

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint by BellSouth)
Telecommunications, Inc., Regarding)
The Operation of a Telecommunications)
Company by Miami-Dade County in)
Violation of Florida Statutes and)
Commission Rules)

Docket No. 050257

REPLY BRIEF OF GREATER ORLANDO AVIATION AUTHORITY

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Dated: September 10, 2007

**Request to serve as Qualified Representatives pending.*

TABLE OF CONTENTS

SUMMARY	2
ARGUMENT	3
I. AT&T's Claims Contradict the Plain Language of Section 25-24.580 that Exempts From Certification the Sharing of Service with Airport Retail Concessions	3
II. AT&T's Brief Ignores the Commission's 1987 Conclusion That Retail Concessions Were Sufficiently Related to the Airport's Mission To Justify Inclusion Under the Airport Exemption	6
CONCLUSION.....	11

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The Greater Orlando Aviation Authority (“GOAA”), by its undersigned counsel, hereby files its Reply Brief requesting that the Commission deny the complaint filed by AT&T f/k/a BellSouth Telecommunications, Inc. (“AT&T”) in the above-captioned proceeding on April 13, 2005 (the “Complaint”). AT&T’s initial Brief filed on August 9, 2007 (“AT&T Brief”) repeats AT&T’s central and erroneous argument that the presence of retail shops for the convenience of the traveling public transmutes an airport into a shopping mall. This deliberate distortion of the plain language of the airport exemption — and of common sense — reflects’ AT&T’s apparent desire to repeal longstanding Commission precedent and regulations codified in Rule 25-24.580, Florida Administrative Code (the “Airport Exemption”) exempting airports from the Commission’s Shared Tenant Services (“STS”) certification requirements. To grant such relief in a complaint proceeding, notwithstanding that the Commission’s airport exemption has served the State of Florida well for twenty years, would not only be arbitrary and capricious agency action but would undermine the efforts of airports in Florida to take the steps necessary to protect the public safety at a time in our nation’s history when protecting that safety is of the utmost importance.

SUMMARY

AT&T mistakenly maintains that the County must obtain an STS certificate from the Commission in order to provide its shared telephone services to retail concessions in the Miami International Airport (“MIA”) terminal. As explained in GOAA’s direct Brief, filed on August 9, 2007 (“GOAA Brief”), this contradicts both the letter and legislative history of the Commission’s Rules as adopted in 1987 that remain intact today twenty years after their initial adoption. The plain language and the history of the Commission’s STS proceedings reflects that the Commission neither intended nor required airports to obtain certification from the Commission in order to provide shared services to commercial tenants located inside the airport terminal facility. This intent is evident from the transcripts of the Commission’s deliberations at the STS hearings where the Commission heard substantial testimony regarding the security reasons for permitting airport tenants, including not only aviation operations and support services, but also retail concessions located in the airport terminal (*e.g.*, restaurants, dry cleaners, newsstands, bars, and even the shoeshine stand) to obtain service through the shared airport system and therefore to continue to intercommunicate “behind” the PBX switch.

To the extent the County provides shared services to such commercial tenants of the airport, such service is entirely consistent with the specific exemption of airports from the Commission’s STS certification requirement. Put simply, the Commission reached the decision in 1987 that the shared operations at Orlando International Airport (“OIA”) and MIA included sharing of service by terminal shops, restaurants, bars, newsstands, shoeshine stands and other terminal concessions in order to intercommunicate behind a PBX, was in the public interest and

thus permitted the County and GOAA “to continue to provide service under these conditions.”¹

The expansion of the retail concessions available to travelers, from bookstores and restaurants to high end shops and day spas, does not alter the scope of the Commission’s exemption allowing airports such as OIA and MIA to include such retail concessions in the safety net provided by their STS systems.

ARGUMENT

The Commission must not permit AT&T to overturn a precedent that has been in force for twenty years by arguing that by virtue of engaging in precisely the same type of shared service with retail concessions that the Commission reviewed and approved in 1987, the MIA terminal has now become a “shopping mall.”² AT&T’s argument is foreclosed by the unambiguous text of Section 25-24.580 of the Code and is directly contrary to the Commission’s intent when it adopted the Airport exemption twenty years ago. It must therefore be denied.

