

PARTICIPATING:

2 JAMES MEZA, III, ESQUIRE, and NANCY SIMS, ESQUIRE,
3 representing BellSouth Telecommunications, Inc.

4 NICK SAKHNOVSKY, ESQUIRE, representing himself,
5 participating telephonically.

6 BETH KEATING, ESQUIRE, representing the Florida
7 Public Service Commission Staff.

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CHAIRMAN BAEZ: We're now on Item 4, Commissioners.
Mr. Sakhnovsky, are you on the line?

MR. SAKHNOVSKY: Yes, sir.

CHAIRMAN BAEZ: I'm sorry, sir, I'm not sure, I'm not
sure I heard you. Are you there?

MR. SAKHNOVSKY: Yes, sir.

COMMISSIONER BAEZ: Okay. Great. You're going to
have to speak up for us, if you don't mind.

MR. SAKHNOVSKY: I'm sorry. Thank you for the
opportunity.

CHAIRMAN BAEZ: Ms. Keating.

MS. KEATING: Commissioners, Item 4 is staff's
recommendation on BellSouth's request for a waiver of Order
Numbers 12765 and 13476 to change the name of the interstate
toll access charge from FCC charge for network access to FCC
authorized charge for network access. I believe the company is
here and, as you are aware, there are people on the phone.

CHAIRMAN BAEZ: Mr. Meza.

MR. MEZA: Yes, sir. Jim Meza and Nancy Sims on
behalf of BellSouth. We're here to support staff's
recommendation and answer any questions.

CHAIRMAN BAEZ: Thank you, sir.

Mr. Sakhnovsky, you had some comments, sir?

MR. SAKHNOVSKY: Yes, sir. Thank you for the

1 opportunity, and I want to also thank Ms. Sims and Beth Salak
2 on your staff because I've been working with another gentleman
3 here in South Florida for a little bit over a year on this and
4 we found the cooperation level to be very high. It's a very,
5 basically finer point that I have, not to do with the title,
6 because I think I'm fully in support of using the word
7 "authorized" because under the FCC Rule Part 69.1 as updated,
8 because the original one was about 20 years ago and it's been
9 changed, the language, over the years, I think that is
10 appropriate.

11 The only issue I have is just to actually further
12 simplify the explanatory line so that actually reference to
13 recovering costs is deleted because indeed the FCC rule doesn't
14 refer to recovering costs. And in my discussion with staff in
15 Washington on this, they indicated that that was done on
16 purpose by the FCC because initially 20 years ago when the
17 original rule was made there was, let's say, more language to
18 that effect, but that's been deleted over the years. And I'd
19 like to just keep it simple and make the explanatory language
20 to the effect the charge authorized by the Federal
21 Communications Commission for interstate or foreign
22 telecommunications access, which is basically the language used
23 in Part 69.1.

24 CHAIRMAN BAEZ: Thank you, Mr. Sakhnovsky.
25 Commissioners, any questions? Or, Ms. Keating, you were going

1 to --

2 MS. KEATING: I think we just wanted to clarify and
3 point out that the explanatory phrase that Mr. Sakhnovsky is
4 referring to is not actually part of our recommendation.

5 CHAIRMAN BAEZ: And can you draw me a picture,
6 because I'm not seeing it? What Mr. Sakhnovsky is referring to
7 is an additional line perhaps under -- that has a description.

8 MS. KEATING: That's correct.

9 CHAIRMAN BAEZ: Okay. And, Mr. Sakhnovsky, I just
10 want to be clear, what you're suggesting is that the line not
11 be deleted but altered with the words that you have offered?

12 MR. SAKHNOVSKY: Yes. Actually I didn't -- I wasn't
13 aware that the PSC didn't regulate the explanatory line. I
14 figured that was just part and parcel of the same thing. If
15 indeed it's not something that y'all regulate, then I could
16 probably just discuss this with BellSouth. But since it is
17 part of the bill, I just assumed that the whole, the actual
18 line item plus explanatory line was part of your purview.

19 CHAIRMAN BAEZ: Ms. Keating, you want to clear that
20 up for us, please?

21 MS. KEATING: I don't -- I didn't intend to say that
22 we don't regulate it or approve it. What I intended to say, it
23 was simply not part of BellSouth's petition. BellSouth
24 petitioned for a waiver to change the title, and that is what
25 staff has addressed in the recommendation. It was only after

1 staff's recommendation was filed that we became aware that
2 there were also perhaps issues related to the explanation of
3 that line charge.

