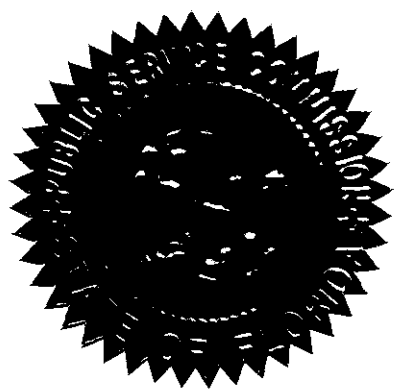


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070699-TP

In the Matter of

PETITION BY INTRADO COMMUNICATIONS, INC.  
FOR ARBITRATION OF CERTAIN RATES, TERMS,  
AND CONDITIONS FOR INTERCONNECTION AND  
RELATED ARRANGEMENTS WITH EMBARQ FLORIDA,  
INC., PURSUANT TO SECTION 252(B) OF THE  
COMMUNICATIONS ACT OF 1934, AS AMENDED,  
AND SECTION 364.162, F.S.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS:           PREHEARING

BEFORE:                COMMISSIONER LISA POLAK EDGAR  
                          PREHEARING OFFICER

DATE:                   Monday, June 16, 2008

TIME:                   Commenced at 1:00 p.m.  
                          Concluded at 1:17 p.m.

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

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

DOCUMENT NUMBER-DATE  
05375 JUN 23 8  
FLORIDA PUBLIC SERVICE COMMISSION  
FPSC-COMMISSION CLERK

1 PARTICIPATING:

2 CHÉRIE R. KISER, ESQUIRE, Cahill Law Firm, 1990 K  
3 Street N.W., Suite 950, Washington, DC 20006, and REBECCA  
4 BALLESTEROS, Intrado Communications Inc., 1601 Dry Creek Drive,  
5 Longmont, Colorado 80503, appearing on behalf of Intrado  
6 Communications Inc.

7 SUSAN S. MASTERTON, ESQUIRE, Embarq, Mailstop:  
8 FLTLHO0102, 1313 Blair Stone Road, Tallahassee, Florida 32301,  
9 appearing on behalf of Embarq Florida, Inc.

10 FLOYD SELF, ESQUIRE, Messer Law Firm, 2618 Centennial  
11 Place, Tallahassee, Florida 32308, appearing on behalf of  
12 Intrado Communications Inc.

13 LEE ENG TAN, ESQUIRE, FPSC General Counsel's Office,  
14 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850,  
15 appearing on behalf of the Commission Staff.

16

17

18

19

20

21

22

23

24

25

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**COMMISSIONER EDGAR:** Good afternoon. Call this prehearing to order. I will begin by asking staff to read the notice.

**MS. TAN:** Pursuant to notice filed on May 30th, 2008, this time and place has been set for a prehearing conference in Docket Number 070699-TP, petition by Intrado Communications, Inc. for arbitration of certain rates, terms, and conditions for interconnection and related arrangements with Embarq Florida, Inc., pursuant to Section 252(b) of the Communications Act of 1934, as amended, and Section 364.162, Florida Statutes.

**COMMISSIONER EDGAR:** Thank you. And we will take appearances.

**MS. MASTERTON:** Susan Masterton on behalf of Embarq.

**COMMISSIONER EDGAR:** Thank you.

**MR. SELF:** Good morning, Commissioner, or afternoon. Floyd Self on behalf of Intrado.

**MS. KISER:** Chérie Kiser on behalf of Intrado Communications, and also Rebecca Ballesteros on behalf of Intrado Communications.

**COMMISSIONER EDGAR:** Thank you. And staff.

**MS. TAN:** And Lee Eng Tan on behalf of Staff.

**COMMISSIONER EDGAR:** Thank you. And to staff, any preliminary matters?

**MS. TAN:** There are none today.

1           **COMMISSIONER EDGAR:** Okay. None from the parties?

2           **MS. MASTERTON:** Not from Embarq. Thank you.

3           **MS. KISER:** No, ma'am.

4           **COMMISSIONER EDGAR:** All right. Then we will walk  
5 our way through the draft prehearing order, and we'll just move  
6 through it section-by-section. If there is anything, I know  
7 there have been just a couple of tweaks to the draft over the  
8 last couple of days, so if there is anything else, please speak  
9 up and bring it to my attention.

10           Okay. Any changes to Roman numeral I? II. III.  
11 IV. V. VI.

12           **MR. SELF:** Commissioner, I think Intrado Comm, with  
13 respect to the order of witnesses, and I'll let Ms. Kiser speak  
14 to that.

