about already.

I would just offer this. I think the problem is the 50, you know. The 50 words, it's been my experience, is just very confining to articulate anything that communicates meaningfully in 50 words. And so whether it's now or in some broader context, I would encourage the Commission to revisit the convention of a 50-word limitation.

COMMISSIONER BAEZ: That, that's a tough call. You see, 50 words is part of the American, you know, part of the fabric here is 50 words or less, remember. But I, I hear you and I've listened to you. So, I mean, I think at this point if we can, if you've got a fair amount of flexibility to, where it's, where you're probably going to need it the most, you'll have the, you'll have the leeway to go to subparts.

MR. McGLOTHLIN: Okay.

COMMISSIONER BAEZ: I think you've got that kind of flexibility.

Ms. Kaufman?

MS. KAUFMAN: I don't have anything further, Commissioner.

COMMISSIONER BAEZ: Thank you.

Mr. Self?

MR. SELF: No, sir.

COMMISSIONER BAEZ: All right. Now we're -- let me see here. The order of witnesses. You know, generally I'd

prefer doing direct and rebuttal and all the others altogether unless there's a compelling reason not to have it in this particular case. And you all have an opportunity to speak to that, Mr. Huther.

MR. HUTHER: Having the witnesses appear only once for all of their testimony would be Verizon's preference as well.

COMMISSIONER BAEZ: Mr. Fons, to the extent that you have any.

MR. FONS: I would agree with that. But I would also suggest that we probably ought to bifurcate the witness list you have, Sprint witnesses interleaved with Verizon witnesses interleaved with ALEC witnesses. And if we're going to try to address the Sprint issue separate from Verizon, I think it'll be a lot more efficient and understandable to the Commission if you were to break out the Sprint witnesses and set them aside, let's say, after the Verizon proceeding. Because they're also witnesses, Intervenor witnesses that are only for Sprint-Florida and some that are only for Verizon. So I would make that recommendation, if we could.

COMMISSIONER BAEZ: He makes a good point, Mr. Fudge. I mean, is that something that Staff is willing to deal with or can accommodate?

MR. FUDGE: Sure. We can copy the order of witnesses section to the section before where we discuss Sprint issues

and we'll just delete the Verizon only witnesses.

COMMISSIONER BAEZ: Okay. The parties, any comment?

MR. McGLOTHLIN: I'm okay with that.

COMMISSIONER BAEZ: You're okay with that? All right. Mr. Hatch, any --

MR. HATCH: That's fine. No problem.

COMMISSIONER BAEZ: Based on what we've already said?

MR. HATCH: Yes.

COMMISSIONER BAEZ: Any problem with holding, having everyone come up once?

MR. HATCH: Fine for us, since we only filed one set of testimony.

COMMISSIONER BAEZ: That works for you then. I'm so happy.

MS. McNULTY: And we're the same.

COMMISSIONER BAEZ: Everybody else is pretty much onboard with that?

MS. KAUFMAN: That's good.

COMMISSIONER BAEZ: Okay. Great. Then let the, let the order reflect that we're going to take them up at one, you know, witnesses up at once.

Excuse me a moment. All right. Mr. Huther, starting with you, any, any corrections to issues or positions?

MR. HUTHER: Well, may I raise, before we go to that, the actual order of witnesses that are set forth here?

COMMISSIONER BAEZ: Oh, I'm sorry. Okay.

MR. HUTHER: I guess a couple of things as to the order. Our preference in the order of our witnesses would be, and I'm not sure the easiest way to do this, but is to lead with Dennis Trimble, followed by David Tucek, then followed by Larry Richter and Terry Dye as a panel.

COMMISSIONER BAEZ: I'm sorry. Mr. Richter?

MR. HUTHER: Mr. Richter and Mr. Dye as a panel. Mr. Dye does not appear on the list of direct witnesses.

COMMISSIONER BAEZ: He's on surrebuttal?

MR. HUTHER: He -- well, he is adopting the prefiled direct testimony of Bert Steele. And so -- and that is noted in his, under the heading for "Surrebuttal" but not under the heading of "Direct," and Mr. Steele's testimony does not appear under the heading of "Direct."

COMMISSIONER BAEZ: That's a correction that we need to make to reflect that. And you're asking that they be taken up as a panel?

MR. HUTHER: Yes. They both are appearing on nonrecurring costs and nonrecurring charges. And Verizon's proposal is that the costs are essentially, nonrecurring costs are essentially the charges. It seems to make sense to have them appear at once.

COMMISSIONER BAEZ: Is there any objection to taking up Mr. Dye and Mr. Richter as a panel?

MR. HATCH: That's no problem with us.

COMMISSIONER BAEZ: Okay. Show the correction to the prehearing order reflecting Mr., Mr. Dye is also sponsoring direct testimony and that both Mr. Dye and Mr. Richter will be taken up as a panel. And I'm assuming the witness order at this point, you don't have any objections to them going up third? I mean, is that --

MR. HATCH: Just one interjection while we're talking about putting them up as a panel. I would just like to request guidance, admonition, however you want to characterize it, that when we ask questions to members of the panel and we direct it to a member of the panel, that member of the panel is the person that answers that question. It is not a free-for-all, up-for-grabs question by any member of the panel.

COMMISSIONER BAEZ: That seems fair, Mr. Huther.

MR. HUTHER: I have no objection to that.

COMMISSIONER BAEZ: I think to the extent that, to the extent that a cross-examination question is asked directly to one of the witnesses on the panel, it shall be that witness that responds.

MR. HUTHER: That's not a problem. In fact, we were offering them both as a panel mainly for the benefit of those doing the cross-examining so that we don't have one witness punting to another and you'd have them both at the same time. So --

COMMISSIONER BAEZ: Very well. Continuing.

MR. HUTHER: Following the Richter/Dye panel, we would propose that Mr. Sovereign, Allen E. Sovereign appear, then James H. Vander Weide, to be followed by the panel of Francis Murphy and Timothy Tardiff, whose testimony was, surrebuttal testimony was filed jointly.

COMMISSIONER BAEZ: Okay.

MR. HUTHER: That would complete all of the Verizon witnesses in this case. And having said that, I would note that Dr. Vander Weide is only available to appear in this case on, I believe, the final day of the hearing, which is May 1st. So although we've presented them in this order, to the extent his schedule does not free up, we would seek leave to take Dr. Vander Weide out of order, assuming that we'll be well through with the Verizon witnesses by the final day of hearing.

COMMISSIONER BAEZ: You'll have -- I'm certain you'll get a chance to confirm his availability as we get closer to the, to the hearing dates, and to the extent that you do know in advance, please let Staff counsel know so that we can make the, you know, whatever necessary arrangements need to be made. I don't, I don't necessarily think we're going to need to amend the prehearing order. It's probably something that we can shift on the fly along the hearing.

MR. HUTHER: All right.

COMMISSIONER BAEZ: But as soon as you do know, as

soon as you have some hard confirmation, please let us know.

MR. HUTHER: I will.

COMMISSIONER BAEZ: Thank you. That takes care of the Verizon witnesses.

