

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 090246-TP

Notice of adoption of existing
interconnection agreement between
BellSouth Telecommunicatons, Inc.
d/b/a AT&T Florida d/b/a AT&T
Southeast and Cbeyond Communications,
LLC by Clective Telecom Florida, LLC.



PROCEEDINGS:

AGENDA CONFERENCE
ITEM NO. 6

COMMISSIONERS
PARTICIPATING:

CHAIRMAN MATTHEW M. CARTER, II
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER KATRINA J. McMURRIAN
COMMISSIONER NANCY ARGENZIANO
COMMISSIONER NATHAN A. SKOP

DATE:

Tuesday, August 18, 2009

TIME:

Commenced at 9:38 a.m.
Concluded at 10:34 a.m.

PLACE:

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

REPORTED BY:

MARY ALLEN NEEL, RPR, FPR

DOCUMENT NUMBER-DATE

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CHAIRMAN CARTER: Thank you, Commissioners. And with that, Commissioners and staff, we now move to Item 6, which we're taking up out of order. We have on the phone -- if I butcher your name, it's nothing personal. It's just that, you know, sometimes I have an accent, so why don't I just go with your first names. I think I can cover those, and you can make appearances. Evan and Brad, would you please give us your name and the party that you're representing, please?

MR. MONDSCHHEIN: Commissioner, this is Brad Mondschein, and I am representing Clective Telecom Florida.

CHAIRMAN CARTER: Okay. Evan?

MR. KATZ: Yes, sir. This is Evan Katz. I am the director of Clective Telecom Florida.

CHAIRMAN CARTER: Okay. Staff, would you please introduce this issue, the item, rather, Item 6?

MS. TAN: Good morning, Commissioners. Lee Eng Tan on behalf of Commission staff.

Item Number 6 a recommendation regarding a notice of adoption of an existing interconnection agreement between AT&T and Cbeyond Communications,

1 LLC by Clective Telecom Florida, LLC, in Docket No.
2 090246-TP.

3 Staff's recommendation addresses whether AT&T
4 has standing to request the cancellation of
5 Clective's competitive local exchange certificate
6 and whether Clective can adopt the interconnection
7 agreement. Staff recommends that AT&T does not
8 have the standing to request the cancellation of
9 Clective's CLEC certification. Staff further
10 recommends that pursuant to 47 USC Section
11 252(i) and 467 CFR Section 51.809, Clective may
12 adopt the AT&T and Cbeyond interconnection
13 agreement.

14 Also, representatives from Clective and AT&T
15 are here today or on the phone to speak with you,
16 along with a representative of TDS Telecom.

17 Staff is available for any questions.

18 CHAIRMAN CARTER: Let's do this,
19 Commissioners, before we go to our questions.
20 Let's take the appearances of the parties that are
21 present with us.

22 MR. GURDIAN: Good morning, Commissioners.
23 Manny Gurdian on behalf of AT&T Florida. Also with
24 me today is Tracy Hatch.

25 MR. McCABE: Tom McCabe on behalf of TDS

1 Telecom.

2 CHAIRMAN CARTER: Okay. And we have on the
3 phone with us Mr. Katz and Mr. --

4 MR. MONDSCHHEIN: Mondschein, yes.

5 CHAIRMAN CARTER: That's close enough for me.

6 Okay. Commissioners, staff has introduced the
7 issue. Questions, Commissioners? We're on Item 6,
8 Commissioners.

9 Commissioner Skop, you're recognized, sir.

10 COMMISSIONER SKOP: Thank you, Mr. Chairman.
11 Just a quick question to staff with respect to the
12 issue before us. One of the objections that I
13 believe AT&T has raised would be harm in terms of
14 what may or may not be happening in another state.
15 Could staff briefly expand upon how AT&T is
16 adequately protected in this instance specifically
17 in terms of being able to require deposits and
18 such? Thank you.

19 MS. KING: Yes, Commissioner. This is Laura
20 King with Commission staff.

21 The interconnection agreement Clective would
22 like to adopt does have a deposit provision which
23 we believe would protect AT&T. They can request a
24 deposit from Clective before Clective orders any
25 service. We believe that would protect AT&T's

1 interests.

2 Also, there are dispute resolution provisions
3 in the interconnection agreement that address
4 billing and if there's disputes with regard to
5 deposit amounts, et cetera.

6 COMMISSIONER SKOP: Thank you. So in staff's
7 opinion, AT&T's interest is adequately protected by
8 the contractual provisions of the interconnection
9 agreement?

