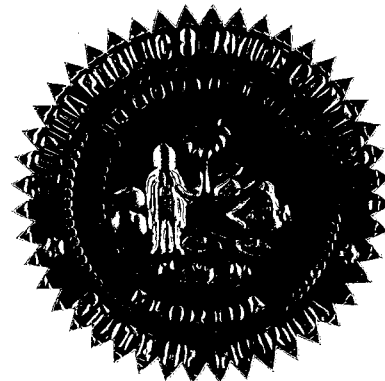


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060598-TL

In the Matter of:

PETITION TO RECOVER 2005 TROPICAL
SYSTEM RELATED COSTS AND EXPENSES,
BY BELLSOUTH TELECOMMUNICATIONS, INC.



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PROCEEDINGS: WEST PALM BEACH SERVICE HEARING

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

DATE: Wednesday, November 29, 2006

TIME: Commenced at 11:00 a.m.
Concluded at 12:45 p.m.

PLACE: Palm Beach County Governmental Center
Jane Thompson Memorial Chambers (6th Floor)
301 N. Olive Avenue
West Palm Beach, Florida

REPORTED BY: JANE FAUROT, RPR
Official FPSC Reporter
(850) 413-6732

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

1 PARTICIPATING:

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3 Telecommunications, Inc., c/o Ms. Nancy H. Sims, 150 South
4 Monroe Street, Suite 400, Tallahassee, Florida 32303-1556,
5 appearing on behalf of BellSouth Telecommunications, Inc.

6 CHARLIE BECK, ESQUIRE, Office of Public Counsel, c/o
7 The Florida Legislature, 111 W. Madison St., Room 812,
8 Tallahassee, Florida 32399-1400, appearing on behalf of the
9 Citizens of the State of Florida.

10 ADAM TEITZMAN, ESQUIRE, LEE ENG TAN, ESQUIRE, FPSC
11 General Counsel's Office, 2540 Shumard Oak Boulevard,
12 Tallahassee, Florida 32399-0850, appearing on behalf of the
13 Florida Public Service Commission Staff.

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EXHIBITS

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(No exhibits.)

P R O C E E D I N G S

1
2 CHAIRMAN EDGAR: I think we will go ahead and get
3 started.

4 Good morning.

5 We will begin by, first of all, calling the service
6 hearing to order, and I would like to introduce myself. My
7 name is Lisa Edgar, and I'm Chairman of the Florida Public
8 Service Commission. And with me today are my fellow
9 Commissioners, Commissioner Matthew Carter, Commissioner Terry
10 Deason, Commissioner Isilio Arriaga, and Commissioner Katrina
11 Tew.

12 Next, I will ask our staff counsel to read the
13 notice.

14 MR. TEITZMAN: By notice issued October 10th, this
15 time and place has been set for a customer hearing in Docket
16 Number 060598-TL. The purpose is as set forth in the notice.

17 CHAIRMAN EDGAR: Thank you. And next we'll take
18 appearances from the attorneys representing the parties and our
19 staff counsel.

20 MR. BECK: Good morning. My name is Charlie Beck.
21 I'm with the Office of Public Counsel and appearing on behalf
22 of the customers of BellSouth.

23 MR. MEZA: Good morning, Madam Chairman. Jim Meza on
24 behalf of BellSouth. I'm general counsel for BellSouth in
25 Florida. With me today is Nancy Sims, she is Director of

1 Regulatory Affairs for BellSouth, as well as Don Sadler, he's a
2 Manager of Regulatory and Internal Affairs. There are also
3 several BellSouth representatives in the audience today to
4 address any specific customers' concerns or inquiries.

5 CHAIRMAN EDGAR: Thank you, Mr. Meza.

6 MR. TEITZMAN: Adam Teitzman on behalf of the Florida
7 Public Service Commission.

8 CHAIRMAN EDGAR: Thank you.

9 Welcome everyone. We are glad that you are here. We
10 are here because we want to hear from customers, and we
11 appreciate your interest in the issues that are before us. We
12 also, I know, have representatives, as Mr. Meza said, from
13 BellSouth, and we have staff from the Public Service Commission
14 that would also be available to answer other questions about
15 billing, or service, or other regulatory issues that you may
16 have.

