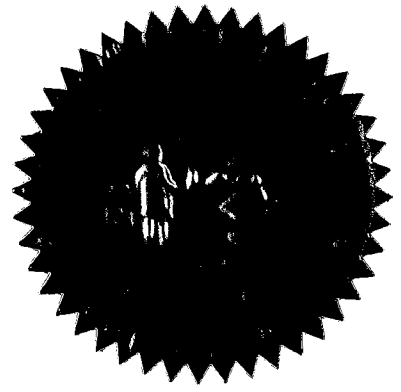


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050419-TP

In the Matter of:

PETITION BY MCIMETRO ACCESS TRANSMISSION
SERVICES LLC D/B/A VERIZON ACCESS
TRANSMISSION SERVICES FOR ARBITRATION
OF CERTAIN TERMS AND CONDITIONS OF
PROPOSED INTERCONNECTION AGREEMENT
WITH BELL SOUTH TELECOMMUNICATIONS, INC.



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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER J. TERRY DEASON
 PREHEARING OFFICER

DATE: Monday, May 15, 2006

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

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

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

1 PARTICIPATING:

2 MANUEL A. GURDIAN, ESQUIRE, BellSouth
3 Telecommunications, Inc., 150 West Flagler Street, Suite 1910,
4 Miami, Florida 33130, appearing on behalf of BellSouth
5 Telecommunications, Inc.

6 ROBERT A. CULPEPPER, ESQUIRE, BellSouth Center, Suite
7 4300, 675 West Peachtree Street N.E., Atlanta, Georgia 30375,
8 appearing by telephone on behalf of BellSouth
9 Telecommunications, Inc.

10 DULANEY L. O'ROARK, III, ESQUIRE, Verizon
11 Communications, Inc., Six Concourse Parkway, Suite 600,
12 Atlanta, Georgia 30328 appearing by telephone on behalf of
13 Verizon Access.

14 KIRA SCOTT, ESQUIRE, FPSC General Counsel's Office,
15 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,
16 appearing on behalf of the Florida Public Service Commission
17 Staff.

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P R O C E E D I N G S

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2 COMMISSIONER DEASON: Call the prehearing conference
3 to order. Could I have the notice read, please.

4 MS. SCOTT: Pursuant to notice issued April 20th,
5 2006, this time and place has been set for a prehearing
6 conference in Docket Number 050419-TP.

7 COMMISSIONER DEASON: Thank you. Take appearances.

8 MR. GURDIAN: Good morning, Commissioner Deason.
9 This is Manny Gurdian on behalf of BellSouth. Also appearing
10 on behalf of BellSouth is Robert Culpepper. Mr. Culpepper is
11 appearing by telephone.

12 MR. CULPEPPER: Good morning.

13 COMMISSIONER DEASON: Okay. Mr. Culpepper, can you
14 hear us okay?

15 MR. CULPEPPER: Yes, sir, I can hear you.

16 COMMISSIONER DEASON: Very good.

17 MR. O'ROARK: This is De O'Roark appearing on behalf
18 of Verizon Access, also by telephone.

19 COMMISSIONER DEASON: Very good. We hear you just
20 fine, Mr. O'Roark.

21 MR. O'ROARK: Good morning.

22 COMMISSIONER DEASON: Good morning.

23 MS. SCOTT: Kira Scott on behalf of the Commission.

24 COMMISSIONER DEASON: Okay. Preliminary matters, I
25 understand that we have none; is that correct?

1 MS. SCOTT: That's correct, Chairman. There are no
2 preliminary matters that I'm aware of at this time.

3 COMMISSIONER DEASON: Any of the parties, are there
4 any last-minute preliminary matters we need to address?

5 Hearing none --

6 MR. CULPEPPER: None for BellSouth.

7 MR. O'ROARK: No, Mr. Chairman, for Verizon Access.
8 At some point I think we're going to discuss the possibility of
9 a paper proceeding, but I think we can do that in due course.

10 COMMISSIONER DEASON: Okay. Let's, let's proceed
11 through the draft prehearing order and then we can discuss that
12 before we conclude today.

13 And with that, we can proceed through the draft
14 order. I will go section by section in fairly rapid fashion.
15 If there is a section which needs further discussion,
16 clarification or correction, just please let me know and we
17 will give it the, the proper attention.

18 And with that, Section I, conduct of proceedings.

19 Section II, case background.

20 MR. O'ROARK: Mr. Chairman.

21 COMMISSIONER DEASON: Yes.

22 MR. O'ROARK: Commissioner Deason, in the appearances
23 section two minor corrections for Verizon Access.

24 COMMISSIONER DEASON: Oh, okay. Let's go back to
25 that.

1 MR. O'ROARK: I'm sorry. One is that Kennard B.
2 Woods is not appearing for Verizon Access in this case. And a
3 very minor thing is I'm the third.

4 COMMISSIONER DEASON: Okay. Any other corrections to
5 the appearance page? Okay.

6 Then we will proceed then with Section II, case
7 background.

8 Section III, confidential information.

9 Section IV, posthearing procedures.

10 Section V, prefiled testimony and exhibits.

11 MR. O'ROARK: Commissioner Deason, De O'Roark for
12 Verizon Access. I think this is where we would get into the
13 paper proceeding.

14 COMMISSIONER DEASON: Okay. We can discuss it at
15 this point.

16 Ms. Scott, what is your understanding of the
17 possibility of a paper proceeding?

18 MS. SCOTT: My understanding, sir, is that the
19 parties are amenable to a paper hearing. They've discussed
20 stipulating to all the witnesses and exhibits, and also have
21 expressed a desire to have the witnesses excused. I think in
22 Section V it would just require a couple of minor changes to
23 the wording, maybe taking out a sentence here or there that
24 doesn't apply in the instance that a paper hearing is
25 conducted.