10 MS. KING: We believe so at this time.

11 COMMISSIONER SKOP: Okay. And then if there
12 were to be problems that would arise somewhere as
13 to what may or may not be happening in another
14 state, then AT&T certainly would have recourse to
15 address that matter not only within the agreement,
16 but also before the Commission; is that correct?

17 MS. KING: Yes, sir.

18 COMMISSIONER SKOP: All right. Thank you.

19 CHAIRMAN CARTER: Commissioners, any further
20 questions? Hearing none -- Commissioner Edgar,
21 you're recognized.

22 COMMISSIONER EDGAR: Mr. Chairman, if there is
23 no further discussion, I can make a motion at this
24 time in favor of the staff recommendation on all
25 issues.

1 COMMISSIONER SKOP: Second.

2 CHAIRMAN CARTER: Commissioners, we have a
3 motion and a second to move staff on Item 6. Are
4 there any further questions? Any debate?

5 MR. GURDIAN: Chairman, this is Manny Gurdian
6 on behalf of AT&T. I would like an opportunity to
7 address staff's recommendation before the
8 Commissioners vote.

9 CHAIRMAN CARTER: You're recognized.

10 MR. GURDIAN: Thank you, Commissioner. Thank
11 you, Chairman. Good morning. Manny Gurdian on
12 behalf of AT&T.

13 AT&T has filed an objection to Clective's
14 adoption and a petition to cancel Clective's
15 certificate because Clective lacks the financial,
16 managerial, and technical capabilities required by
17 Florida law. AT&T Florida disagrees with the
18 staff's recommendation that it doesn't have
19 standing.

20 Pursuant to federal law, as a way of
21 background, AT&T Florida is required to enter into
22 interconnection agreements with CLECs. However,
23 AT&T Florida is only required to enter into
24 interconnection agreements with certified CLECs,
25 those who have been certified by their state

1 Commission to provide CLEC service in the state.
2 These certifications protect not only -- these
3 certification requirements protect not only the
4 citizens of the State of Florida, they also protect
5 companies such as AT&T Florida, ILECs, from having
6 to do business with people who do not possess these
7 capabilities.

8 Generally the adoption by CLECs of valid
9 connection agreements is a routine matter, and AT&T
10 Florida does not object. However, in the instant
11 case, AT&T has concerns with Clective's
12 capabilities.

13 And because Clective's certificate was
14 obtained based upon what AT&T considers
15 misinformation, this federal requirement provides
16 AT&T Florida with standing to challenge the
17 sufficiency of Clective's certificate, or at a
18 minimum, to request an investigation of such
19 sufficiency before entering into a business
20 relationship with Clective. And staff's
21 recommendation fails to address AT&T's -- the
22 information provided by AT&T regarding Clective's
23 misrepresentations in their CLEC application.

24 But before I get to that, let me tell you
25 about some of the other concerns:

1 One, Clective in Georgia has been disconnected
2 by AT&T for nonpayment of bills, and the same
3 individuals who run the company in Georgia run
4 Clective here in Florida.

5 Clective in Georgia filed for bankruptcy, and
6 in those documents, they've indicated they have
7 \$6,000 in cash. They filed for bankruptcy in
8 Georgia and indicated they have \$6,000 in cash.
9 Looking at those financial documents and looking at
10 the interrelationship between Clective in Georgia
11 and Florida, it doesn't appear that Clective has
12 the financial ability to operate here in Florida.

13 Third, Clective failed to pay its 2008
14 regulatory assessment fee on time and was penalized
15 by this Commission.

16 Fourth, AT&T Florida has requested deposits
17 from Clective, while Clective has not indicated --
18 which Clective has not indicated that it will pay.

19 Fifth, Clective is attempting to move its
20 operations from Georgia to Florida and to continue
21 its strategy of obtaining services from AT&T and
22 then not paying AT&T.

23 Clective in Florida and Georgia have employed
24 and contracted with current and former employees of
25 Global NAPs, a company that left AT&T holding the

1 bag for over \$20 million.

2 Sixth and most importantly, Clective has made
3 a misrepresentation to this Commission. When
4 Clective over -- approximately a year ago filed
5 their application to provide CLEC services in this
6 state, they indicated that one of their technical
7 capability folks was Joseph Nichols, and they
8 described him as Director of Carrier
9 Interconnection for Clective Georgia. However,
10 this representation in Clective's CLEC application,
11 which the Commission relied upon in granting their
12 certificate, is an outright misrepresentation.
13 Joseph Nichols is not a real person. It's an alias
14 used by Jeffrey Noack, an employee of Global NAPs.
15 Clective has failed to explain why they made this
16 misrepresentation to this Commission.