17 And so let me go ahead and introduce our Public
18 Service Commission staff. We have Beth Salak who is with us,
19 Rick Moses -- if you will raise your hand -- Mr. Moses. Adam
20 Teitzman has already introduced himself. Lee Eng Tan. Todd
21 Brown and Thelma Crump, I believe, are out in the entry way.

22 This is an official hearing, and it will be
23 transcribed and become a part of our official record. As such,
24 those of you wishing to speak today will need to be sworn in
25 before you present your comments, and we will take care of that

1 in a few minutes. Your comments will be subject to questions
2 from the attorneys representing the parties. I hope you have
3 noticed the speaker sign-up sheets that are right outside the
4 doorway. If you do plan to speak today, please make sure to
5 sign up on that sheet because we will be calling names in a few
6 moments from that sheet in the order that you have signed up,
7 and Mr. Beck from the Office of Public Counsel will be calling
8 the speakers from that list.

9 If you don't want to provide verbal comments at this
10 time, you can use the blue sheets that are outside that look
11 like this. There is an area that you can fill out comments and
12 either mail it in to us or give it to our staff that are
13 outside the door, and that then will also become a part of the
14 record of this proceeding.

15 First, we will begin by having the attorneys for the
16 parties present brief opening remarks, and we'll begin with Mr.
17 Meza from BellSouth.

18 MR. MEZA: Thank you, Madam Chairman.

19 BellSouth filed a petition in this proceeding
20 approximately September 1st of this year to recover
21 storm-related costs and expenses associated with the 2005
22 hurricane season. As this Commission knows, areas in
23 BellSouth's footprint were impacted severely by six named
24 tropical systems, including areas such as Palm Beach County.
25 BellSouth experienced approximately \$202 million in incremental

1 damages associated with repairing its network from those
2 storms. And pursuant to Florida law and guidance that this
3 Commission has provided regarding what are eligible expenses in
4 similar cost-recovery proceedings, BellSouth reduced that
5 amount by excluding capital costs and then reducing it further
6 to take into account intrastate factors, such that the total
7 amount of eligible expenses that BellSouth believes it is
8 entitled to collect under Florida law is approximately
9 95 million.

10 However, due to the way that the statute is written,
11 the maximum amount that BellSouth can collect is 50 cents per
12 access line which, depending upon the total number of lines
13 that are at issue, varies between 32 to \$34 million, which
14 represents approximately 16 to 17 percent of the total expenses
15 that BellSouth incurred in repairing its network.

16 Consistent with the purpose of this meeting,
17 BellSouth is here to answer any questions you may have or that
18 our customers may have regarding the petition or its service
19 following the devastating tropical storm season of 2005.

20 Thank you.

21 CHAIRMAN EDGAR: Thank you, Mr. Meza.

22 Mr. Beck.

23 MR. BECK: Thank you, Madam Chairman, Commissioners,
24 and good morning, everyone. Thank you for coming out here on
25 what is, I think, the second to the last day of the 2006

1 hurricane season, which we are grateful that it has been a mild
2 one, although the forecasters I hear are talking about a rough
3 season next year, so it makes these cases important.

4 Let me mention, I'm with the Office of Public
5 Counsel. It is completely separate from the Public Service
6 Commission. We appear at the Commission as an advocate on
7 behalf of customers. We are just another party just as
8 BellSouth is. We argue in front of the Commissioners and file
9 briefs and can even appeal their decisions.

10 What I would like to do is just take a moment and try
11 to put this case into context of the many cases that we have
12 had that are related to hurricane issues. One of the issues
13 that we have had to repeatedly address in front of the
14 Commission is whether the requests by the companies should be
15 limited just to those extra costs above the normal costs that a
16 company would otherwise incur. So that if they have people --
17 the company has people on payroll and they are dedicated to
18 work on the hurricane, the question is do their normal rates
19 cover that or should that be included in a surcharge. And as
20 obvious as the answer is, at least is to our office, we have
21 had to litigate that in quite a number of suits.