4 MR. SAKHNOVSKY: If I may, if BellSouth has no
5 problem with what I'm suggesting, then I would suggest that
6 this is easily solved.

7 CHAIRMAN BAEZ: Ms. Sims, you were going to --

8 MS. SIMS: Yes. Nancy Sims with BellSouth. We --
9 one of the problems we have with changing the explanation at
10 this time is that we have a regional bill, and it was very easy
11 to add the word "authorized" after "FCC" and we got agreement
12 from all nine states. To change the explanation is going to
13 take a major project and time, programming efforts. It's not
14 necessarily that we're opposed to looking at options for
15 changing the language, it's just at this time there's no
16 project in the works to change it now. There is the NASUCA
17 petition at the FCC which is addressing changes in format,
18 truth in billing and so forth. Now something may come out of
19 that that might change some of the descriptions on some of
20 these charges, not only subscriber line charge but possibly
21 universal service charge, and we would rather wait and see what
22 comes out of that.

23 Now currently the explanation says, "A charge to
24 recover costs associated with connecting to a
25 telecommunications service provider's interstate network." And

1 the original complaint was that the line item said "FCC
2 charge," which Mr. Walsh said that that was kind of misleading,
3 it sounded like we were collecting it on behalf of the FCC.
4 Now the explanation itself doesn't say anything about FCC or
5 who we're collecting it for or so forth. So we agreed to
6 change the line item because it was the simplistic thing to do
7 and it made sense to do it. But at this time we would have to
8 get with all nine states and come to some agreement for a
9 change.

10 MR. SAKHNOVSKY: If I may, that's, that's fine. I
11 mean, I, I don't want to in any way impede the progress we've
12 made so far. And I'm learning a lot in this conversation. So
13 that, that seems appropriate, to go forward with this at this
14 point. And then perhaps in the future if it's worked out with
15 the other states, et cetera, then just the explanatory line.
16 So the way I'm understanding it now, basically it can be
17 bifurcated into, let's say, changing the line to adding the
18 word "authorized," which I think we're all in agreement with,
19 and then simply waiting on the second line.

20 CHAIRMAN BAEZ: Thank you, Mr. Sakhnovsky.

21 Commissioner Davidson, you wanted to make a comment?

22 COMMISSIONER DAVIDSON: I just want to make sure that
23 I'm clear. I think we're leaving the word "authorized" in if
24 we vote out staff's recommendation, and staff didn't include
25 any reference to recovering, recovering costs. So I'd like to

1 ask, you know, BellSouth, I, you know, agree that when you have
2 multistate administrative changes that impact, sort of have an
3 interstate impact, it's tricky to manage.

4 In terms of staff's recommendation, the language,
5 "FCC authorized charge for network access," is that acceptable?

6 MS. SIMS: Yes, sir, that's fine. And we can
7 implement that fairly quickly.

8 CHAIRMAN BAEZ: And, and just for my, for my
9 clarification, is it fair to say that certainly the changes or
10 the issue that, the additional issue, I guess, that
11 Mr. Sakhnovsky has raised, there is a proper forum for it
12 already available? I mean, is that sort of part of the NASUCA
13 petition or potentially part of the NASUCA petition and the
14 discussions that may take place in that, in that context?

15 MS. SIMS: Yes. It's part of the truth in billing.
16 Yes. And I know the FCC has been looking at it also, you know,
17 with, along with that, they've been looking at the wording.

18 CHAIRMAN BAEZ: Very well. Commissioners, any other
19 questions or a motion?

20 COMMISSIONER DAVIDSON: I can move staff.

21 COMMISSIONER DEASON: Second.

22 CHAIRMAN BAEZ: There's a motion and a second. All
23 those in favor, say aye. Aye.

24 (Unanimous affirmative vote.)

25 CHAIRMAN BAEZ: Thank you, Commissioners. Thank you,

1 Mr. Sakhnovsky.

2 MR. SAKHNOVSKY: Thank you very much. Have a great
3 day.

4 COMMISSIONER BAEZ: You too, sir.

5 (Agenda Item 4 concluded.)

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

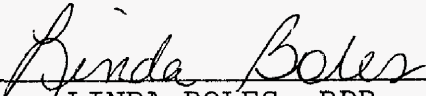
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I, LINDA BOLES, RPR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

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 27th DAY OF SEPTEMBER, 2004.



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