17 Further, Clective misstates Joseph Nichols
18 a/k/a Jeffrey Noack's status with the company, in
19 that the application asks for employees and
20 officers of the company that would indicate
21 sufficient technical experiences, and it is
22 admitted by Clective that Mr. Nichols/Noack was
23 neither an officer nor an employee, but a
24 consultant and an independent contractor of
25 Clective.

1 In conclusion, AT&T believes it has standing
2 to request the cancellation of Clective's
3 certificate because of its obligation pursuant to
4 federal law to enter into an ICA with Clective.
5 However, if the Commission does not believe AT&T
6 has standing, it, at a minimum, should order staff
7 to open an investigation into whether Clective has
8 made misrepresentations and whether it has
9 sufficient technical, managerial, and financial
10 capability to provide CLEC services in Florida.

11 Thank you.

12 CHAIRMAN CARTER: Thank you. Mr. McCabe.

13 MR. McCABE: Good morning. Good morning. Tom
14 McCabe on behalf of TDS Telecom. I'm here this
15 morning to express my concerns with regards to
16 staff's recommendation to require AT&T to allow
17 Clective to adopt Cbeyond's interconnection
18 agreement.

19 In the 13 years that I've been employed with
20 TDS, I've never questioned the ability of any CLEC
21 to provide service in Florida. However, after
22 reviewing the pleadings in this case and the
23 experiences that TDS has encountered over the last
24 several years trying to collect outstanding charges
25 against Global NAPs in Georgia, Vermont, and New

1 Hampshire, TDS is deeply concerned with the
2 financial and managerial abilities of this company.

3 I would like to offer the following
4 observations and the potential impact to TDS. For
5 several years now, TDS has been involved in
6 complaints against Global NAPS in Georgia, Vermont,
7 and New Hampshire. On July 21st, the Georgia
8 Commission ruled in favor of our complaint against
9 Global NAPS, whereby the Commission found in favor
10 of TDS that Global NAPS owes terminating access
11 charges.

12 Unfortunately, we do not hold out much hope of
13 ever collecting any of this money. Based on
14 information in the public domain regarding
15 complaints filed before state commissions or
16 courts, there have been awards issued against
17 Global NAPS in excess of \$100 million.

18 Based on evidence that has been filed in
19 various jurisdictions and court proceedings, Global
20 NAPS' corporate structure consists of many shell
21 corporations designed to protect the parent
22 company, Ferrous Miner. I'm not implying that
23 Clective is a corporation of Global NAPS, but that
24 was certainly some concern that we have.

25 In filings in this proceeding by Clective,

1 they allege that there is no relationship between
2 Clective and Global NAPs. Based on the information
3 filed in the proceeding, it's not that clear. As
4 indicated in the pleadings, Mr. Joseph Nichols,
5 whose actual name is Jeffrey Noack, is listed as
6 Director of Carrier Interconnection. This is the
7 same Mr. Jeffrey Noack who filed testimony on
8 June 10, 2009, on behalf of Global NAPs in the
9 dispute in Maryland. On page 1 of his testimony,
10 he identifies himself as the Director of Network
11 Operations of Global NAPs and that he has held that
12 position since 1999.

13 Also, this appears to be the same Mr. Noack
14 that was listed on the CLEC application in Illinois
15 for MyBell. I believe this application was filed
16 in early 2007, in which Mr. Noack, according to his
17 recent testimony, was also an employee of Global
18 NAPs. Based on the information in that case, it
19 appears that the other officers and directors of
20 MyBell were Global NAPs employees. After further
21 investigation by the Illinois Commission, it's my
22 understanding that MyBell withdrew their
23 application for the CLEC certification.

24 The mere fact that Clective recently filed a
25 letter indicating that Mr. Noack is no longer

1 associated with Clective does not provide TDS a lot
2 of comfort.

3 Also, I would like to point out in their
4 application, question 17, which requires a CLEC to
5 identify any officers or directors of any other
6 Florida certificated or registered telephone
7 companies. In the response they indicated no, yet
8 at the same, Global NAPs, based on the Commission
9 website, Global NAPs still holds a certificate at
10 this Commission, and Mr. Noack is an employee of
11 Global NAPs.

12 With regard to the financial ability of this
13 company, we believe that the Commission should have
14 serious reservations as to whether or not this
15 company has the ongoing financial capability to
16 provide service. TDS is concerned that Clective of
17 Georgia, which has been in business for less than
18 two years, has already attempted to file for
19 bankruptcy protection in Georgia.