Any -- Mr. Fons, do you have any issues -- you don't have any witnesses that you're sending up; is that correct?

MR. FONS: No, we have witnesses. But the issue is whether or not -- and we'll get to that, I guess, when we get to our section. So I'll just hold off talking about that until that point.

COMMISSIONER BAEZ: Okay. Mr. Hatch?

MR. HATCH: I'm sorry. I was kibitzing with Ms. Canzano. My apologies.

COMMISSIONER BAEZ: No, that's okay. The other parties then are the Intervenors and the, I'm showing some ALEC Coalition. Is there any -- are there any issues concerning the order of witnesses, of you-all's witnesses?

MR. HATCH: We're fine with the order. That's what we were just discussing.

COMMISSIONER BAEZ: Okay. Mr. McGlothlin? Ms. Kaufman? Mr. Self? Good.

And we're going to take up Mr. Fons when we go to the paper, when we discuss how we're going to treat their portion of the docket.

MR. FUDGE: Yes, Commissioner.

COMMISSIONER BAEZ: Okay. Mr. Huther, back to you.

MR. HUTHER: Commissioner, I just realized --

COMMISSIONER BAEZ: Yes.

MR. HUTHER: -- that there may be one other change that we need to make to this section of the order.

On Page 9 under the heading of "Supplemental," you'll see two witnesses there, Mr. Hunsucker and Dr. Ford.

COMMISSIONER BAEZ: Uh-huh.

MR. HUTHER: I think we also need to include the anticipated testimony filed by Dr. Tardiff and Mr. Murphy which we discussed at the beginning of this conference that we hope to have filed on, this afternoon, but if not this afternoon, then on Monday.

COMMISSIONER BAEZ: Would Staff make that reflection on the, on the order? We do have --

MR. FUDGE: Yes, Commissioner.

COMMISSIONER BAEZ: -- additional supplemental testimony coming in, so to the extent that we can reflect that. Thank you, Mr. Huther.

Basic positions on the issues.

MR. HUTHER: I haven't noted any problems with respect to the Verizon issues.

COMMISSIONER BAEZ: No changes? Mr. Fons, do you have any changes?

MR. FONS: Not with, not with respect to the Verizon

issues.

COMMISSIONER BAEZ: With respect to your issues, or is that something that we need to hold off on?

MR. FONS: I think if we could wait until we get -- I thought we were going to bifurcate it.

COMMISSIONER BAEZ: I keep doing that to you and I'm sorry. I just don't want to pass you up. Mr. Hatch or Ms. McNulty?

MS. McNULTY: Basic position is fine for the ALEC Coalition, and all of the issues and positions for that matter.

COMMISSIONER BAEZ: Mr. McGlothlin, any changes?

MR. McGLOTHLIN: We find no changes to make for Z-Tel.

COMMISSIONER BAEZ: You know, and I want to apologize, Mr. Bastiampillai. You're out there and I'm -- please don't -- forgive my rudeness. But if you need to speak up, I can't see you raising your hand, so you're going to have to scream loud so I can pay attention to you.

MR. BASTIAMPILLAI: Actually because of the Verizon part of the docket we're part of the ALEC Coalition.

COMMISSIONER BAEZ: Okay.

MR. BASTIAMPILLAI: So you won't hear from me probably until the Sprint section.

COMMISSIONER BAEZ: That's fine. I just -- my apologies. I didn't want you to think I'd forgotten you.

MR. BASTIAMPILLAI: No problem. Thank you.

COMMISSIONER BAEZ: But you -- but all means, take me at my word, you speak up if you need to make comment on anything. All right?

MR. BASTIAMPILLAI: Okay. Thanks.

COMMISSIONER BAEZ: I'm sorry. Mr. McGlothlin, we were with you. Do you have any changes to your positions or issues?

MR. McGLOTHLIN: No, sir.

COMMISSIONER BAEZ: Ms. Kaufman?

MS. KAUFMAN: Yes. We just have two very minor changes to Covad's, some of Covad's positions.

The first one is on Page 26, the third line in the middle.

COMMISSIONER BAEZ: Uh-huh.

MS. KAUFMAN: The word there should be of, O-F, not on.

COMMISSIONER BAEZ: All right.

MS. KAUFMAN: And then the other minor one is on Page 39, midway where it has Issues 8 through 19.

COMMISSIONER BAEZ: Right.

MS. KAUFMAN: The first word in the sentence needs to be capitalized. And that's all we have.

COMMISSIONER BAEZ: Mr. Self?

MR. SELF: KMC does not have any changes or

corrections to its positions.

COMMISSIONER BAEZ: Okay. Great. And now we can -- Mr. Bastiampillai, do you have any changes or have you -- because I'm, I think I remember y'all providing your own positions on some issues.

MS. McNULTY: Commissioner Baez, I believe FDN for the Verizon piece, they're part of the ALEC Coalition.

COMMISSIONER BAEZ: For the Verizon, okay. So we'll hold them up.

MR. BASTIAMPILLAI: Yes, for the Verizon.

COMMISSIONER BAEZ: You're holding -- okay.

MR. BASTIAMPILLAI: Yeah. We're part of the ALEC Coalition.

COMMISSIONER BAEZ: Is now the time to move to take up issues and positions or are we actually really going to hold Sprint off before we get to the proposed stipulations?

MR. FUDGE: I think we can move on to the Sprint issues and positions now.

COMMISSIONER BAEZ: Okay. Mr. Fons?

MR. FONS: Yes, Mr. Commissioner. There are a couple of issues that need to be raised with regard to the, to the issues, and I guess this is the appropriate point to do it.

Sprint wants to point out that only, there have only been three witnesses that have filed any testimony with regard to Sprint. That's Mr. Draper of the Staff on cost of capital

and only on that issue, Mr. Ford of Z-Tel with regard to Sprint and only on the issue of cost of capital, and then Mr. Wood of KMC, who has addressed basically the rates and nothing on the costs. So that the only issues for which there is live testimony or prefiled testimony is on cost of capital and to some degree to the rates, which would be Section 9.

I think it's appropriate to point out that a number of parties who have not filed testimony in this proceeding are taking positions on issues, and we want to make sure that any position that they are taking on issues is not based upon testimony that they have filed in the Verizon case. And I want to point out that apparently there is some thought that that might be their position because if you'll look at Issue 3 on Page 49, KMC, in its position, says, "Agree with AT&T, WorldCom and FDN, but apply to both Sprint and Verizon."

AT&T and WorldCom have not filed any testimony or taken any position with regard to Sprint in their prehearing statements. And so the only party that's taken any position with regard to Sprint is FDN, and FDN has not filed any testimony on any of the issues in the Sprint proceeding.

I think that at the very least the, KMC's position should say, "Agree with FDN but applied to Sprint," but I don't think that you can loop together both AT&T, WorldCom and Verizon in the Sprint section of this and I want to point that out.

I'd also like to make it, point out, also, that the, without any testimony from these witnesses, they're going to be left with taking the record as they find it with the rest of the information. I want to make sure that everybody agrees that there will be no drifting of testimony from the Verizon portion of this proceeding over to Sprint.