I. AT&T’s Claims Contradict the Plain Language of Section 25-24.580 that Exempts From Certification the Sharing of Service with Airport Retail Concessions

AT&T’s insistence that the Commission’s rules require airports to apply for and obtain from the Commission a certificate to provide shared services to airport concessions lacks merit.³

Contrary to AT&T’s claims, the Commission’s rules have exempted airports from the

¹ Exhibit 240, *In re Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service*, Docket No. 860455-TL, Order No. 17111 at p. 13 (Jan. 15, 1987) *recon. denied and clarified*, Order No. 17369 (issued Apr. 6, 1987) (“*STS Order*”).

² AT&T Florida Direct Brief, Aug. 9, 2007, at pp. 25-26, 32-35, 45-46 (“AT&T Br.”); *see also Complaint by BellSouth Telecommunications, Inc., Regarding The Operation of a Telecommunications Company by Miami-Dade County in Violation of Florida Statutes and Commission Rules*, Docket No. 050257, Agenda Meeting Tr. p. 16:23-24 Aug. 2, 2005 (BellSouth statement that “essentially what [Miami-Dade is] running is a shopping mall”) (“Aug. 2, 2005 Agenda Tr.”).

³ AT&T Br. at pp. 45-46.

Commission's STS certification requirement since 1987. At that time, the *STS Order* authorized the sharing of airport service to retail concessions in the terminal, and recognized that the sharing that was in effect prior to the adoption of the Airport Exemption could continue without certification.⁴

AT&T's Brief offers no interpretation of the codified rule that supports its view. As GOAA demonstrated in its Brief, the term "shopping mall" plainly means an independent shopping destination where consumers go to shop, not an airport where they go to travel and only incidentally to use retail and restaurant facilities. Strangely, instead of discussing the text of the rule, AT&T points to cryptic headlines in online news clippings comparing MIA to a "shopping mall".⁵ But anyone bothering to actually read the text of that article, rather than merely the headline, would recognize that the shopping improvements to which the article refers were targeted "to spruce up *travelers'* shopping."⁶ And AT&T's implication that MIA's public relations campaign, by using the slogan "100% Pure Miami Shopping" sought to lure non-travelers to shop at the airport,⁷ is undermined by the article's observation that that the "retail program brings 100% pure Miami flavor to the *passengers'* shopping experience."⁸ Nothing in AT&T's Brief, including the citations to testimony of County employees, proves that the shops in the airport compete in any way with shopping malls or other off-airport shopping. Rather they are for the convenience of the traveling public that is already at the airport.

⁴ Exhibit 240, *STS Order*, at p. 13.

⁵ AT&T Br. at p. 25, citing Exhibit 182.

⁶ See Exhibit 182 at p. 2 (emphasis supplied) (appended hereto as Reply Attachment 1.).

⁷ See AT&T Br. at p. 25.

⁸ See Exhibit 182 at p. 2 (emphasis supplied).

Nor is it reasonable to conclude that because shopping malls contain restaurants and retail stores, the presence of such establishments in an airport terminal transmogrifies the airport into a “shopping mall.” The Commission deliberately excluded retail shops and restaurants in airport terminals from the STS certification requirement. Instead, it selected the term “shopping mall.” In ordinary usage, a “shopping mall” is understood to be a building or series of buildings built or established for the distinct purpose of housing a collection of retail stores, shops and restaurants to serve the general public who come *in order to shop*. AT&T is the only entity who could possibly confuse an airport terminal with a shopping mall — as noted by Commission Chairman Baez: “I have never once woken up in the morning and said, hey, I need a pair of pants. Let me go shop at the airport.”⁹ Instead, as the *STS Order* noted, the airport provides concessions in its terminals for the convenience and comfort of travelers passing through the airport.¹⁰ The shopping experience is clearly ancillary to the purpose for which the terminal buildings were built and are used. The plain language of the rule must prevail, and AT&T’s claim that the term shopping mall actually means individual shops in an airport like MIA should be categorically rejected.