1 COMMISSIONER DEASON: Okay. Do the parties agree
2 with Ms. Scott's assessment of the, the procedure and the
3 possibility of a paper proceeding?

4 MR. O'ROARK: Yes.

5 MR. CULPEPPER: The one thing I would add to that,
6 Commissioner Deason, and we have discussed this, because the
7 parties would be waiving cross-examination, we would want to
8 enter as an exhibit the North Carolina transcript as well as
9 the exhibits from the North Carolina transcript to be one of
10 the stipulated exhibits that would be part of the record here.

11 COMMISSIONER DEASON: Any objection to doing that by
12 any party?

13 MR. O'ROARK: No objection from Verizon Access.

14 COMMISSIONER DEASON: All right. Very well.
15 Ms. Scott, I guess that the parties are in agreement that at
16 the correct time we can enter in the transcript and the
17 exhibits from the North Carolina proceeding.

18 MS. SCOTT: That's correct. That's fine with staff.

19 COMMISSIONER DEASON: Very well. Okay. Anything
20 further on Section V?

21 MR. O'ROARK: Commissioner Deason, one other thing we
22 had discussed that we would have, continue to have the opening
23 statements just to give the Commissioners a brief overview of
24 the case while we're, while we're in town.

25 COMMISSIONER DEASON: Very good. What type of time

1 needs are -- would be appropriate?

2 MS. SCOTT: Chairman, right now under the ruling
3 section, Section XIV, it states ten minutes per party. I'm
4 not -- I'm sure that that might be adequate, just to give the
5 parties an idea of the time frame.

6 COMMISSIONER DEASON: Is ten minutes adequate?

7 MR. CULPEPPER: Yes, Commissioner Deason, from
8 BellSouth's perspective that's fine.

9 COMMISSIONER DEASON: Mr. O'Roark, is ten minutes
10 sufficient?

11 MR. O'ROARK: Ten minutes should be sufficient, Mr.
12 Chairman.

13 COMMISSIONER DEASON: Very good. Okay. Anything
14 further on Section V?

15 Moving then to Section VI, order of witnesses.

16 Section VII, basic positions.

17 Section VIII, issues and positions beginning with
18 Issue 12. Issue 26. Issue 34.

19 Section IX, the exhibit list.

20 Section X, proposed stipulations.

21 Section XI, pending motions.

22 And Section XII, pending confidentiality matters.
23 There were none indicated.

24 Section XIII, decisions that may affect the
25 Commission's resolution.

1 And Section XIV, rulings.

2 Ms. Scott, is this where you would indicate further
3 clarification on the paper hearing or where would that actually
4 be incorporated into the prehearing order?

5 MS. SCOTT: I believe that Section V would be where I
6 would indicate that a paper hearing would be conducted.

7 COMMISSIONER DEASON: Section V. Okay.

8 MS. SCOTT: And make any changes to language that's
9 already stated therein.

10 COMMISSIONER DEASON: I want to back up just for a
11 moment and address Section XIII. I know that there is, there's
12 reference to the generic transit traffic case. Ms. Scott, how
13 does this case relate to that in terms of is a decision that's
14 made in the generic case, is it binding on this case? What's
15 the relationship?

16 MS. SCOTT: Well, Issue 26 is a transit issue and
17 it's a very broad stated issue. The parties seem to be relying
18 on the transit docket in the sense that whatever resolution
19 comes out of that docket, the generic docket, that a change of
20 law would, the change of law provision in their agreement would
21 go into effect. And then whatever rate was decided would be
22 the rate that would be applicable in the agreement that comes
23 out of this proceeding.

24 COMMISSIONER DEASON: But obviously these parties in
25 this specific case are free to negotiate that rate --

1 MS. SCOTT: Correct, sir.

2 COMMISSIONER DEASON: -- arbitrate it and have that
3 be applicable to their particular set of facts and
4 circumstances.

5 MS. SCOTT: That's correct, Chairman.

6 COMMISSIONER DEASON: That's what I thought, and I
7 would so encourage. And I think the same encouragement was
8 given in the generic docket as well. So there's still time for
9 that, gentlemen and ladies.

10 Okay. I believe we have exhausted all of the
11 sections of the draft prehearing order. Is there anything
12 further that needs to come before the prehearing officer?

13 MS. SCOTT: Chairman, the only other important dates
14 to just note would be the prehearing order will be due on
15 May 19th. That should be issued with no problem. And the
16 hearing for next Wednesday, May 24th, this one had been
17 originally scheduled May 24th and 25th, but since we have a
18 paper hearing, we shouldn't need the extra day.

19 COMMISSIONER DEASON: Okay. Very good. I want to
20 take this opportunity to congratulate the parties on being able
21 to eliminate numerous issues and to focus on those that are,
22 obviously are important, and that is noted.

23 MR. CULPEPPER: Thank you, Mr. Chairman. We're doing
24 our best.

25 COMMISSIONER DEASON: We appreciate all that you do.

1 Anything further?

2 MS. SCOTT: No, Chairman.

3 MR. CULPEPPER: No, sir.

4 MR. O'ROARK: No, sir.

5 COMMISSIONER DEASON: Hearing none, thank you all for
6 your participation, and this prehearing conference is
7 adjourned.

8 (Prehearing conference adjourned at 9:42 a.m.)

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


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I, LINDA BOLES, RPR, CRR, 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 17TH DAY OF MAY, 2006.



 LINDA BOLES, RPR, CRR
 FPSC Official Commission Reporter
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