20 In their letter dated May 29th, they indicate
21 that the Georgia Commission has not issued any
22 ruling with regard to whether VoIP providers are
23 required to pay access. And just to update that,
24 the Commission recently on July 16th issued an
25 order that required VoIP providers -- that access

1 would apply to intrastate VoIP traffic. So it
2 appears to me that the outstanding complaint that
3 they have in Georgia hopefully will be resolved
4 before too long, and there's going to be a
5 financial settlement that they've going to have to
6 make to AT&T, yet at the same time, it appears that
7 they're filing for bankruptcy protection.

8 According to the unaudited balance statements
9 by Clective of Florida in August of 2008, the
10 company's net worth was listed at less than
11 \$100,000, which includes equipment in the amount of
12 \$50,000. Talking with our folks, we can't
13 understand how anybody can be in this business
14 providing the services that they are with \$50,000
15 worth of equipment.

16 Finally, with regard to the issue of whether
17 AT&T is protected under the interconnection
18 agreement with the issuing of the deposit, that may
19 be correct for AT&T, but there's no such protection
20 afforded to my company or any other company that
21 may have to terminate traffic by Clective. What
22 happens under an interconnection agreement that
23 Clective has, AT&T would be required to transit any
24 of that traffic to third-party providers. That's
25 the same situation that we experienced with Global

1 NAPs in which we ended up having outstanding
2 balances of over \$600,000, and which we will never
3 see any of that money.

4 So I certainly think that there's a lot of
5 concern that this Commission should have, and I
6 think that it would be proper to delay ruling on
7 whether an interconnection agreement should be
8 entered into until such time that the Commission
9 can further investigate the managerial and
10 financial capabilities of this company.

11 CHAIRMAN CARTER: Thank you. Either Mr. Katz
12 or Mr. Mondschein, you're recognized.

13 MR. MONDSCHHEIN: Sure. I'll be happy to talk
14 on this. This is Brad Mondschein on behalf of
15 Clective.

16 The first issue that seems to be first and
17 foremost in at least AT&T's and TDS's mind appears
18 to be an issue relating to Global NAPs, and I think
19 addressing that head on is probably the best way to
20 discuss this. There appears to be in AT&T's mind,
21 and perhaps in TDS's mind, a notion that someone
22 who works for one company is somehow banned from
23 ever working for another company for the rest of
24 their life. And it just seems that what they're
25 saying is that because Jeff Noack holds a position

1 with Global NAPs, that he can't go out and seek
2 other employment either on a part-time basis or on
3 a consulting basis, and that's just not true.
4 Mr. Noack has never been accused by anyone of doing
5 anything wrong on behalf of Global NAPs or on
6 behalf of anybody.

7 Certainly I'm familiar with the Global NAPs
8 situation in other parts of the country, and Global
9 NAPs certainly has the reputation that perhaps
10 maybe it even deserves. But to force that upon
11 Mr. Noack or upon Clective is just wrong. And to
12 say that Mr. Noack can no longer work for any
13 company or that any company who employs Mr. Noack
14 or uses his services is somehow tainted is just
15 something that is unfair to Mr. Noack, and it's
16 unfair to any company that wants to use his
17 services.

18 Secondly, the situation with MyBell I'm very
19 familiar with, and in fact, that's the whole reason
20 why Clective of Florida actually used Mr. Noack's
21 alias of Mr. Nichols. And the reason for that is,
22 if you look at the Clective Georgia application,
23 when Mr. Katz and Ms. Morris filed that, they used
24 Mr. Noack's name, and no one raised an issue with
25 that.

1 Shortly after that, Mr. Noack along with some
2 other folks from Global NAPs attempted to start
3 their own CLEC separate from Global NAPs in
4 Illinois, and AT&T, like they are now, came in and
5 started to raise issues about whether Global NAPs
6 was in fact running MyBell or somehow running the
7 -- somehow pulling the strings for MyBell, which
8 they weren't. But frankly, the people who were
9 trying to start MyBell up just didn't have the
10 resources and funding to fight that fight in
11 Illinois, and obviously AT&T has all kinds of
12 resources that a lot of people don't. So they
13 decided that the better course of business for them
14 was just to drop the MyBell application in Illinois
15 and live to fight another day and in perhaps maybe
16 another jurisdiction.

