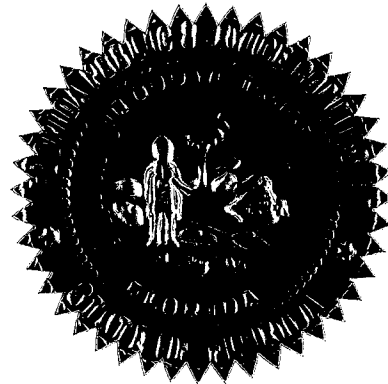


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 050194-TL

In the Matter of:

COMPLAINT BY FLORIDA BELLSOUTH  
CUSTOMERS WHO PAID FEES TO BELLSOUTH  
TELECOMMUNICATIONS, INC. RELATED TO  
MIAMI-DADE COUNTY ORDINANCE SECTION  
21-44 ("MANHOLE ORDINANCE") AND REQUEST  
THAT FLORIDA PUBLIC SERVICE COMMISSION  
ORDER BELLSOUTH TO COMPLY WITH SECTION  
A.2.4.6 OF GENERAL SUBSCRIBER SERVICE  
TARIFF AND REFUND ALL FEES COLLECTED IN  
VIOLATION THEREOF.



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THE .PDF VERSION INCLUDES PREFILED TESTIMONY.

PROCEEDINGS: AGENDA CONFERENCE  
ITEM NO. 4

BEFORE: CHAIRMAN LISA POLAK EDGAR  
COMMISSIONER J. TERRY DEASON  
COMMISSIONER ISILIO ARRIAGA  
COMMISSIONER MATTHEW M. CARTER, II  
COMMISSIONER KATRINA J. TEW

DATE: Tuesday, November 21, 2006

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

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

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION

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FPSC-COMMISSION CLERK

1 PARTICIPATING:

2 JAMES MEZA, ESQUIRE, representing BellSouth  
3 Telecommunications, Inc.

4 KIRA SCOTT, ESQUIRE, FPSC General Counsel's Office,  
5 representing the Florida Public Service Commission Staff.

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

CHAIRMAN EDGAR: We will be on Item 4.

MS. SCOTT: Good morning, Commissioners. Kira Scott on behalf of staff.

Item 4 is staff's recommendation in Docket 050194-TL. The issue as stated in staff's recommendation is whether the Commission should accept the petitioner's untimely filed protest of the PAA order issued on August 8th, 2006.

It is important to note that no party is arguing that the protest is timely. The petitioners are asking the Commission to accept their protest as timely filed because of the logistical impossibility of synchronizing their clock with the Commission's clock.

The issue is not whether the protest is timely or not. It is untimely, and pursuant to the rules and statutes it cannot be allowed.

The real issue here is whether equitable tolling should be applied to allow the untimely protest. In other words, did the petitioners show good cause for why their protest was late filed?

Staff believes the petitioners have not shown good cause. Furthermore, the circumstances of this case do not warrant an application of the principles of equitable tolling. Therefore, staff is recommending that this matter not be set for hearing and the PAA order should be made final and

1 effective. Staff is available for your questions. And I  
2 believe BellSouth is here. The petitioners are not.

3 CHAIRMAN EDGAR: Thank you.

4 Mr. Meza.

5 MR. MEZA: Thank you, Madam Chair.

6 Jim Meza on behalf of BellSouth. BellSouth supports  
7 staff's recommendation and is available to answer any questions  
8 you may have.

9 CHAIRMAN EDGAR: Thank you. And, again, it is my  
10 understanding that there is not a representative of the  
11 petitioner here to speak today.

12 Commissioners, any questions?

13 COMMISSIONER CARTER: Move staff.

14 COMMISSIONER DEASON: Second.

15 CHAIRMAN EDGAR: We have a motion and a second. All  
16 in favor of the motion, say aye.

17 (Unanimous affirmative vote.)

18 Opposed? Show the motion adopted. Thank you.

19 (Agenda Item 4 concluded.)

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

3

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


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

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

17                                DATED THIS 22<sup>nd</sup> DAY OF NOVEMBER, 2006.

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21                                \_\_\_\_\_  
22                                LINDA BOLES, CRR, RPR  
23                                FPSC Official Commission Reporter  
24                                (850) 413-6734

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