15           **MS. KISER:** Yes. We would like to change the order  
16 of the witnesses. So Carey Spence-Lenss would go first, and  
17 then Ms. Clugy, Mr. Hicks, and Mr. Melcher.

18           **COMMISSIONER EDGAR:** Ms. Masterton?

19           **MS. MASTERTON:** I don't have any objection to that.  
20 And, similarly, because Mr. Hart only has one issue and Mr.  
21 Maples has a significant number, just to switch them and have  
22 Mr. Hart go first and then Mr. Maples last.

23           **COMMISSIONER EDGAR:** Any concerns about changing the  
24 order as just described?

25           **MS. TAN:** We have no concerns. But, if you don't

1 mind, I would like to repeat that just to make sure that we are  
2 all on the same page.

3           **COMMISSIONER EDGAR:** Okay. Let me give it a try and  
4 see how that works. Okay.

5           So the first witness would be for Intrado and would  
6 be -- is it Ms. Spence-Lenss, then Ms. Clugy, then Mr. Hicks,  
7 then Mr. Melcher, then Mr. Hart, and Mr. Maples would be the  
8 last witness. Is that --

9           **MS. TAN:** That is our understanding.

10           **COMMISSIONER EDGAR:** Okay. We will change the order  
11 to the way we have just described it.

12           **MS. KISER:** Thank you.

13           **MS. MASTERTON:** Thank you.

14           **COMMISSIONER EDGAR:** Okay. Roman numeral VII, basic  
15 positions. VIII. IX, exhibit list.

16           Staff, any comments?

17           **MS. TAN:** Staff notes for the record that we have  
18 prepared a comprehensive exhibit list which we will be  
19 providing for the parties to look at that we would like to use  
20 for hearing.

21           We will provide the exhibit list to the parties as  
22 soon as possible. And we also intend to prepare a proposed  
23 stipulated exhibit composed of the discovery responses and  
24 deposition transcripts which we will provide to them in advance  
25 of the hearing.

1           **COMMISSIONER EDGAR:** Okay. Thank you.

2           **MR. SELF:** We have no objection to that. If I may,  
3 Commissioner, I have been told that one of Mr. Hicks' exhibits,  
4 they may revise it, and I can't remember if it's TH-5 or TH-6,  
5 although it could be TH-1. Regardless, the substitution would  
6 be that the exhibit as currently filed lists, I believe,  
7 California cities on it, and I think they are going to  
8 potentially revise it so it would have Florida cities on it.  
9 There wouldn't be any substantive change, but we will hopefully  
10 get that filed in the next day or so. And I think that would  
11 be the only change.

12           **COMMISSIONER EDGAR:** Ms. Masterton.

13           **MS. MASTERTON:** Embarq doesn't have any objections,  
14 pending seeing the change.

15           **MR. SELF:** And that's fine.

16           **COMMISSIONER EDGAR:** Staff?

17           **MS. TAN:** Staff would have no problems, pending  
18 seeing the changes, also.

19           **COMMISSIONER EDGAR:** Okay. So we will expect a  
20 revised exhibit to be submitted by Intrado for either TH-5, 6,  
21 or 1. And I want to go back, actually, to Section VI, which  
22 was order of witnesses. We have changed the order of  
23 witnesses, but I always ask is there a potential for  
24 stipulating any of the witnesses between the parties?

25           **MS. MASTERTON:** Embarq had not yet had an opportunity

1 to discuss this with Intrado, but we had considered whether or  
2 not Mr. Hart's testimony might be able to be stipulated into  
3 the record. So I guess this would be a good time just to  
4 propose that, not expecting an answer today, but that is  
5 something that Embarq certainly would offer as a possibility.

6 **MS. KISER:** And we'll take that under consideration.

7 **COMMISSIONER EDGAR:** Fine.

8 And, also, I was assuming, but I know better than to  
9 assume, so let me ask directly. We have -- for those witnesses  
10 that are on both direct and rebuttal, can we take those up at  
11 the same time?

12 **MR. SELF:** (Indicating affirmatively.)

13 **COMMISSIONER EDGAR:** That is the understanding of the  
14 parties?

15 **MS. MASTERTON:** Embarq is fine with that.

16 **MR. SELF:** Yes.

17 **COMMISSIONER EDGAR:** That was my understanding, but  
18 just to make it --

19 **MR. SELF:** We agree.

20 **COMMISSIONER EDGAR:** Thank you. Then we were on  
21 Section IX, which we have discussed. Any other comments about  
22 the proposed and potential upcoming exhibit list?