I'd also like to point out that the prehearing statement positions are nothing more than positions, they are not record evidence upon which this Commission can make a decision. But I think we need to clarify these positions so that it's, none of this gets mixed together for Sprint.

COMMISSIONER BAEZ: Okay. Mr. Self, KMC is yours, and is there a clarification that's appropriate or --

MR. SELF: Yes, sir.

COMMISSIONER BAEZ: Explain your intent of the comment.

MR. SELF: I don't necessarily disagree with what Mr. Fons said. At the time that we were preparing and filing the prehearing statements, I wasn't sure how the prehearing order was going to be laid out. I have no, no problem with revising these position statements that refer to the other and get them cleaned up to either say "agree with FDN" or say "no position" or set forth something else.

COMMISSIONER BAEZ: Is this something that you're ready to say which alternative you're -- and I'm not trying to

put you on the spot. If it's a decision that you all have to make off-line, that's, that's fine.

MR. SELF: If I could have until, say, the end of the day Monday.

COMMISSIONER BAEZ: And you'll get in contact with Staff?

MR. SELF: Yes.

COMMISSIONER BAEZ: Suffice to say, Mr. Fons, that that position is going to be modified to reflect some level of accuracy so that we address your concern.

MR. SELF: And there are several issues where there is that kind of statement, so all of those would, would be correct.

COMMISSIONER BAEZ: Did you, did you intend -- I'm assuming you intended that to be some blanket wherever the instance occurred that it should be addressed that way, it wasn't just to these issues specifically?

MR. FONS: I'm not sure I'm --

COMMISSIONER BAEZ: Well, to the extent that it, that it does occur, I mean, you weren't pointing up Issue 3 specifically -- okay. As an example.

MR. FONS: I was just using that as an example. You're absolutely --

COMMISSIONER BAEZ: Mr. Self, I'll leave it to you to identify where your positions are inconsistent in that way.

And then based upon whatever your decision is, please communicate it to the Staff so that we can accurately reflect KMC's position or an adoption of a position.

MR. SELF: Thank you.

COMMISSIONER BAEZ: On the second, on the second issue that Mr., that Mr. Fons raises, it's, it's an important one in my mind, but I'm curious as to what, you know, how do we, how do we clarify that? I mean, I always thought it to be an understanding. We are running two dockets or certainly two companies and there has to be some degree of separation.

Is, is there, I mean, is there any clarification or any statements in the prehearing order that should, that would be appropriate in order to encompass that notion that, you know, we should avoid bleeding testimony from one to the other?

MR. FUDGE: I think it will be clear once we go to hearing because we're going to do the, we have proposed to do the Verizon first and then the Sprint second.

COMMISSIONER BAEZ: The physical separation should be enough?

MR. FUDGE: Yeah. And then when, if they try to refer to transcript testimony in the Verizon case --

COMMISSIONER BAEZ: It will become apparent that -- yeah. Right.

MR. FONS: But since we file simultaneous briefs, I won't know that somebody is citing to the Verizon portion of

the docket until I receive their brief, and I will not have an opportunity to point out that they're using Verizon testimony to support a position in the Sprint portion of the proceeding.

COMMISSIONER BAEZ: But on that, let's, let's deal with the reality for a moment or at least my reality, which may not be yours.

You're not going to know whether -- and just based on the assumption that we do have some clarifying language and that, and that all this has been discussed, that, that we say, you know, you, you can't refer, you know, that there will be no, no using testimony for Verizon as a basis for, for the brief, even if we handle all of that ahead of time, aren't you going to have to perform the same back check in the end or am I missing something?

MR. FONS: No. I'll have to do the same back check. But I would like to have some recognition of the problem, and the preferred solution is that you don't --

COMMISSIONER BAEZ: Is that --

MR. FONS: -- provide any records so that if the issue comes up after the fact, then I can point back to the prehearing order saying you can't do that.

COMMISSIONER BAEZ: Ms. Canzano -- Ms. McNulty. Sorry.

MS. McNULTY: That's okay. I certainly understand Mr. Fons' concern. I'd just like to point out for the Verizon

portion of the case, one of our witnesses refers to some of the Sprint testimony as it applies to our witnesses' position in the Verizon portion of the case. I just want to be, raise that concern as it applies to the Verizon portion of the case.

COMMISSIONER BAEZ: Are we drawing Mr. Huther into this?

MS. McNULTY: We probably are.

MR. HUTHER: Probably so.

COMMISSIONER BAEZ: You don't have a crystal ball in here, but --

MR. HATCH: What appears to be happening is Mr. Fons is actually now trying to bifurcate the records of both proceedings. The whole proceeding was never designed that way from the beginning so -- if it had been, that would be okay. But there is some bleeding back and forth obviously as to how this thing is shaping up.

COMMISSIONER BAEZ: But --

MS. McNULTY: Oh, sorry. I'd just like to add one more thing that may alleviate this problem.

I do believe the portion of the testimony that our witness covers relates to deaveraging and we do have a proposed stipulation on the table that perhaps Mr. Huther could look at that would help resolve the problem.

MR. HUTHER: I'm unfamiliar with that proposal, but we can --

MS. McNULTY: We can talk about it during a break.

MR. HUTHER: Yeah.

MR. FONS: If we had known upfront that it's a possibility that some witnesses that the ALEC Coalition has put in this record that would impact the cost studies and the prices that Sprint has put on the table, we would have participated in that portion of the docket with the idea of then having to cross-examine those witnesses with regard to how that applies to Sprint-Florida. That was not ever made apparent to us. So all we're saying is, is that these two proceedings kind of went along on separate tracks. While they were melded together, they were treated separately as far as the testimony is concerned. And as some of the parties have indicated, their positions only go to Verizon or only go to Sprint.

COMMISSIONER BAEZ: I mean, that was -- I think the consolidation of the dockets was not, at least my understanding of it was really for purposes of efficiency only and not, not with the intent that it should all be mushed together, to borrow a term from Mr. Dowds here. But, you know, I mean, is that, is that your understanding of the purpose?

MR. HATCH: Yes. That was the understanding of the purpose. But the practical effect is we're not -- anything in our testimony, we're not advocating anything in our testimony vis-a-vis what should happen with Sprint. The only thing that

gives us pause in this whole discussion is that Sprint has described a deaveraging methodology and we have referred to that and incorporated chunks of that into our testimony as it was filed in the docket. Now if there were going to be completely separate proceedings and if we wanted -- there would be other mechanisms to drag that back in another way. We just didn't do it because that's not how the proceeding was set up structurally.

COMMISSIONER BAEZ: Are we past the point where you can adjust to that without great difficulty, I guess?

MR. HATCH: I'm not sure. I just don't --

COMMISSIONER BAEZ: We need to find, we need to find a solution to that. Because I think -- and some of the problems with, with holding two, taking two of these major dockets together somehow is that you get issues like this. But I've always felt that if it's just for a physical, for physical efficiency's sake is to get all the witnesses in the same room at the same time rather than the expense of having to bring them back twice. And those are really the issues of holding these two dockets together, but it's never been in a substantive way. And I realize your situation that somehow that's happened, but no good deed goes unpunished, I guess. So it's -- you know, what I'm seeing now, Mr. Hatch, is that we're getting physical segregation poured back into the situation because I think for the Commissioners it's a little bit easier

to know that, all right, we're talking Sprint now or we're talking Verizon now instead of having to switch, switch gears, you know, switch back and forth between them during the course, during the course of an entire hearing.