Nor does AT&T’s Brief explain how the language in section 25.480 (“facilities such as ... shopping malls”) can be interpreted to encompass shops or concessions located within or connected with the airport terminal buildings. As explained in GOAA’s Brief, the ordinary use of the term “facility” clearly connotes a separate “building or place.”¹¹ As long as the retail shops

⁹ See Aug. 2, 2005 Agenda Tr. at p. 35:8-10.

¹⁰ Exhibit 240, *STS Order*, at 13.

¹¹ See Facility. Dictionary.com. WordNet® 3.0. Princeton University. <http://dictionary.reference.com/browse/facility> (accessed: August 01, 2007).; Facility. Merriam-Webster’s Online Dictionary <http://www.m-w.com/dictionary/facility> (accessed: August 01, 2007).

and other concessions remain located in a building that supports the transportation of passengers and freight, it is difficult to construe retail shops as a “shopping mall.” In other words, when shared services are offered within an airport “facility,” the airport need not obtain an STS certificate from the Commission.

This plain language construction of the rule is consistent with the Commission Staff’s 1992 clarification of the rule originally adopted in 1987, and subsequently codified in Section 25-24.580. In Attachment C of the *1992 Staff Memorandum* (Exhibit 201), the Staff cites to a diagram representing a typical airport arrangement. In that diagram, the “hotels, shopping malls and industrial parks” referenced in Section 25-24.580 appear as separate buildings located apart from the airport terminals and other parts of the airport. This diagram demonstrates that neither the text of the rule itself nor the spirit of the rule support AT&T’s interpretation of the term shopping mall.

II. AT&T’s Brief Ignores the Commission’s 1987 Conclusion That Retail Concessions Were Sufficiently Related to the Airport’s Mission To Justify Inclusion Under the Airport Exemption

AT&T’s Brief also contends that the STS order only exempted sharing of services “that are materially related to the functions of an airport... and nothing else.”¹² But this is pure revisionist history. In describing the Commission’s decision regarding shared service in airports, Chairman Nichols explained that the Commission’s exemption would allow usage “incidental” to the airport’s purpose “but doesn’t make [the airports] have to go through whole certification process because they’ve got a newsstand and a coffeeshop.”¹³

¹² AT&T Br. at p. 32.

¹³ Exhibit 239, *In re: Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service*, Docket No. 860455-TL, Special Agenda Tr. at Vol. II, p. 201: 1-5 (Jan. 8, 1987) (“*Special Agenda Transcript*”) (emphasis added) (Attachment 14 to GOAA Brief).

During the Special Agenda session adopting the *STS Order*, Commissioner Herndon proposed listing a fourth general category of entities (in addition to “hotels, shopping malls and industrial parks”) for which an airport would be required to obtain a certificate for the provision of STS.¹⁴ This proposed addition would have required an airport to obtain a certificate to provide STS to any “other commercial activities that are unrelated to the mission of an airport.”¹⁵ The other Commissioners, including Commissioner Gunter who sponsored the exemption adopted in the text of the *STS Order*, objected to the additional language, arguing that it “might exclude restaurants,” which was clearly not an intended result.¹⁶ Commissioner Herndon then clarified that the intention of the language was to distinguish terminal restaurants and shops from a “shopping mall” or the “Sebring Raceway that’s down there on the airport.”¹⁷

As Commissioner Herndon explained:

The mission of the airport is to provide an environment where travelers – leaving aside the freight for a moment – where travelers can move in an efficient, safe manner; they have the necessary kind of amenities to make their travel productive. **If their clothes are ruined, they can replace them. They can get food, buy a trinket for relatives. I think those are a part of the mission of the airport.**¹⁸

Obviously, the Commission clearly considered commercial tenants providing retail service to travelers as “*related to the purpose of an airport - the safe and efficient transportation of passengers and freight through the airport campus*” and NOT as a “shopping mall.” These statements contradict AT&T’s revisionist claim that the Commission intended the exemption to

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at p. 271:10 (Attachment 15 to GOAA’s Brief).