17 So knowing that, when Clective Florida filed
18 their application, there was certainly no intent
19 and certainly no misrepresentation that was
20 intentional on behalf of Clective. They simply
21 used an alias. The person actually -- Mr. Noack
22 was in fact in that position for Clective Florida
23 at the time, and his financial and managerial
24 capabilities were there. What they wanted to avoid
25 was another situation in Illinois and the situation

1 that we have currently, which is that the mere fact
2 Mr. Noack is somehow assisting this company is
3 somehow an indictment against them because of
4 Mr. Noack's association with Global NAPS.

5 And that's just something this that Commission
6 should dismiss. It's not -- it's basically
7 throwing mud up against the wall and seeing if it
8 will stick, and actions like that have no place
9 before this Commission.

10 As far as what is going on in Georgia, I think
11 the representative of TDS summed it up, which is
12 that there is a ongoing dispute there. The fact
13 that Georgia may have just ruled on that issue I'm
14 not that familiar with at this point. I'll have to
15 go back and look at it. But the fact is that
16 there's an ongoing dispute in Georgia. Whether it
17 was ruled on against Clective or not happens to be
18 another issue. But the fact that there was a good
19 faith dispute that required a Commission decision
20 is what was going on there, and it again has
21 nothing do with Clective Florida either.

22 And so Clective Florida itself is a separate
23 entity. Certainly it's owned by Ms. Morris, and
24 Ms. Morris owns Clective Florida and Clective
25 Georgia. But other than that, there is no

1 affiliation between the two. They're two separate
2 companies. They're run as two separate companies.
3 They're financed as two separate companies. And
4 we're hoping to have an interconnection agreement
5 with AT&T so that we can go out and get funding so
6 that we can start operating in Florida and fund the
7 company.

8 CHAIRMAN CARTER: Thank you. Commissioner
9 McMurrian.

10 COMMISSIONER McMURRIAN: Thank you,
11 Mr. Chairman. I have a question I guess for
12 Mr. Mondschein to start with.

13 Mr. Mondschein, I think you said that you like
14 to address issues head on.

15 MR. MONDSCHHEIN: Yes.

16 COMMISSIONER McMURRIAN: So my question is --
17 I think that in your statement that you admitted
18 that Mr. Noack used an alias with respect to
19 getting a certificate in Florida, and I guess my
20 question is, do you believe that the use of an
21 alias in documents filed before a Commission where,
22 in my opinion, you should be telling the whole
23 truth about the situation and then allowing us to
24 judge whether or not you meet those financial and
25 technical capabilities, do you believe using an

1 alias like that is justified because of problems
2 that you experienced in another state with AT&T?

3 MR. MONDSCHHEIN: Well, let me answer it this
4 way. I don't condone the use of the alias by
5 Clective Florida. However, under the
6 circumstances, I think that it was not -- it should
7 not be viewed as an intentional act, as something
8 that was done intentionally to misrepresent to the
9 Commission the true status of Mr. Noack with
10 Clective, because certainly the person actually
11 exists, and the capabilities that he brought and
12 has brought to the company actually existed. So I
13 would view it as something that Clective did
14 perhaps unwisely, but I don't think as an
15 intentional misrepresentation to the Commission.

16 COMMISSIONER McMURRIAN: Okay. I guess,
17 Mr. Chairman, the only other thing, I would like to
18 hear from staff at some point. But I guess I
19 wasn't aware of the concerns -- obviously, I looked
20 at the pleadings, and I was aware of AT&T's
21 concerns that they had raised in some of these
22 later pleadings.

23 And, of course, I have some of those same
24 concerns, and I talked to staff -- I'm sure all of
25 us probably did -- about whether we were looking

1 into it kind of on our own to make sure that CLECs
2 before our Commission are doing what they should
3 have done, and did we have any kind of legal
4 problems with that. Anyway, we had that exchange.

5 And so I guess I would say to AT&T, the lack
6 of my questions and all to begin with, and TDS, was
7 more because I had assurance, I think, from staff
8 that that kind of analysis and all would be done
9 regardless of what was done with respect to the
10 interconnection.

11 And I believe with respect to the staff
12 recommendation before us, that their recommendation
13 on standing as well as the adoption of the
14 interconnection agreement is sound, but that
15 doesn't mean that we don't have concerns about the
16 information that has been presented to us with
17 respect to this company and their representations
18 when they were getting a CLEC certificate.

19 But I wasn't aware of the -- perhaps I should
20 have been, I'm not sure -- aware of the concerns by
21 even other companies about the potential impact on
22 them and how they may not have any kind of recourse
23 with respect to the interconnection agreement and
24 the customer deposit issue that Commissioner Skop
25 raised, so that was kind of new to me as well.