MR. HATCH: I can't tell you that it is a specific problem without having, looking at it more closely because I just hadn't considered it before now.

COMMISSIONER BAEZ: Well, my idea is this. I think, I think we need to, we need to clarify what the parameters are on this point. I don't -- I'm not sure that we can find a solution at the table here right this second, but it is certainly something that, that we need to address. And I'm, I'm not even smart enough right now to tell you what the appropriate, the appropriate method to address it is. I would leave it, I would leave it to you all. Just be sensitive to the, you know, the, the logic behind some of the points that are being made and let's try and, let's try and work out a solution, you know, mechanically to come up where everybody is happy.

MR. HATCH: Yeah.

COMMISSIONER BAEZ: And I would urge you to keep Staff informed of how -- and Staff, as well, come up with a solution, I guess. If it's as simple as just saying, all right, these are the lines and, you know, everybody has to stick to them and you all adjust as best you can, that, that

may be, that may be as much as we can do. But I would urge everybody to try and address this issue as well because it could get confusing up here. That's the last thing I want.

MR. FUDGE: Yes, Commissioner. We're meeting after the prehearing conference and we'll try to work that out.

COMMISSIONER BAEZ: Excellent. Excellent. Just put that on your list of issues.

Who was up? I'm sorry. Mr. Fons.

MR. FONS: I was up. I leaped into the issues. I guess what we really need to do is also go back to the order of witnesses, if that's appropriate.

COMMISSIONER BAEZ: Okay. I'll let you do that now since we've already got you.

MR. FONS: Okay. Sprint would propose that with regard to its witnesses, that Michael Hunsucker be the first witness on its list so that it would be Hunsucker, Cox, Davis, and then if we could move Mr. Dickerson to last behind Mr. Staihr since the witnesses preceding Mr. Dickerson, except for Mr. Hunsucker, are, provide inputs to the cost study. So it'll be Hunsucker, Cox, Davis, Fuller, who is adopting Mr. Talken's testimony, Mr. Staihr and then Mr. Dickerson.

And, again, those witnesses would all give their testimony both to direct and their rebuttal. And I'd also point out that Mr. Hunsucker's supplemental testimony, which is identified on Page 8, is really supplemental to his direct

testimony, we discovered an error in his testimony, and that this supplemental testimony was really correcting that. But since they're testifying all at the same time, it really doesn't make any difference.

And I would assume, therefore, that there would be three additional witnesses in the Sprint portion of the proceeding, and anybody can tell me if I'm wrong, but it would be David Draper on cost of capital, Frank Wood on the issues he's identified for, and some portion of George Ford's testimony. I don't know how we bifurcate him since he's got that all smushed together, to borrow David Dowds' word.

COMMISSIONER BAEZ: We're giving Mr. Dowds -- we're making him uncomfortable quoting him so much, but that's what you get for brilliance.

Is there any -- I mean, is that everybody's understanding?

Staff, any, any issue with that order?

MR. FUDGE: No. We're fine with that.

COMMISSIONER BAEZ: You're okay with the order of witnesses? All right. Let it, let it reflect -- and, I'm sorry, you'll have to give that to me again. Hunsucker first, Cox, Davis.

MR. FONS: Fuller.

COMMISSIONER BAEZ: Fuller.

MR. FONS: Staihr.

COMMISSIONER BAEZ: Right.

MR. FONS: And then Dickerson.

COMMISSIONER BAEZ: And then Dickerson. And they don't have any availability issues?

MR. FONS: Not at this time. Although what we would suggest is if the first two days of the hearings could be set aside for Verizon, and then the Sprint witnesses would all come in on Wednesday, the third day, that would probably work best.

COMMISSIONER BAEZ: That puts you in --

MR. HUTHER: That is fine.

COMMISSIONER BAEZ: Because you're only looking at -- I don't know how many witnesses we're looking at Wednesday or the third day for Verizon.

MR. FUDGE: Well, there was only that one party, that one witness that had to come on May 1st.

MR. HUTHER: That would only be potentially Dr. Vander Weide.

COMMISSIONER BAEZ: Dr. Vander Weide. Any objections?

MR. BASTIAMPILLAI: This is Mr. Bastiampillai. For the purposes of the Sprint witnesses, I guess this is affected by what the term for the proposed stipulation would be. Are they just coming in to enter in their testimony and exhibits?

MR. FUDGE: This is in case the stipulation that everybody has agreed to falls through.

MR. BASTIAMPILLAI: Oh, okay.

MR. FUDGE: Then we would have an order of witnesses if they all had to show up.

MR. BASTIAMPILLAI: Okay.

COMMISSIONER BAEZ: At the end of all this we may have nothing to worry about.

MR. FONS: Hopefully that's the case. I'm just assuming --

COMMISSIONER BAEZ: Right.

MR. FONS: But in any event, we have to have some time set aside for parties to come in and enter their testimony into the, into the docket, into the record, do we not?

MR. FUDGE: No. Usually we just have it stipulated that all the testimony, exhibits --

COMMISSIONER BAEZ: I'm not sure that we're going to need physical, the whole --

MR. FONS: Well, we may need to set some time aside if we cannot resolve some, what will, I think, turn out to be some objections to certain items that may, some people may be wanting to put into the record in the Sprint proceeding. But we'll try to work that out.

COMMISSIONER BAEZ: The stipulation may not come back 100 percent, is that what you're saying?

MR. FONS: 100 percent. Right.

MR. SELF: Commissioner?

COMMISSIONER BAEZ: Yes. Sorry.

MR. SELF: KMC's witness, Mr. Wood, filed a single set of testimony which in part addressed Sprint and in part addressed Verizon. I'm assuming it would be the Commission's preference to just have him appear one time, not twice, assuming this stipulation doesn't work out.

COMMISSIONER BAEZ: Right. And depending -- I think that's probably the case, what we're trying to achieve, although it may not work out that way. But I think for one witness, for this particular witness that will probably be correct.

The -- and, again, I'll remind you that we do have some, y'all have some talking to do into how you're going to deal with that so that --

MR. SELF: Well, I raise the issue only if there is not a stipulation with respect to Sprint. It may be best -- if the Verizon people are going to not be present during the Sprint piece and the Sprint counsel is not going to be present during the Verizon piece, we may need to address Mr. Wood in the middle.

COMMISSIONER BAEZ: Yes. I see your point.

MR. FONS: I'm just afraid that if Mr. Wood is going to start talking, he's going to start talking Sprint and Verizon. I can't imagine that he's going to be so careful as to --

COMMISSIONER BAEZ: Well, and I guess that's the purpose of putting him in a position where you're going to be present to kind of remind him that that's probably not what he's supposed to be doing.

MR. FONS: Yes.