¹⁷ *Id.* at p. 272:6-10 (Attachment 16 to GOAA’s Brief).

¹⁸ *Id.* at p. 280:13-22 (emphasis supplied) (Attachment 17 to GOAA’s Brief).

apply to “the provision of STS that are materially necessary for the internal security and operation of an airport, and not to services offered from commercial purposes to commercial tenants within the airport facility.”¹⁹ There is simply no support for AT&T’s argument.²⁰

As Commissioner Gunter observed:

COMMISSIONER GUNTER: Let me tell you what my interpretation is. My interpretation is that the airport, if you just picture a chain link fence around nothing but the airport and you didn’t have any warehouses, you didn’t have an industrial park and you didn’t have a hotel sticking up in there – everything in there that can be construed in a reasonably common-sense approach as being necessary for the operation of the airport.

CHAIRMAN NICHOLS: And that would include –

COMMISSIONER GUNTER: And that would include the traveling public and those aviation services that are available at the airport.

COMMISSIONER MARKS: Let me ask a question then. Does the bar that’s on the concourse in the Tallahassee municipal airport as you go past the metal detector on the right, the little cubby hole looking bar, does that include that [–] that would be a part of that services?

COMMISSIONER GUNTER: I would think yes.

COMMISSIONER WILSON: Nobody drives out to the Tallahassee airport to go to that bar.

COMMISSIONER MARKS: Well, that would include that and that would be a part of the airport services in [sic] exempt.

CHAIRMAN NICHOLS: The newsstand would be included.²¹

COMMISSIONER GUNTER: How about a newsstand? Even an old railroad terminal. I used to ride the railroad and they had a magazine rack in the railroad terminal in Jacksonville.

¹⁹ AT&T Br. at p. 34.

²⁰ Nor does the Tampa Airport’s decision to seek Commission certification (AT&T Br. at p. 46) have any probative value here. Tampa’s decision to obtain certification is completely irrelevant to determining whether MIA was required to seek certification for its operations, despite the plain language of the Airport Exemption and the *STS Order*.

²¹ Note that this response appears to follow from the subsequent question and therefore appears to be out of order in the transcript.

The transcript of the Commission’s deliberations unequivocally demonstrates the Commission’s intent to include commercial shops within the airport exemption. As the Chairman of the Commission explained at the time “[i]t’s not a necessity to have a newsstand or a dress shop” in an airport.²² But the Chairman recognized that “the practicality of the situation for security and other reasons in an airport” required the Commission to apply a little “common sense.”²³ The Chairman explained that he didn’t “think that anybody goes to an airport to shop for that sole purpose and leaves. I think they’re all kind of tied in together” and thus it was more efficient “if we just allowed them in.”²⁴ In other words, “everything is included in the airport as being a unique entity, and therefore exempt from the STS requirement.”²⁵ This expansive view of the airport’s mission recognizes how the presence of commercial tenants in the security perimeter of an airport requires that the airport allow for intercommunicating behind the switch, and therefore rejected the more narrow view offered by Commissioner Herndon that AT&T misleadingly cites in its Brief as representative of the Commission’s ultimate decision.²⁶

The Commission’s reluctance to exclude commercial tenants from the airport exemption recognized that as part of its mission to ensure the safety of the traveling public, an airport typically has its own fire and rescue, police and emergency personnel and systems interconnected to its shared system to enable “timely, coordinated response[s] to assaults, thefts,

²² Exhibit 239, p. 278:23-24 (appended hereto as Reply Attachment 2).

²³ *Id.* at 278:24-279:2.

²⁴ *Id.* at p. 279:4-9.

²⁵ *Id.* at p. 280:4-5 (Attachment 17 to GOAA Brief).