1 So I guess I want staff to respond to some of
2 these concerns that I've just heard today and see
3 if that sort of changes the equation at all and
4 sort of speak to the issue that has been brought up
5 about doing some kind of investigation of this
6 company.

7 MS. TAN: It is the Commission's discretion to
8 ask the staff to do a in-depth investigation of
9 Clective. In staff's opinion, in this situation,
10 Mr. Noack was an employee only of Clective with the
11 appropriate experience and not a registered officer
12 of Clective and does not rise to the level of
13 cancellation of its CLEC certificate.

14 And at this time, staff has no indication that
15 Clective has violated any rules of this Commission.
16 And so one of the things that we're dealing with is
17 of a prospective or a speculative nature, that
18 Clective may do something, and at this time we
19 don't have anything that causes us concern.

20 COMMISSIONER McMURRIAN: So can you explain to
21 me what is being done -- and I don't want to put
22 you in kind of a uncomfortable position, because
23 perhaps -- what kind of things can we do to monitor
24 a situation like this without maybe opening a
25 full-blown investigation? Either what is being

1 done already, what kind of things can we do, what
2 kind of protections do you think are sort of
3 embedded in our processes already now that we know
4 that there are concerns out there that we should be
5 paying attention to?

6 MS. KING: Certainly, Commissioner, all we can
7 do is look prospectively, and if we get complaints
8 or if a company gives us some information that
9 Clective is not acting appropriately as far as not
10 paying bills or things like that -- until they
11 actually start providing service, I'm not sure what
12 we could do at this point. I mean, everything has
13 been speculative. We don't know that they are not
14 going to pay bills. We don't know that they're not
15 going to come up with their deposit. We just don't
16 know.

17 COMMISSIONER McMURRIAN: And I'm definitely
18 not suggesting that they're not going to come up
19 with a deposit or anything like that either. I
20 don't know, and I don't think we should try to
21 speculate on what they will do.

22 But I also understand the concerns that have
23 been raised that there might have been some trouble
24 with respect to perhaps some of the same officers
25 or something of this company. And with the

1 concerns particularly that Mr. McCabe has raised, I
2 just wonder what kind of recourse and all that they
3 will have, other than, I guess, what it is they're
4 asking us, which is to look into whether or not the
5 certificate should have been provided.

6 Anyway, I'm just kind of thinking out loud.

7 MS. KING: Yes, ma'am. Certainly we're going
8 to have to depend to some extent on the industry to
9 let us know if the company is not paying bills,
10 things along those lines. But I'll let Melinda
11 address the issue with regard to the certification
12 and if we knew today -- if we knew when they were
13 certified what we know today, if that would have
14 changed our opinion.

15 COMMISSIONER McMURRIAN: Okay. That would be
16 helpful too. Thank you.

17 MS. WATTS: Commissioner, Melinda Watts for
18 staff.

19 If we had known that Joseph Nichols was indeed
20 Jeffrey Noack and has been associated with Global
21 NAPs or was even perhaps only a consultant rather
22 than a full employee, that still would not have
23 changed whether or not we would have granted the
24 certificate. You know, many companies do that.
25 They offer -- you know, they consult with various

1 companies for various functions, you know, to kind
2 of put together their corporate offerings. And I
3 really don't think that if we had had this
4 information before that we would have not granted
5 the certificate.

6 COMMISSIONER McMURRIAN: Let me, if I may, ask
7 another, Mr. Chairman. With respect to how a
8 recommendation would have been handled, though, in
9 that situation, it seems like I definitely remember
10 in some CLEC certification recommendations that if
11 there is some officer that perhaps is also an
12 officer -- and I'm not sure he's a officer, but if
13 there's someone related to the company that might
14 have been related to another company that's
15 certificated, usually you all talk about that in
16 the rec. That's my recollection. So if we had
17 known that Mr. Nichols was indeed Mr. Noack, was
18 that something that would have at least been
19 disclosed to us at the time we made the vote about
20 granting the certificate?

21 MS. WATTS: According to the records with the
22 Department of State on state corporations,
23 Mr. Noack is not an officer that we would recognize
24 with Global NAPS, nor is he with Clective, so we
25 still would not have looked at it from that

1 perspective.

2 COMMISSIONER McMURRIAN: Thank you,
3 Mr. Chairman. I'm kind of out of questions at the
4 movement. Thank you.

5 CHAIRMAN CARTER: Okay. Commissioner Edgar.

6 COMMISSIONER EDGAR: Commissioner McMurrian
7 hit most of the thoughts that I had, but I would
8 just ask staff if there are other points that were
9 raised by either of the parties in this that they
10 can shed some additional light on regarding the
11 recommendation and the questions and responses that
12 we've heard today.