22 The first one was by Florida Power and Light in 2004,
23 and they came in and asked that all of their costs, including
24 the costs of their regular employees, be included in a
25 surcharge. We opposed that, and the Commission agreed with us

1 on that issue in the 2004 case with Florida Power and Light.

2 Now there were other issues in that case that we are
3 really not happy with from our office's perspective. The
4 Commission gave them about \$38 million for lost revenues, which
5 is money that they didn't collect during the outages that were
6 there. We also asked the Commission to force Florida Power and
7 Light to share in the cost of the hurricanes, and the
8 Commission didn't do that. So at least from our perspective,
9 that 2004 case with Florida Power and Light was a bit of a
10 mixed bag.

11 In 2005, Florida Power and Light came in again, and
12 again asked for all of the costs including their normal costs
13 of operation related to the hurricanes. And, once again, we
14 had to litigate that with the Commission. And we urged the
15 position that only those extra costs that are just clearly
16 above and beyond the normal activities of the company -- and
17 the normal activities even include a certain amount to cover a
18 regular storm season. So we litigated that with the
19 Commission. The Commission agreed with us on that.

20 We also had a number of issues on the maintenance
21 practices of the company, whether the maintenance of their
22 feeder distribution, whether their tree trimming was adequate,
23 and the Commission found on a number of those issues that the
24 lack of maintenance contributed to the amount of damages and
25 made a very significant adjustment to the company's filings on

1 account of that. So that is where we stand with Florida Power
2 and Light.

3 And we have also had a few cases from telephone
4 companies. From the 2004 season we had one by a company called
5 Embarq, it used to be Sprint. It serves Southwest Florida,
6 parts of Central and also parts of the Panhandle. We urged in
7 that case to the Commission that the company couldn't get
8 anything because they are under a price cap statute, and the
9 Commission disagreed with us on that and approved an 85 cent
10 per month surcharge for Embarq in 2004, and they currently have
11 a case pending for 2005 like BellSouth does.

12 In this case, BellSouth has asked for costs far
13 exceeding the 50 cents per month. Let me mention in the Embarq
14 case that limitation from the 50 cents per month didn't exist
15 in the statute back in the 2004 case. We have looked at the
16 documents produced. We have asked BellSouth to produce a
17 number of documents and asked them a number of questions on
18 their case. We believe BellSouth has followed an approach that
19 limits their request to the extra damages above and beyond the
20 normal costs. And, in fact, their amount is quite a bit more
21 than 50 cents per month that they can ask by statute.

22 That statute was passed by the Legislature in 2005,
23 and what it says is no matter how much damage the company
24 incurs, the most that can be approved by the Commission is
25 50 cents a month. So that's where this case stands. The most

1 that can be awarded is that 50 cents per month, and we go to
2 hearing next week on it.

3 That's all I want to say. Thank you very much for
4 coming. We look forward to hearing what you have to say.

5 CHAIRMAN EDGAR: Thank you, Mr. Beck.

6 We are now almost ready to begin hearing from
7 customers. As I said earlier, please make sure that you signed
8 up on the speaker sheets because we will be using that to call
9 names, and we will be swearing in those who would like to speak
10 as a group. So if those of you who would like to talk will go
11 ahead and stand up altogether with me and raise your right
12 hand.

13 (Witnesses sworn collectively.)

14 CHAIRMAN EDGAR: Thank you.

15 When your name is called, if you would, come to the
16 microphone, either one will work. And if you would also give
17 us your name, and it's also helpful to tell us if you are a
18 customer of BellSouth. The court reporter will be taking down
19 and transcribing your testimony here today, and then we will
20 give the opportunity for the parties to ask you questions.

21 Mr. Beck.

22 MR. BECK: Thank you, Madam Chairman.

23 The first witness is Ted Astolfi.

24 TED ASTOLFI

25 appeared as a witness and, swearing to tell the truth,

1 testified as follows:

2 DIRECT STATEMENT

3 WITNESS ASTOLFI: Good morning. My name is Ted
4 Astolfi. I have been the Executive Director of the Business
5 Development Board of Martin County, the economic development
6 agency there for the last 15 years. I recently left that
7 position, and I'm going to talk from my experience there, and I
8 am a BellSouth customer.