²⁶ *See* AT&T Br. at p. 33.

medical emergencies, terrorist threats and other airport emergencies.²⁷ These interconnected systems mean that a caller at any telephone throughout the airport “can reach a specially trained operator familiar with [airport] campus geography and our field conditions by simply dialing “0” or “2911.”²⁸ It is this type of functionality, described in the GOAA testimony²⁹ relied upon by the Commission in its 1987 *STS Order*, that falls squarely within the ambit of ensuring “the safe and efficient transportation of passengers and freight through the airport campus,”³⁰ and which the Commission specifically found to be of paramount importance in the “unique” circumstances of an airport.

AT&T’s argument that the services MIA provides to commercial tenants in the airport are unrelated to the airport’s mission misses the point. Even if one concedes that the retail concessions are not essential to the airport’s core mission, the Commission decided in 1987 that they were sufficiently related to that mission (the safe movement of passengers and freight) that providing shared service to those businesses and allowing for them to intercommunicate with other airport functions behind the PBX fell within the ambit of managing the airport “for the safe and efficient transportation of passengers and freight through the airport.”³¹ The record of the STS proceedings demonstrated that shared telecommunications service to tenants in the airport facility, whether aviation tenants or retail concessions, is an indispensable aspect of airport safety

²⁷ See Exhibit 236, Direct Testimony of Hugh J. Macbeth, *In re: Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service*, Docket No. 860455-TL, July 15, 1986 at p. 4 (Attachment 19 to GOAA Brief).

²⁸ *Id.* at pp. 16-17 (Attachment 20 to GOAA Brief).

²⁹ See, e.g., *id.* at pp. 7-8 (Attachment 21 to GOAA Brief); Exhibit 237, Rebuttal Testimony of Hugh J. Macbeth, *In re: Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service*, Docket No. 860455-TL, August 4, 1986 at pp. 14-18 (Attachment 22 to GOAA Brief)

³⁰ See Exhibit 240, *STS Order*, at 13 (emphasis supplied).

³¹ See *id.*

and security.³² Recognizing this, the *STS Order* permitted airports to “continue to provide service under existing conditions” and therefore permits airports to share services with such tenants today.³³ Simply because traveling public, due to the demands of modern travel, may today benefit from a wider range of shopping choices at the airports does not alter the Commission’s basic finding from twenty years ago.

Accordingly, the Commission need not address AT&T’s challenge to MIA’s motives in providing shared services to retail concessions in the airport, nor its assertion that MIA and its witnesses are unable to provide the linkage between the shared services provided to such retailers and the overriding safety objectives that justify the sharing of services between the airport and such retailers.³⁴ As explained above, these were the core issues resolved in 1987 and resulted in the adoption of the airport exemption in its final form.

CONCLUSION

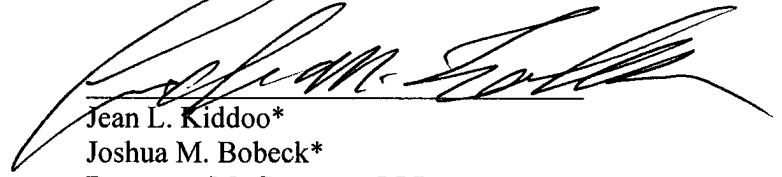
For the aforementioned reasons, AT&T’s Complaint should be dismissed.

³² See Exhibits 236-237, Testimony and Rebuttal Testimony of Hugh J. Macbeth, Docket No. 860455-TL (July 15, 1986 and Aug. 14, 1986, respectively). Commissioner Gunter acknowledged that under a “common-sense approach,” even the bar at the Tallahassee airport would be permitted to share service with the airport under the airport exemption as it would be “necessary for the operation of the airport”. Exhibit 239, Special Agenda Tr. Vol. II, at p. 273:15-23 (Attachment 18 to GOAA’s Brief).

³³ Exhibit 240, *STS Order*, at p. 13.

³⁴ AT&T’s attempt to place the burden of justifying this linkage on the County and its witnesses is misleading and irresponsible. If AT&T sought to modify the Airport Exemption it could have filed a petition asking the Commission to amend its rules. But here it filed a complaint, asking the Commission to enforce a twenty year old rule. But that rule, despite AT&T’s mangled interpretation, expressly represents the Commission’s decision that providing STS to retail concessions while perhaps ancillary to the core mission of the airport, provided enough of safety benefit to the traveling public that it was in the public interest to exempt the provision of such services from the Commission’s STS certification rules.