COMMISSIONER BAEZ: Mr. Wood's order is going to have to be held for, for further, you know, further determination. But I'll leave that for you all to work out; just noticing the situation that his testimony may, in fact, be difficult to segregate. And with the purpose of only trying to bring him up once, as we want to do with all the witnesses, he may have to, his order may change somewhere so that both counsel can be present and have access to him.

MR. FONS: I think the same would apply to Dr. Ford as well since his cost of capital testimony addresses both Sprint and Verizon.

MR. FUDGE: The same would be true of Mr. Draper. Staff proposes that we just take all, the three witnesses that have overlapping (phonetic) testimony at the end of the Verizon docket and before the beginning of the Sprint.

COMMISSIONER BAEZ: Does that seem -- does that seem like -- will that keep everybody on -- that'll keep everybody on --

MR. FONS: Yes.

COMMISSIONER BAEZ: That seems fair.

Where were we, Mr. Fons?

MR. FONS: I think that's where we were. I have nothing further at this point on either the order of the witnesses or the issues.

I guess the next -- I'll turn it back to you.

COMMISSIONER BAEZ: Thank you so much. And you were doing so well, too.

Any other -- does that -- I think that -- are there any changes to positions that have to be made as regards Sprint issues?

MR. BASTIAMPILLAI: Yes. This is Harisha Bastiampillai. There is -- on Page 60 there are just a couple of typos.

COMMISSIONER BAEZ: Is that 60?

MR. BASTIAMPILLAI: Yeah. In the FDN position the paragraph starting, "Sprint's work times," the acronym "SEE" is used. I think it should be SME.

MR. FUDGE: That's on Page 58, Commissioner. I've reflected that change.

MR. BASTIAMPILLAI: Okay. Great.

COMMISSIONER BAEZ: All right. Anything else?

MR. BASTIAMPILLAI: That's it.

COMMISSIONER BAEZ: That's it? Going back to the rest of the parties, are there any -- did I see you indicate that you didn't have any changes to the Sprint, to the Sprint

issues from the parties? Okay.

All right. I think we've come to the stipulations. Is that --

MR. FUDGE: I think Mr. Huther has --

COMMISSIONER BAEZ: I'm sorry?

MR. FUDGE: Mr. Huther has an issue with the exhibits that he'd like to bring up.

MR. HUTHER: I do. There -- I'm sorry. There are, I believe, two, three items that were omitted from the list of exhibits.

With respect to Mr. Trimble's testimony, there is a wholesale UNE pricing schedule that he has included that does not appear here, and I'm not sure that it even has a number on it. But I would propose that we mark it as, excuse me, DBT-4, entitle it the "Wholesale UNE Pricing Schedule."

MS. McNULTY: Mr. Huther, this is Donna McNulty. Where would we find that exhibit?

MR. HUTHER: I am -- I believe it accompanied his direct testimony, but I'm not certain of that. And I will be glad to circulate the exhibit again or --

MS. McNULTY: Our point is just to make sure we can identify it.

MR. HUTHER: Sure.

MS. McNULTY: Thank you.

MR. SELF: Excuse me, if I may. Is that the exhibit

that had both the nonrecurring and the recurring charges in a single exhibit?

MR. HUTHER: I believe it is.

MR. SELF: Okay. I've seen that but I don't recall seeing it with the testimony. I think maybe it was filed as an attachment to a cover letter.

MR. HUTHER: Yeah. I'm at something of a loss to place it within the context of the testimony. But I think it's, number one, a helpful exhibit and one that I think that we ought to include in this list.

MR. SELF: I would agree with that.

COMMISSIONER BAEZ: No objections, Staff?

MR. FUDGE: We're fine with that, Commissioner.

COMMISSIONER BAEZ: Okay. We'll show, we'll show Exhibit DBT-4 proffered by Witness Trimble titled "Wholesale UNE Schedule." Is that --

MR. HUTHER: Yes.

COMMISSIONER BAEZ: Is that what you're -- okay.

MR. HUTHER: I would note, also, with respect to DBT-3, the deaveraging proposal, that a portion of that was filed as confidential. And to the extent that that should be noted in this, I wanted to raise it.

COMMISSIONER BAEZ: Is that part of the confidentiality request that we have pending?

MR. FUDGE: I think it is, sir.

COMMISSIONER BAEZ: It is? It is or it isn't?

MR. FUDGE: It is.

COMMISSIONER BAEZ: It is? Okay.

MR. HUTHER: Next, with respect to David G. Tucek's testimony, we do not have noted here perhaps one of the most important exhibits of Verizon's filing, which is the ICM-FL cost study which has been filed as confidential along with Mr. Tucek's testimony. And I would suggest that we mark that cost study filing as DGT-3. I'm sorry. D --

COMMISSIONER BAEZ: I'm showing 3, is that --

MR. HUTHER: DGT-3. Yes. That's right.

COMMISSIONER BAEZ: Parties? No objections? Okay. Anything else?

MR. HUTHER: On Page 92 -- is that the old version?

COMMISSIONER BAEZ: You're off the chart.

MR. HUTHER: I'm off the chart. I'm working from the draft that was circulated earlier. Page 92 -- it would be Page 77 of the current draft, Commissioner.

COMMISSIONER BAEZ: Okay.

MR. HUTHER: And I see Mr. Fudge has already fixed it. I was going to suggest including the "Impact Of The C. A. Turner And Calibration On Fixed Allocator" as DGT-6, and that's been accomplished.

COMMISSIONER BAEZ: No foul then?

MR. HUTHER: Pardon me?

COMMISSIONER BAEZ: No problem then?

MR. HUTHER: No, no problem at all.

And then the last issue with respect to exhibits is we should probably note that there may be exhibits associated with the supplemental rebuttal testimony filed by Dr. Tardiff and Mr. Murphy in response to Dr. Ford's supplemental filing.

COMMISSIONER BAEZ: And that will be reflected in the order, if, if timely.

MR. HUTHER: That's all I had. Thank you.

COMMISSIONER BAEZ: That's all you have? Mr. Fons?

MR. FONS: I have nothing with regard to the exhibits.

COMMISSIONER BAEZ: Mr. Hatch? Ms. McNulty? Mr. McGlothlin?

MR. McGLOTHLIN: Nothing to add.

COMMISSIONER BAEZ: Nothing? Ms. Kaufman?

MS. KAUFMAN: Nothing.

COMMISSIONER BAEZ: Mr. Self?

MR. SELF: Nothing further.

COMMISSIONER BAEZ: Mr. Bastiampillai?

MR. BASTIAMPILLAI: I have nothing to add.

COMMISSIONER BAEZ: Nothing? Thank you.

MR. FUDGE: Commissioner?

COMMISSIONER BAEZ: Yes.

MR. FUDGE: Staff would just suggest that those two

exhibits that Mr. Huther just identified that haven't been, that may or may not have been previously filed, if you'll go ahead and file those again so that whenever the other Commissioners try to compile all these exhibits, they have ready access to them in trying to figure out which one.

COMMISSIONER BAEZ: I believe Mr. -- well, with respect to the first one, I think he was going to provide it to everyone.