9 I want to start off by saying that I think that the
10 request from BellSouth is a reasonable request and I support
11 that, and I want to give you a little bit of history of why
12 very briefly. And it really goes back to the 2004 hurricanes
13 where Stuart was landfall for two hurricanes within three weeks
14 and the recovery efforts of BellSouth following that were
15 extraordinary. And having worked with the state and federal
16 governments in setting up the EOCs and recovery centers and
17 working with BellSouth in that recovery when we did have severe
18 damage to our telecommunications system their efforts were
19 extraordinary.

20 I talk about that because in 2005 Martin County, we
21 didn't really have any major issues in the storms of 2005, and
22 that has, in part, in major part because of the recovery
23 efforts that BellSouth did in 2004 following those storms at
24 their expense.

25 So I'm here to say that I believe that BellSouth is a

1 responsible corporate citizen, that they are making every
2 effort they can, not only to be active participants in the
3 recovery for our business community and our residents, but also
4 as a result of those efforts, the system is even far superior
5 than it was before that. And due to those factors I believe
6 that this is an acceptable recovery expense that we should be
7 supportive of.

8 Thank you. I'll be here to answer any questions you
9 may have.

10 CHAIRMAN EDGAR: No questions. Thank you.

11 MR. BECK: The next witness is Ellie Whitley.

12 ELLIE WHITTEY

13 appeared as a witness and, swearing to tell the truth,
14 testified as follows:

15 DIRECT STATEMENT

16 MR. WITKIN: Good morning. It's Ellie Whitley. I
17 married him because he's witty. I'm here to say that I felt
18 BellSouth has done a fantastic job. It was very comforting to
19 see the BellSouth trucks everywhere and the employees
20 everywhere, and they deserve whatever they want. My phone
21 worked. My 95-year-old neighbor was able to contact her
22 family. And I think it's very important that they were here
23 for us, and we should be there for them.

24 Thank you.

25 CHAIRMAN EDGAR: Thank you, Ms. Whitley.

1 MR. BECK: Thank you.

2 The next witness is Dennis Grady.

3 DENNIS GRADY

4 appeared as a witness and, swearing to tell the truth,
5 testified as follows:

6 DIRECT STATEMENT

7 WITNESS GRADY: Madam Chairman, members of the
8 Commission, welcome to beautiful South Florida and Palm Beach
9 County. I'll save the sunny until your next visit, which we
10 hope is soon.

11 My name is Dennis Grady, I'm president of the Chamber
12 of Commerce of the Palm Beaches. My offices are located in a
13 building about a block from where we are now meeting. I reside
14 west of the Turnpike in central Palm Beach County. I'm pleased
15 to report to you that during 2005 we had uninterrupted
16 telephone service to our offices here in downtown West Palm
17 Beach. We were able to assist our over 1,700 members because
18 that service was available.

19 Most importantly in preparation for that the
20 management team at BellSouth here in our region had
21 communicated with us, and we had their land and cell lines and
22 were able to communicate emergency problems that were
23 encountered by many of our members during the post-storm
24 recovery period. In my home, however, we were without service
25 only until FPL power was finally restored to our subdivision

1 west of the Turnpike, at which time we were immediately able to
2 get landline BellSouth service.

3 Fifty cents a month for 12 months, six dollars a
4 year, in my opinion, is a good investment for us to make for
5 the service we had pre and post-storm in 2005, and the type of
6 investment that I think businesses and residents are willing to
7 make.

8 Thank you.

9 CHAIRMAN EDGAR: Thank you.

10 MR. BECK: Thank you. Our next witness is Sangin
11 Zaveri.

12 SANGIN ZAVERI

13 appeared as a witness and, swearing to tell the truth,
14 testified as follows:

15 DIRECT STATEMENT

16 WITNESS ZAVERI: Hi. My name is Sangin Zaveri. I
17 work in West Palm Beach and I live in Boca. I think we have
18 always had great service from BellSouth, and I agree with what
19 Mr. Grady said, six dollars to pay for all the work to restore
20 the service very quickly and efficiently is very worthwhile.