Respectfully submitted,



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September 10, 2007

**Request to serve as Qualified Representatives pending*

CERTIFICATE OF SERVICE

I, Joshua M. Bobeck, hereby certify that a true and correct copy of the foregoing Reply Brief was mailed to the parties on the attached service list on September 10, 2007.



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GOAA Reply Attachment 1
Exhibit 182, MiamiTodayNews.com Article
“Newest Shopping Mall” pp. 1-2

MIAMI TODAY
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MIAMI

FYI Miami is a weekly feature of Miami Today, keeping readers ahead of the news. Here are highlights from the most current edition.

TOURISM-TAX BONANZA: Thanks to robust tourism, revenue from hotel taxes such as the countywide Convention Development Tax was up nearly 12% in the first quarter from a year earlier. The tax generated about \$15.4 million January through March, up from \$13.7 million in the same period last year. The tax in part supports the building of such facilities as the Miami Performing Arts Center.

REDEVELOPMENT DEFERRED: The Miami-Dade County commission has unanimously deferred a move to create the Biscayne Corridor Community Redevelopment Agency, a measure the commission adopted on first reading in January. The area is between Northeast 112th and 116th streets from Biscayne Boulevard on the east to Northeast 14th Avenue on the west. In July 1998, the commission declared the area a slum or blighted area that needed redevelopment.

64-STORY TOWERS DENIED: Miami's zoning board Monday voted to deny a zoning change that would have allowed construction of a pair of 64-story towers on the Miami Herald site fronting Biscayne Bay. The city commission will make the final decision. The board voted 4-2 to deny the change from C-2 commercial, with a height limit of 120 feet or 12 stories, to SD-6, which would allow unlimited height. Herald Plaza Parcel 1 is designed with 650 residential units, 24,000 square feet of commercial space and 1,064 parking spaces. Herald Plaza Parcel 3 would have 554 residential units, 4,000 square feet of retail and 700 parking spaces. Developer Terra Group is to take the project before the city's planning and zoning board May 17.

TAKE ON TOURISM: William D. Talbert, president and CEO of the Greater Miami Convention & Visitors Bureau, is to address Miami city commissioners today (5/11). "We will be giving the commission a tourism snapshot and update on tourism in Miami for 2005," he said. He has spoken to the Miami-Dade commission and the Miami Beach commission and will visit the Coral Gables commission May 23.

articles online:

- ▶ Brickell name battle dormant - for now
- ▶ Chamber expects state funding for missions, leadership programs
- ▶ Americas Linkage tour of Latin America, Caribbean called a success
- ▶ School board gets proposal for use of 866 parking spaces by art center
- ▶ Winton to ask Miami commissioners to oppose tax for tunnel
- ▶ Water Taxi sues Broward after funds withheld
- ▶ Parking authority using bond funds to finance projects



Community
Resources ▶

KEY TO THE KEY: Miami commissioners today (5/11) are being asked to accept the Virginia Key Beach Park Master Plan. The plan is a guide for development, preservation and beautification of the beach prepared by Wallace Roberts & Todd LLC.

SERVING THE ELDERLY: Resolutions from Miami's Department of Community Development for services to the elderly are to go before the city commission today (5/11). One would grant \$20,000 for Allapattah Community Action Inc. to provide meal services to the elderly. The second would transfer \$99,200 of US Department of Housing and Urban Development funds for rehabilitation of an elderly facility at 5617 NW Seventh St.

HURRICANE HOTLINE: The City of Miami Beach is preparing for hurricane season and wants residents who wish to be notified via cell phone of important notifications such as evacuation orders to register their cell numbers. Register at <http://miami-beach.fl.gov/newcity/reverse911/mainpage.asp>.

PARKING FEE DOUBLES: The Miami Beach Parking Department is raising its special-events parking rate to \$10, effective immediately. The \$5 rate had stood for 10 years.