23 Okay. Section X, stipulations. None at this time?

24 **MR. SELF:** Commissioner, if I may, we had raised and  
25 we have discussed with Embarq here briefly this issue of

1 potentially striking testimony for issues that have been  
2 resolved. We may present that when we come to the hearing or  
3 we may not. Some of the testimony is kind of intertwined.  
4 Obviously if an issue has been stipulated that will be  
5 indicated in the prehearing order, or if something is resolved  
6 between now and the hearing we obviously will tell the  
7 Commission about that. But it may be more work than is  
8 necessary to actually try and go through and strike all of  
9 that, so we may just put it in with the recognition that if  
10 those issues have been previously resolved obviously we will  
11 just ignore that testimony rather than try and go through  
12 line-by-line. That may be more work than it is worth.

13           **COMMISSIONER EDGAR:** I understand. Ms. Masterton.

14           **MS. MASTERTON:** And Embarq agrees. We have talked  
15 about it, yes.

16           **COMMISSIONER EDGAR:** And staff?

17           **MS. TAN:** Staff would have no problem.

18           **COMMISSIONER EDGAR:** Thank you. Section XI. Section  
19 XII. Section XIII. And, Section XIV; discussion.

20           **MR. SELF:** Commissioner, if we could take just one  
21 moment.

22           **COMMISSIONER EDGAR:** Sure.

23           **MR. SELF:** Commissioner, with respect to the  
24 post-hearing procedures, Section XIII, at the moment the  
25 requirement that's here in the draft is for the post-hearing



1 brief to be 40 pages. Given the number of issues that we have,  
2 we're just concerned as to whether 40 pages would be --

3 **COMMISSIONER EDGAR:** Sufficient.

4 **MR. SELF:** We don't think 40 pages may cover it.

5 I know we are trying to be economical in our use of  
6 words and get things done quickly, but since the parties have  
7 had this proceeding in Ohio a few weeks ago, I think the briefs  
8 there were 60 pages, I don't know if that is a reasonable page  
9 limit to propose for Florida.

10 **COMMISSIONER EDGAR:** Ms. Masterton.

11 **MS. MASTERTON:** Well, I don't know how much more. I  
12 think 50 would certainly be sufficient for us. I'm not going  
13 to argue over the limit, but we could do with 50.

14 **MR. SELF:** Okay. We could make 50 work, I think.

15 **COMMISSIONER EDGAR:** Staff?

16 **MS. TAN:** Staff is fine either way.

17 **COMMISSIONER EDGAR:** Okay. We will note that for  
18 Section XIII, post-hearing procedures, that post-hearing  
19 statement shall be no more than 50 pages in length.

20 **MR. SELF:** Thank you.

21 **COMMISSIONER EDGAR:** Thank you.

22 And that brings us to Section XIV. I understand from  
23 staff there has been some discussion about opening statements?

24 **MR. SELF:** Yes. Do you want me to -- I'll jump in  
25 here.

1           **COMMISSIONER EDGAR:** Mr. Self.

2           **MR. SELF:** What we had talked about, Commissioner, is  
3 since this is a case that is one of first impression, that it  
4 might be appropriate to sort of depart from the usual lawyer  
5 opening statement and allow each party to have perhaps one of  
6 their witnesses who could make, for lack of a better term, a  
7 multi-media type presentation, which I think I mean like a  
8 PowerPoint presentation in order to sort of give the Commission  
9 a better idea of the issues in the case, and to frame them  
10 within the context, since this case is about 911 service  
11 ultimately.

12           You know, it might include basic stuff like how 911  
13 operates. And in our case, for example, for Intrado Comm, you  
14 know, the piece-parts of that network that we are looking for,  
15 how we are similar or different from what is going on today.  
16 And so we just thought it might be a little more useful to sort  
17 of give that big picture view so that as we jump into the  
18 issues for the hearing itself the Commissioners will sort of  
19 have a point of reference for what's going on.

20           **COMMISSIONER EDGAR:** So you are proposing in lieu of  
21 opening statements from the attorneys representing the parties  
22 that we have a sworn witness who would do -- my words,  
23 basically -- an overview of some of the issues, processes, and  
24 technology related and relevant?

25           **MR. SELF:** Yes.

1           **COMMISSIONER EDGAR:** Ms. Masterton.

2           **MS. MASTERTON:** Well, I had understood that that was  
3 coming from staff. I didn't realize it was being proposed by  
4 Intrado, but even so, we don't conceptually necessarily  
5 disagree, but we had a few concerns.