21 Thank you.

22 CHAIRMAN EDGAR: Thank you.

23 MR. BECK: Mike Jones.

24 MIKE JONES

25 appeared as a witness and, swearing to tell the truth,

1 testified as follows:

2 DIRECT STATEMENT

3 WITNESS JONES: Thank you for coming to Palm Beach
4 County to hear from the public. I'm Mike Jones. I live in
5 North Palm Beach. I work in West Palm Beach. And I'm here to
6 say today that I would not normally take time out of my day to
7 come and speak up on behalf of anybody, but BellSouth deserves
8 our support because they have been there for us when we needed
9 them.

10 BellSouth, as far as I am concerned as a long-time
11 customer, is a model for corporate citizenship. Not only do
12 they provide good services during ordinary times, but in times
13 of emergency and recovery. As far as I'm concerned they
14 provide exemplary service.

15 With regard to the cost, I totally agree with what
16 Mr. Grady had to say. I know there is a balancing act. I
17 don't want to pay any more than I absolutely have to. But, on
18 the other hand, I consider phone service to be an essential
19 service, particularly in times of storms. And if you are
20 talking about 50 cents a month, that is a drop in the bucket.
21 And particularly in Palm Beach County, I can tell you I'm
22 intimately familiar with the cost of insurance, of housing, and
23 of taxes, double-digit increases in the last few years. This
24 six dollars pales by comparison.

25 And, interestingly, we have this very competent

1 professional staff overseeing a private company to assure they
2 provide essential services and keep their costs in line. I
3 just wish we had more regulatory oversight of some of these
4 other issues, some of these other costs that seem to be out of
5 control by comparison.

6 I appreciate the opportunity to appear before you.

7 CHAIRMAN EDGAR: Thank you, Mr. Jones.

8 WITNESS JONES: Thank you.

9 MR. BECK: Sid Poe.

10 SID POE

11 appeared as a witness and, swearing to tell the truth,
12 testified as follows:

13 DIRECT STATEMENT

14 WITNESS POE: Good morning, Madam Chair,
15 Commissioners, Public Counsel, staff. My name is Sid Poe. I'm
16 the Director of Business Development and Community Relations
17 for Lincoln College of Technology and Florida Culinary
18 Institute. I'm a resident of Palm Beach County, and I am a
19 BellSouth customer along with my wife.

20 I think the best way I can tell you how I feel about
21 what's going on here today and what you are contemplating is
22 since 2004 my wife and I have been displaced with the hurricane
23 damage, and we have gone through every experience you can think
24 of, and I'm sure there's a couple of left, still trying to come
25 back with our lives. The school has also been impacted by the

1 storms since 2004. We actually had better luck in 2004 with
2 our power situation, and frankly, this isn't a shot at FPL, but
3 we had more trouble with Wilma last year.

4 Where I'm trying to go with all of this is to say
5 that given the personal experience and the professional
6 experience I have had in the last two years related to efforts
7 to recover from storms, six dollars a year per access line is
8 infinitesimal compared to the personal sacrifice that many of
9 us have made trying to come back from all of this.

10 So I urge you Commissioners to go forward, do the
11 right thing for BellSouth. BellSouth is an excellent provider
12 of telecommunications service. And I sincerely hope that we
13 won't be contemplating doing this again after the next season
14 next year.

15 Thank you very much. Any questions? Thank you.

16 CHAIRMAN EDGAR: Thank you.

17 MR. BECK: Alfred Angelo.

18 ALFRED ANGELO

19 appeared as a witness and, swearing to tell the truth,
20 testified as follows:

21 DIRECT STATEMENT

22 WITNESS ANGELO: Good morning. Welcome to Palm Beach
23 County. You can call me Fred, by the way, that is how all of
24 my friends know me. I might have one here. I'm a firefighter
25 and paramedic with Palm Beach County. I work in the hazardous

1 materials division, and on my days off in order to afford those
2 double-digit insurance hikes and tax raises and, also the
3 mortgages, both of which require great phone service.