MR. HUTHER: Absolutely with respect to the first one. The second one, David, David Tucek's exhibit, that's the ICM cost study filing.

MR. FUDGE: Okay.

MR. HUTHER: So I think everybody has that.

COMMISSIONER BAEZ: To the extent, to the extent that it's not in everyone's possession, please let Mr. Huther know. And are we all right there?

MR. FUDGE: That's fine.

COMMISSIONER BAEZ: Okay. Thank you.

That leaves us at the stips, the pending or the proposed stipulations?

MR. FUDGE: Yes, Commissioner.

COMMISSIONER BAEZ: Okay.

MR. FUDGE: We believe the parties have reached a stipulation regarding the Sprint portion of the docket. KMC, Z-Tel, Sprint and Staff have agreed to proceed with a paper

hearing, that includes FDN also, and this would include all the discovery responses, all the depositions and late-filed exhibits and the prefiled testimony.

COMMISSIONER BAEZ: We have agreement on the stipulation, everyone?

MR. SELF: Yes, sir.

COMMISSIONER BAEZ: Any comments? Okay. We can accept it then.

Now let's clarify quickly who's out now and what, what the effect of the stipulation is going to be for the record.

MR. FUDGE: The only thing that this doesn't include is the testimony of Dr. Ford. That would also need to be included in the stipulation.

COMMISSIONER BAEZ: Okay. Well --

MR. McGLOTHLIN: Jason, I didn't hear that. I just heard Z-Tel.

COMMISSIONER BAEZ: Well, Dr. Ford's testimony is in; correct?

MR. FUDGE: It's in, but it wasn't designated as part of the stipulation on this sheet.

COMMISSIONER BAEZ: Is there any -- are there any objections to including Dr. Ford as part of the stipulation?

MR. FONS: My only observation is that, like Mr. Draper and Mr. Ford or Mr. Wood, Dr. Ford's testimony

includes both Verizon and Sprint in it and we're going to have to figure a way to bifurcate that testimony.

COMMISSIONER BAEZ: And that's part, that's part of this, that's part of this further discussion that you're going to have. I mean, I can only, I can only think of making that clear as to what, what impact the stipulation will have on selected portions of, of certain witnesses' testimonies, and we can, you know, we can point them out.

MR. FUDGE: Yes, Commissioner. We're planning on clearing that up next week.

COMMISSIONER BAEZ: Okay. Next are the deaveraging, is the deaveraging stipulation that AT&T, WorldCom and FDN have proposed.

MS. McNULTY: We actually have two proposed stipulations. The first one regards monthly recurring UNE rates for certain UNEs, and the second one relates to deaveraging.

COMMISSIONER BAEZ: They're separate stipulations?

MS. McNULTY: Yes.

COMMISSIONER BAEZ: Okay. Mr. Huther?

MR. HUTHER: Commissioner, this is the first that I've seen this. And just reviewing it quickly, I can't imagine Verizon would have a problem stipulating to the deaveraging proposal since it appears to be the very proposal that Verizon has advanced.

Ms. McNulty, where is the derivation of the proposed monthly recurring rates set forth in the table?

MS. McNULTY: At various sources, but we could talk about that during, during a break.

COMMISSIONER BAEZ: We'll hold -- and I guess -- is there one stipulation that you're, that you're okay with is the deaveraging portion or the deaveraging one?

MR. HUTHER: I think, subject to check with our client, that we shouldn't have any problem with it.

COMMISSIONER BAEZ: Well, then let's not rule on those two right now pending you-alls' discussion certainly on the, on the nonrecurring, I'm sorry, on the recurring UNE rates stipulation. We'll give you an opportunity to confirm with your client as to the deaveraging one and you can get back to Staff on that.

Anything else? Any other stipulations pending?

MR. FUDGE: Staff is not aware of any other stipulations.

COMMISSIONER BAEZ: Parties?

MR. SELF: Yes, Commissioner --

COMMISSIONER BAEZ: Yes.

MR. SELF: -- when you were discussing taking official recognition earlier --

COMMISSIONER BAEZ: Uh-huh.

MR. SELF: -- KMC would like to request that the

Commission take official recognition of the Sprint and Verizon Florida intrastate tariffs that each company has filed.

COMMISSIONER BAEZ: I'm sorry. Those were intrastate tariffs?

MR. SELF: Yes. The ones filed with this Commission.

COMMISSIONER BAEZ: I don't think -- do we need to --

MR. FUDGE: That's an actual Commission document, so we don't need to take official recognition of it.

COMMISSIONER BAEZ: I mean, is that -- I just -- is that fair for you?

MR. SELF: It's fine with me. I just didn't want an objection if there was a reference in the brief to something that was in a tariff.

COMMISSIONER BAEZ: Fair enough. We don't need to go through the official recognition then. I think that's -- it's a Commission document, so it's done by default.

MR. SELF: Thank you.

MR. BASTIAMPILLAI: So -- and this is Mr. Bastiampillai. On the official recognition point in regard to the paper filings we'll be using in the Sprint proceeding, we -- I'm not sure how you'd want to handle this. I mean, we would like to be able to have official recognition of, of applicable FCC orders.

COMMISSIONER BAEZ: And, Mr. Bastiampillai, there is --

MR. FONS: That's not a problem.

COMMISSIONER BAEZ: I'm sorry?

MR. FONS: No problem.

COMMISSIONER BAEZ: No problem. I don't think that's going to be a problem. It may, it may be that -- is it anything -- I don't think he has the list that you all have passed around. Is there any possibility that it may have already been recognized? Which, which order are you --

MR. BASTIAMPILLAI: I mean, just we haven't determined yet -- I mean, obviously any relevant orders to the points and issues we may want to cite in the brief.

COMMISSIONER BAEZ: Well, you've got, you've got leave to present those at the hearing and we can have discussion on them depending on what they are. But I'm sure there isn't going to be a problem where it's an FCC order.

But, again, and I think Mr. Feil is here now and he's taking a look at the list. But to the extent of whatever you decide has already been recognized, I don't think that's going to be an issue. Okay?

MR. BASTIAMPILLAI: Okay.

MR. FONS: Before we move on, I'd like to point out one thing that we have not talked about with regard to the issues, and that is that several parties in the Sprint proceeding at several, on several issues have said, "No position at this time." I believe that the traditional

procedure is that they have to take a position or not take a position and, and that this would be the appropriate time that they either take a position or not take a position.

COMMISSIONER BAEZ: The parties that have signified, that don't have a position, I'm assuming everybody understood this, but they do have to have something in, you know, on or off, before the order, before the order is issued. So you'll have some time in the interim at least to contact Staff and submit your positions. I don't know what your preference is, whether they can E-mail them or fax them or --

MR. FUDGE: E-mail is preferable. And Staff requests that all changes to the prehearing order be submitted by Monday at noon so that way we can get the order out.

COMMISSIONER BAEZ: I think that, I think that sounds fair. Everybody got that?

Next we have pending motions.

MR. FUDGE: Yes, Commissioner. The first motion is AT&T/WorldCom's Motion To Compel Discovery from Verizon filed April 3rd, 2002.