13 MS. TAN: The only thing that I can think to
14 add is that the RAF issue that came up does happen
15 to many corporations, and it was settled out with
16 no problems. The company did pay the RAF issue.
17 Nothing else that was raised is something that we
18 can find actionable. And in fact, Clective Georgia
19 did send a letter in terms of whether or not -- I
20 believe that AT&T had mentioned that there was no
21 indication of whether or not Clective would pay any
22 deposit, and from what we understand, Clective
23 Georgia's counsel sent a letter to AT&T indicating
24 that it would agree to the deposit requirements,
25 which I know is something that AT&T had mentioned

1 was a concern to them.

2 COMMISSIONER EDGAR: And just a follow-up.
3 Realizing that in questions to staff recently, I've
4 been given the answer that more information is
5 always better, is there a reason on behalf of staff
6 to do further review, investigation, for lack of a
7 better word, into any of the issues that have been
8 raised today before this Commission takes action on
9 the item before us?

10 MS. SALAK: I don't know so in this situation.
11 I know that we will probably add additional
12 monitoring and be calling TDS occasionally to make
13 sure that the bills are being paid and that sort of
14 things.

15 We have looked at most of the issues -- well,
16 the issues that were presented, and I will tell you
17 that generically, not in this case, it's not that
18 unusual for us to have to get clarification on
19 applications. And we usually do it before the
20 fact, I admit.

21 But where something hasn't been filed quite
22 right on the certificate -- I mean on the
23 application for a certificate, and we'll have to
24 get clarification, you know, we'll bring it to
25 their attention that -- you're correct,

1 Commissioner McMurrian, where we look to see if
2 they have officers with the corporate -- people
3 registered with the Secretary of State that were
4 officers of another company. And we didn't find
5 that in this situation.

6 And we've looked at all the angles that were
7 suggested by AT&T, and the bottom line is that we
8 come down to the same answer, that we probably
9 would have still given them the certificate. It
10 may have been handled a little differently, but we
11 would have still given them the certificate.

12 That's not to say that since all this
13 discussion we won't be paying attention to them,
14 but we do have a rule that once we give a CLEC
15 certificate, that, you know, by violation of a rule
16 or an order or a statute, that's when we can cancel
17 them.

18 I can tell you there has been one time where
19 the Commission has deemed that someone did not tell
20 us the truth after the fact, after we had given
21 them the certificate, where they didn't tell us the
22 full truth, and we did fine them in that situation.
23 So we could pursue something like that, definitely,
24 if you would like us to do that. But that's only
25 one instance. And again, I think that's because we

1 handle most of that stuff on the front end. We
2 find out about it through our process.

3 COMMISSIONER EDGAR: Thank you.

4 COMMISSIONER ARGENZIANO: Mr. Chair.

5 CHAIRMAN CARTER: Commissioner Argenziano,
6 you're recognized.

7 COMMISSIONER ARGENZIANO: I guess I look at
8 the -- I would like to ask staff whether we looked
9 into the financial viability when we issued the
10 certificate, and what do we do if the financial
11 status of a company changes. Is there a way to
12 just monitor that along the way? Because
13 everything else to me is hearsay, and I can't find
14 any justification of what could happen, although
15 there's like a pink alert out there, and I want to
16 know -- I guess the question, going back to the
17 question is, when we issued the certificate, was
18 the financial viability looked into, and how do we
19 keep looking into that?

20 MS. SALAK: First of all, no, we do not keep
21 looking at financial viability. We do not get
22 financial statements for telephone companies, and
23 we do not monitor that. When we originally are
24 doing a certificate, they sign an affidavit saying
25 they're financially viable, with the understanding

1 that many startup companies in our state, they're
2 going to see some losses for a while. We recognize
3 that they're not always meeting all those financial
4 ratios you would like them to meet up front, but
5 that's part of their building process.

6 COMMISSIONER ARGENZIANO: But on the other
7 hand, what if you have somebody who's not
8 financially capable of fulfilling, you know, what
9 they're attempting to do and could leave everybody
10 in the lurch, so to speak? Do we have any rules
11 established regarding financial viability? And I
12 understand that a company is starting and they need
13 to get to where they're going, but you also want to
14 make sure they have some type of financial
15 stability to perform.

16 MS. SALAK: We do try to look at that, and we
17 actually have to rely somewhat on the affidavit
18 that they have the financial capabilities. We do
19 look at financial information, but as I said, for a
20 startup company, they'll have a business plan, and
21 we look to see how they're going to become
22 profitable over time, not necessarily as a startup
23 company.