4 Today I would just like to talk about the service
5 from BellSouth and how it impacts every resident in Palm Beach
6 County. And it does that through the enhanced 911 system. I
7 don't know if you folks have an enhanced 911 system, but the
8 way it impacts here is if the phone service is down, you dial
9 911, first of all. The call to the answering center may or may
10 not be answered depending on the way the phone is actually
11 operating. But when it does, where our stations are located --
12 we have 55 fire stations in Palm Beach County servicing over
13 550 squares miles. And through that enhanced 911 system, it
14 actually locates exactly where the call is calling from.

15 Now, that may or may not be where the actual
16 emergency is. Do you follow me there? So somebody's family
17 member may call for one of our elderly residents who doesn't
18 have phone service in that area. The way it impacts us is on
19 each vehicle we have an automated locator which tells them
20 exactly where the call is. It's kind of like the new
21 navigation systems inside of your cars. You may or may not
22 have it in your car. I don't have it in mine.

23 But that actually assists the person in getting
24 there, and that all happens because we have good phone service.
25 And for that six dollars that it costs per year, or if it

1 happens five times unfortunately in one year, \$35 or, you
2 know -- \$30, I'm sorry, \$30, that's a small amount of money to
3 pay to save one person's life in Palm Beach County, Polk
4 County, Tallahassee, Leon County, Miami-Dade County, wherever
5 it may happen. I know all of those areas do have the enhanced
6 911 system. And for me as a mortgage broker, I can just tell
7 you six dollars a day I'd be willing to pay as the mortgage
8 guy.

9 But the services, as far as being out on the streets,
10 if you spend one day inside an EOC in Palm Beach County during
11 a hurricane, you will see BellSouth is integrated into that
12 along with FP&L and those other services to make sure that the
13 areas that we don't have coverage are covered. And just like
14 the fire department, or police department, or anybody else has
15 to call back in all these employees at a cost to the taxpayers,
16 BellSouth, I'm sure, has to call in agencies from outside the
17 state and those types of things, and to reimburse that small
18 amount at 50 cents -- I mean, it really should be more, but if
19 50 cents is what we are allowing, we could allow 50 cents to
20 save one person's life, and that's why I took my personal time
21 to come here today.

22 Thank you for coming, and hopefully the rest of your
23 meetings will go well. Any questions?

24 CHAIRMAN EDGAR: Thank you.

25 MR. BECK: Thank you, Mr. Angelo.

1 Madam Chairman, Mr. Angelo was the last witness to
2 have signed up ahead of time.

3 CHAIRMAN EDGAR: Is there anybody else here who would
4 like to speak at this time?

5 Seeing none, we will recess for a little while to see
6 if there are any others who come, and I thank all of you who
7 have talked here today.

8 (Recess.)

9 CHAIRMAN EDGAR: We will go back on the record. It
10 is almost the end of the noticed hearing time, and we have had
11 nobody else who has come in and would like to speak to us, so I
12 believe that concludes our business for the day.

13 Mr. Beck, any further comments?

14 MR. BECK: No, ma'am.

15 CHAIRMAN EDGAR: Mr. Meza?

16 MR. MEZA: No, ma'am.

17 CHAIRMAN EDGAR: All right. Then I would like to
18 thank everybody who came here today, those to speak to us and
19 those to be available to customers.

20 Our next public meeting is this evening at 5:00
21 o'clock in Fort Lauderdale. And we are adjourned.

22 (The service hearing concluded at 12:45 p.m.)

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STATE OF FLORIDA)

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CERTIFICATE OF REPORTER

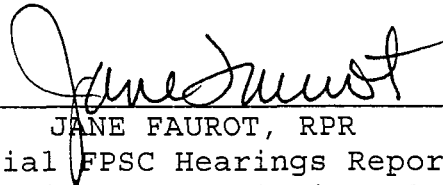
COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, Office of Hearing Reporter Services, FPSC Division of Commission Clerk and Administrative Services, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

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

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

DATED THIS 4th day of December, 2006.



JANE FAUROT, RPR
 Official FPSC Hearings Reporter
 FPSC Division of Commission Clerk and
 Administrative Services
 (850) 413-6732