POW WOW HOP: William Talbert, Greater Miami Convention & Visitors Bureau president and CEO, recently went all the way to China to promote tourism, but this week, he had only to hop over to Orlando for one of the world's biggest trade shows, the Travel Industry Association's International Pow Wow. The event attracts more than 1,000 domestic travel organizations from every region of the US to meet with almost 1,500 international and domestic travel buyers from more than 70 nations, conducting negotiations that generate more than \$3.5 billion in US travel. In 2009, Mr. Talbert and his team won't have to venture far at all - the Pow Wow is to be in Miami.

NEWEST SHOPPING MALL: Miami International Airport's bid to spruce up travelers' shopping is to be spotlighted at 2 p.m. Monday when the county unveils its new collection of retailers at the grand opening of more than a dozen trendy name-brand shops. "MIA's dynamic new Central Terminal retail program brings 100% pure Miami flavor to the passengers' shopping experience," said spokeswoman Lauren Stover. Shops include Mindworks, Brookstone, Bayside Brush, Airport Wireless, Ron Jon Surf Shop, Havana Shirt Shop, Borders and Hudson News. The grand opening, during National Tourism Week, will feature food samples, product demonstrations, a fashion show, book signings, children's characters, prizes and coupons.

HISTORIC CRUISE: Members of the Historical Museum of Southern Florida will cruise to Key West and Playa del Carmen, Mexico, in November aboard Carnival's *Imagination*, but it won't be a typical cruise. Included will be a behind-the-scenes tour of

BST 6508
PSC

GOAA Reply Attachment 2

Exhibit 239, *In re: Investigation into Appropriate Rates and Conditions of Service for Shared Local Exchange Telephone Service*, Docket No. 860455-TL, Special Agenda Tr. Vol. II, (Jan. 8, 1987) (“Special Agenda Transcript”) pp. 278:23-24; 278:24-279:2. 279:4-9

1 under these circumstances.

2 If you go down to the Hilton Hotel or any large
3 hotel, they have a lot of shops down at the bottom that
4 under the -- the way we're currently doing it, as I
5 understand it, is they could not share in the PBX of
6 that hotel, it would have to be partitioned; the flower
7 shop, the restaurant downstairs and all of that. And I
8 don't find --

9 MR. COPPIN: That's true unless their hotel is an
10 STS provider.

11 COMMISSIONER MARKS: If it's an STS provider
12 they're fine. What I'm just saying is I just don't
13 find that much -- if the airport becomes an STS
14 provider --

15 MR. COPPIN: I think the Commissioners were really
16 using a different rationale in granting certain
17 exemptions to the airport because of its unique nature.
18 But I don't think the hotel qualifies by using the same
19 argument for their -- the airport using the same
20 argument for the hotel.

21 COMMISSIONER GUNTER: It's not a necessity to have
22 a hotel at an airport.

23 CHAIRMAN NICHOLS: It's not a necessity to have a
24 newsstand or a dress shop either. It's just the
25 practicality of the situation for security and other

1 reasons in an airport, I just think we ought to temper
2 this regulation with just a little good common sense.
3 I agree with you.

4 I just don't think anybody goes to an airport to
5 shop for that sole purpose and leaves. I think they're
6 all kind of tied in together, and it just strikes me as
7 being a lot more efficient if we just allowed them in
8 and didn't worry about it a whole lot. I think we're
9 basically --

10 COMMISSIONER GUNTER: Excluding the hotel.

11 CHAIRMAN NICHOLS: Excluding the hotel. I think
12 we're talking about a minimal amount of service.

13 COMMISSIONER GUNTER: That's my motion.

14 COMMISSIONER HERNDON: Well, I do want to make my
15 motion to add a fourth category. I don't know whether
16 there's a second or not. Commissioner, it is intended
17 to be a friendly one.

18 CHAIRMAN NICHOLS: I thought it was added, and not
19 related --

20 COMMISSIONER HERNDON: Not materially related to
21 the mission of the airport as a fourth category of
22 exemption. That's just to give us the option of
23 bringing something back here for questioning more than
24 anything else. I don't really have anything in mind at
25 this point. I hate to say everything is in except