6           One, we wanted it to be just one presenter per party.  
7 Two, that the presentations be limited to the evidence that's  
8 on the record. I mean, new PowerPoints maybe, but no new  
9 evidence presented so that everything that would be encompassed  
10 in the multi-media presentation, so to speak, would be drawn  
11 from what was already in the record. And, third, we were  
12 thinking no more than ten minutes, which is what you all have,  
13 because we have only got a day for the entire hearing. So we  
14 had thought no more than ten minutes per party.

15           **COMMISSIONER EDGAR:** One per party is what my  
16 thinking has been, as well. Ten minutes each is also what I  
17 was thinking, and I have a personal preference for concise  
18 presentations, and I do think that some overview could be --  
19 I'm sure it would be helpful to me and just therefore hope that  
20 it will be for my colleagues, as well. And the proposed  
21 limitation to the record evidence, Staff, do you have any  
22 comment on that?

23           **MS. TAN:** That would be in keeping with what staff  
24 was discussing and what we would like to have happen.

25           **COMMISSIONER EDGAR:** Okay.

1 Mr. Self, any additional comments?

2 **MR. SELF:** And I think all of those conditions are  
3 perfectly acceptable.

4 **COMMISSIONER EDGAR:** Okay. Any other -- obviously we  
5 will change the proposed language in the draft order that is  
6 before us. Any other comments or questions that may come up  
7 regarding the in lieu of opening statements presentation?

8 **MS. MASTERTON:** Embarq doesn't have any additional  
9 questions right now.

10 **MS. KISER:** Nothing more. Thank you.

11 **COMMISSIONER EDGAR:** Staff, anything that you can  
12 think of for this section that would be good to discuss while  
13 we are all gathered here together?

14 **MS. TAN:** No, I believe that's sufficient. Ten  
15 minutes per party; information used in the presentations must  
16 be based on evidence in the record; one designated witness only  
17 who will be sworn in and available for cross at the time of  
18 cross-examination. That would be all that staff has at this  
19 time.

20 **MS. MASTERTON:** Commissioner, I apologize. If there  
21 are PowerPoint presentations or things like that, we would ask  
22 that -- and we would do the same -- make them available to the  
23 parties. We would make any presentation we had and ask Intrado  
24 to do the same.

25 **COMMISSIONER EDGAR:** That would be my expectation.

1           **MR. SELF:** Absolutely.

2           **MS. TAN:** Staff has no objections.

3           **COMMISSIONER EDGAR:** Okay. I had mentioned to staff  
4 that one thing that might be helpful for me would be, perhaps,  
5 an acronym list, realizing or just with my expectation that  
6 there may be many. Is that something that would be useful to  
7 put in as a staff exhibit or is that not necessary?

8           **MS. TAN:** Staff will be providing it as an exhibit  
9 more than likely, and we are currently working on it at this  
10 time.

11           **COMMISSIONER EDGAR:** Okay.

12           **MR. SELF:** I had the same thoughts, so I'm glad that  
13 y'all are working on that. Maybe if that could be circulated  
14 to us in advance of the hearing in case there's something that  
15 we think should be added.

16           **MS. TAN:** Definitely. There will be no problem with  
17 that. We will circulate it.

18           **COMMISSIONER EDGAR:** Okay. So I will ask staff, as  
19 of course they would, to work with the parties and to have that  
20 available in advance, and if there are additions or suggested  
21 changes to work together so that that list will be as helpful  
22 as possible.

23           **MR. SELF:** Excellent.

24           **COMMISSIONER EDGAR:** Okay. Any other matters that we  
25 should discuss? No?

1 MS. MASTERTON: Embargo doesn't have any.

2 COMMISSIONER EDGAR: No other matters, okay. The  
3 dates before me, hearing July 9th; transcript to be finished by  
4 July 17th; briefs to be due August 7th.

5 MS. TAN: That is correct.

6 COMMISSIONER EDGAR: Okay. And, once again, any  
7 other matters?

8 MS. KISER: No. None, thank you.

9 COMMISSIONER EDGAR: Okay. Then thank you all and we  
10 are adjourned.

11 MR. SELF: Thank you.

12 (The prehearing adjourned at 1:17 p.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF FLORIDA       )  
  
                                  :  
  
COUNTY OF LEON        )


CERTIFICATE OF REPORTER

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, 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 23rd day of June, 2008.

  
\_\_\_\_\_  
JANE FAUROT, RPR  
Official FPSC Hearings Reporter  
(850) 413-6732