Staff recommends that this motion be granted in part and denied in part. Staff recommends that the motion regarding Interrogatory Number 4, which is the various cost studies that Mr. Vander Weide has filed in other states, be granted, that Verizon be compelled to provide that information, but that request should be limited to the last two years instead of the,

until 1997, as AT&T had requested.

The other part of the motion that Staff recommends should be granted is Interrogatory Number 42, and that would pertain to certain OSS information. And, again, Staff recommends that that be granted. But that should be limited to the portion of OSS, to the ordering portion of OSS and any information that would help evaluate the reasonableness of design of Verizon's OSS system.

COMMISSIONER BAEZ: Any comments, Ms. Caswell? Or, I'm sorry, I didn't mean to drag you in. But Mr. Huther?

MR. HUTHER: I'm trying to keep track with Mr. Fudge's recommendations. With respect to 42, Mr. Fudge is --

COMMISSIONER BAEZ: Granting, granting or compelling Interrogatory 4 and in part 42; right?

MR. HUTHER: The recommendation is to reject the motion with respect to --

COMMISSIONER BAEZ: The balance, reject the balance of the motion.

MR. HUTHER: I guess my response would be, as we stated in our written response, the data that's being sought, regardless of whether it's limited in years, remains irrelevant to the focus of this case, which is Verizon Florida's current cost of capital with respect to the first request and assumptions and costs associated with its OSS as of today. The fact that different proposals with respect to cost of capital

may have been made in recent years in other states is of no bearing to this case, given that I think all parties recognize that the cost of capital is a state- and company-specific and a time-based function.

So for those reasons and those that we've stated in our responsive papers, I would oppose even that restricted proposed order.

COMMISSIONER BAEZ: Mr. Hatch?

MR. HATCH: With respect to Mr. Huther's relevancy arguments, the standard for discovery is not relevancy in and of itself. It's reasonably calculated to lead to discovery of admissible evidence, which when you get to the end of the admissible part, that's when the relevancy question pops up.

It is our contention that with Mr. Vander Weide's information, that that is relevant in terms of his testimony here as to the cost of capital of Verizon. What he's testified to in other jurisdictions vis-a-vis Verizon is relevant to the determination here. Verizon Florida is not a unique stand-alone entity. It is part of a much greater whole of the greater collective Verizon. His testimony related there is clearly relevant, to say the least, but notwithstanding that, clearly calculated to lead to discovery of admissible evidence.

MR. HUTHER: If I might briefly respond.

The other point that we've, I think, made very forcefully in our responsive papers is that to the extent that

the Coalition or AT&T wants this, this data, they were involved in all the other proceedings in which they're seeking the data and they are equally capable of scouring the record to find the data they're looking for, and it is not incumbent upon Verizon to produce data that is equally accessible to the requesting party.

COMMISSIONER BAEZ: I'm going to grant the motion, Mr. Huther. I keep hearing "Get it yourself," and that's probably not the attitude that, that we need to be taking on this. But I'm going to go ahead and grant with the limitations. I mean, I know that it's not -- you claim that it's no help to have it limited to two years, but it sounds, it sounds reasonable.

As to, as to Interrogatory 42, the limitations are -- it's also granted with the limitations that the information provided be limited to the OSS design.

What else do we have, Mr. Fudge?

MR. FUDGE: There is a second Motion To Compel filed by AT&T/WorldCom on April 8th, 2002, and Staff recommends that that motion be denied.

In Verizon's response they have indicated that they, although they are not providing a response, what their response would be is indicated in their response, and Staff believes that that would enable AT&T to get the information they have requested.

COMMISSIONER BAEZ: Unless Mr. Huther has anything to add, Mr. Hatch?

MR. HATCH: It is our contention that the response that they provided was a known response, that simply "go get it yourself" isn't a sufficient response.

COMMISSIONER BAEZ: Well, this isn't -- I see a difference to "go get it yourself" and "we've already somehow provided the response," you know, "we provided the response already." To me that's a little, that's a little bit different.

MR. HATCH: Well, when you provide a nonresponse, then you haven't provided a response. I mean, we're into semantics and a circular argument essentially, but nonetheless.

COMMISSIONER BAEZ: I'm going to grant the motion.

MR. HUTHER: Did you say you were going to grant the motion?

COMMISSIONER BAEZ: I'm sorry. This is -- grant --

MR. FUDGE: This is deny the motion.

COMMISSIONER BAEZ: Deny the motion. That's right. I meant the recommendation.

There's another one here?

MR. FUDGE: Yes, sir.

COMMISSIONER BAEZ: I think we have two more. Okay.

MR. FUDGE: Yeah. The third one is Sprint's Motion For Leave To File Supplemental Direct Testimony. I think

responses are due today, but I'm not aware of any party that has an opposition to the motion.

COMMISSIONER BAEZ: Is there any opposition to the motion to file? None? Okay. We'll grant the motion. That has dates attached, yes? Do we need a date? Do we need --

MR. FUDGE: They've already filed the testimony, so --

COMMISSIONER BAEZ: Oh, they have?

MR. FUDGE: Yes.

COMMISSIONER BAEZ: Oh, okay. And lastly is Z-Tel's motion. My understanding is that this motion is very, very recent; right?

MR. FUDGE: Yes, sir. It was filed this week and the time period for responding hasn't run yet.

COMMISSIONER BAEZ: Okay. I'm assuming --

MR. HUTHER: It was filed on Wednesday.

COMMISSIONER BAEZ: You're not ready to make, you're not ready to argue on it at this point? I'm going to hold off on it. I was just checking with you in case you --

MR. HUTHER: I could respond generally, if you'd like.

COMMISSIONER BAEZ: All right. We'll hold, we'll hold that one, we'll hold that motion off until the response time is up.

MR. McGLOTHLIN: May I ask when Verizon intends to

reply to the motion? I did ask for an expedited ruling. So to the extent that the response time can be expedited as well, that would help.

COMMISSIONER BAEZ: What's the response, what's the -- when is the response due?

MR. FUDGE: It would be due Wednesday since it's seven days.

MS. CASWELL: I'm trying to determine how it was served. It's seven plus five, if it was served by mail.

MR. McGLOTHLIN: I think I sent it electronically the same day it was filed.

MS. CASWELL: Okay. So when would it be due?

MR. FUDGE: Wednesday.

COMMISSIONER BAEZ: And Wednesday is not soon enough for you, Mr. McGlothlin? I mean, we're talking three days here.

MR. McGLOTHLIN: Part of the objection was that the information we're requesting would require time to prepare, so to the extent we can shorten the time frame for response, that gives more of a window there.

COMMISSIONER BAEZ: Tuesday?

MR. HUTHER: That's fine.

COMMISSIONER BAEZ: Just to have everybody -- for a response? Thank you.

MR. FUDGE: That's fine, Commissioner.

COMMISSIONER BAEZ: Okay.

MR. FUDGE: And regarding discovery responses that Verizon is compelled to provide, Staff requests that those be filed by close of business Tuesday.

COMMISSIONER BAEZ: Okay.

MR. HUTHER: That is an awfully ambitious schedule, even with a restricted time period. And given that today is Friday and we're going to have to get to witnesses and -- I just don't know that that can be accomplished.

COMMISSIONER BAEZ: I'll leave it to you all to, to, you know, understand what the realities are. If -- but, but Tuesday, Tuesday is on the book. If you've got good reason, that's fine, but I urge you to try and meet the date.

MR. HUTHER: We'll do our best.

MR. FUDGE: Staff requests the same for any outstanding discovery. There have been responses filed that state that they will, they intend to follow-up on the responses, but we have not received any follow-up responses from, from those responses.

COMMISSIONER BAEZ: I'm sorry. And this goes to all the parties?

MR. FUDGE: Yes, sir.

COMMISSIONER BAEZ: They have responses pending?

MR. FUDGE: Yes, sir.

COMMISSIONER BAEZ: We're going to set them as

Tuesday for all the responses that are pending.

Anything else, Mr. Fudge?

MR. FUDGE: I guess we need to set a time limit on when Verizon will file their line-by-line justification for those documents they requested confidentiality on.

COMMISSIONER BAEZ: That is pending. How long has that request been pending?

MR. FUDGE: The request for line-by-line, I think, has been pending about a week.

MS. CASWELL: Yeah. And I apologize. I got -- I was away for most of the week last week. But I got somebody on that yesterday and I told them that needed to be done as soon as possible. I'm sorry it didn't get done sooner.

COMMISSIONER BAEZ: Is Tuesday going to work for you as well?

MR. FUDGE: That will be fine.

MS. CASWELL: Okay.

COMMISSIONER BAEZ: Okay.

MR. HATCH: One point of clarification, Commissioner.

COMMISSIONER BAEZ: Yes. I'm sorry, Mr. Hatch.

MR. HATCH: The disembodied voice through the intercom.

With respect to your ruling on our Motion To Compel, that's Item A in the Staff list, to the extent it was not officially publicly granted, I'm assuming it's denied; is that

correct?

COMMISSIONER BAEZ: That's right. The balance, the balance of the motion is denied. So you have Issues 4 and 42 with their accompanying limitations are what's granted. And I'm showing some confidential, another confidentiality matter.

MR. FUDGE: Yes, sir. AT&T/WorldCom has filed testimony and exhibits under a claim of confidentiality, and Staff would just like to note they have to file the actual request within 21 days of a hearing.

COMMISSIONER BAEZ: You shouldn't have a problem complying with that.

MR. HATCH: My understanding is that all the information that we filed that's proprietary belongs to Verizon, so it would otherwise be covered by a request filed by Verizon. I don't think there's anything that's proprietary that isn't Verizon's in this case.

COMMISSIONER BAEZ: You want to clear that up for me, Mr. Fudge?

MR. HATCH: We can clear it up off the line.

COMMISSIONER BAEZ: Yeah. I mean, I'm showing --

MR. HATCH: I can't do a request for Verizon material, but to the extent there's anything -- I don't think there's anything else.

MR. FUDGE: Yeah. I think it all is Verizon's confidential matters.

COMMISSIONER BAEZ: And they've covered -- would that be covered by, by Verizon's request ultimately?

MR. FUDGE: Yes. That would be an additional request that they'd have to make.

COMMISSIONER BAEZ: They haven't -- so to the extent -- to your knowledge the information that's, that's been requested, the subject information isn't covered by something that's already been by relinquished (phonetic) by another claim.

MR. FUDGE: No, Commissioner.

MS. CASWELL: I believe it is covered.

COMMISSIONER BAEZ: Well, y'all can, I mean, figure out what it is. I mean, there may be some overlap there that takes care of this. Otherwise, you know, to the extent that you're on the hook for an official request, 21 days should, from the hearing, that should cover.

MS. McNULTY: Is it 21 days from the conclusion of the hearing?

COMMISSIONER BAEZ: It says here, after the hearing. Yeah.

MR. HATCH: Yeah. That should be fine.

COMMISSIONER BAEZ: Mr. Fudge, anything else?

MR. FUDGE: No, Commissioner.

COMMISSIONER BAEZ: Parties, is there anything, any other issues that need to be raised?

MR. BASTIAMPILLAI: Yes. Your Honor, this is Mr. Bastiampillai.

On the issue of the page limit for the briefs, would there, I mean, would there be separate briefs for the Sprint and Verizon portions of this docket?

MR. FUDGE: Yes. Yes.

COMMISSIONER BAEZ: Yes. The, the page limit as stated is for two -- these are two dockets, aren't they?

MR. FUDGE: It's one docket that has been --

COMMISSIONER BAEZ: But it's per ILEC, is that your understanding or your intention?

MR. FUDGE: Yes, sir. That way we would avoid any bleed over, as Mr. Fons indicated.

COMMISSIONER BAEZ: We're coming up with solutions as we speak. That's terrific.

Yes, Mr. Bastiampillai, that page limit applies per ILEC.

MR. BASTIAMPILLAI: Okay. Thank you, Your Honor.

COMMISSIONER BAEZ: Anything else? Mr. Fons?

MR. FONS: Yes. The pending confidential matters, were you going to be, were you being asked to rule on all those today? Because there's a pending Sprint one.

MR. FUDGE: Those will be issued in separate orders.

MR. FONS: Okay. That's fine.

COMMISSIONER BAEZ: Yeah. We're issuing them

separately. Okay. Is that everything?

MR. FUDGE: I think so.

COMMISSIONER BAEZ: Mr. Huther?

MR. HUTHER: Everything with respect to the pending confidential matters or the entire order?

COMMISSIONER BAEZ: Speak now or hold your peace, my friend.

MR. HUTHER: Issue Number 13 on Page 83 under the heading "Decisions That Impact Commission's Resolution Of Issues."

COMMISSIONER BAEZ: I'm sorry. Page 83, you said?

MR. HUTHER: Yes.

COMMISSIONER BAEZ: Okay.

MR. HUTHER: Verizon noted in its prehearing statement the Supreme Court's anticipated decision in the Iowa Utility Board's case emanating from the 8th Circuit.

MR. FONS: And I would join Verizon in that respect. That decision could significantly impact any decision that the Commission is making at this point in time on --

COMMISSIONER BAEZ: Can you provide that information to Mr. Fudge?

MR. FUDGE: I'll just indicate it in a prehearing order.

COMMISSIONER BAEZ: I'm sorry?

MR. FUDGE: I think they have provided it. I'll just

indicate it in the prehearing order.

COMMISSIONER BAEZ: Okay.

MR. HUTHER: It's within our prehearing statement.

COMMISSIONER BAEZ: Fair enough. Just make that change.

All right. I want to thank you all for hanging in with me. And let's, let's hope it goes as smooth as it did today, I hope, maybe even better. Have a good morning, everyone. We're adjourned.

(Proceeding concluded at 10:57 a.m.)

STATE OF FLORIDA)
: CERTIFICATE OF REPORTER
COUNTY OF LEON)

I, LINDA BOLES, RPR, Official 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' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 23RD DAY OF APRIL, 2002.

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