24 COMMISSIONER ARGENZIANO: Okay. To that
25 point, if there's an affidavit stating that they're

1 financially viable and then they just collapse
2 because they really weren't financially viable, I
3 mean, what's the purpose of an affidavit if we -- I
4 mean, obviously, there's a purpose for the
5 affidavit, saying, okay, you tell us the truth that
6 you're financially viable. But if there's not the
7 slightest bit of looking into that -- and I
8 understand the problems with doing so, but even if
9 we're not even scrutinizing it a little bit, I
10 don't know how we can ever ensure that they really
11 could perform.

12 And then if there's no monitoring down the
13 road, are we not leaving ourselves open or
14 everybody else open for the collapse of a company
15 that may have not been financially viable? And
16 just because they checked the box that said they
17 are, I'm not sure that's -- are there any
18 prohibitions in us looking at financial viability
19 to a certain degree?

20 MS. SALAK: We try to look at financial
21 viability. We'll get some financial information.
22 But again, there's no way to assure that a business
23 plan is going to work for a particular company. We
24 can only make sure that they have some telephone
25 expertise or technical expertise and that they have

1 some managers that know something about the
2 telecommunications business or some knowledge of
3 the business. That's --

4 COMMISSIONER ARGENZIANO: So then the
5 affidavit is basically useless. That's what you're
6 telling me.

7 MS. SALAK: I guess what I'm telling you is
8 that when they come in and sign that affidavit,
9 that they're stating that they believe that under
10 their business plan and with their startup money
11 and what they have in place, that they are going to
12 be able to succeed in Florida, that that's what
13 their belief is. That's not to say -- there are a
14 multitude of startup companies that don't succeed,
15 but they believe that they will under their plan.

16 COMMISSIONER ARGENZIANO: And what is --

17 MS. SALAK: Pardon me?

18 COMMISSIONER ARGENZIANO: I just don't see
19 then what's the purpose of the affidavit if there's
20 nothing to look at, and if they do fall on their
21 face, let's say -- you know, I'm not saying this
22 company will. I don't mean it in that way at all.
23 I just was thinking that maybe we could make people
24 feel more secure if we use some type of financial
25 viability of the company. And what you're telling

1 me now is we really don't, we just say, "Check the
2 box here and tell us you're financially capable,
3 and good luck."

4 I guess that answers my question. Thank you,
5 Mr. Chairman.

6 MR. MONDSCHHEIN: May I respond? This is Brad
7 Mondschein.

8 CHAIRMAN CARTER: Hang on a second. Hang on a
9 second. Commissioners, before I -- is this
10 Mr. Mondschein?

11 MR. MONDSCHHEIN: Yes.

12 CHAIRMAN CARTER: Before I recognize
13 Mr. Mondschein, Commissioners, anything further
14 from the bench?

15 Commissioner McMurrian.

16 COMMISSIONER McMURRIAN: I want to follow up
17 on the line that Commissioner Argenziano was asking
18 too, because -- and maybe it's best to ask this
19 instead of state it. But, staff, is it fair to say
20 that the statutes -- and I haven't reviewed them or
21 anything -- that the statutes and the regulations
22 are sort of set up so that it tries to make it
23 fairly easy to become a certificated company in
24 Florida because it's part of that promoting
25 competition?

1 MS. SALAK: Yes, ma'am. I believe our process
2 is designed to meet that goal.

3 COMMISSIONER McMURRIAN: Okay. And along the
4 same lines of Commissioner Argenziano's question,
5 is there more that we can do on the front end to
6 make sure that there is -- to look at the financial
7 viability and that sort of thing than what we're
8 doing and still -- still not be perceived as trying
9 to harass companies trying to enter the state? I
10 don't really know how else to say it. And I'm not
11 saying that's what we would be doing, because I
12 think perhaps we do need to be looking -- of
13 course, there are a lot of CLEC applications as
14 well, so I'm not sure how far we drill down into
15 each one and that sort of thing. But when these
16 kinds of questions are raised by other parties, it
17 seems like that changes the equation somewhat and
18 gives us reason -- and especially if we find out
19 that someone used an alias or perhaps told us
20 something incorrect in the original application,
21 that that gives us reason to look at them a little
22 bit more closely, even if we wouldn't have on the
23 front end.

24 MS. SALAK: I will tell you that in the
25 beginning, in the early days of competition, we

1 used to have a more stringent set of rules, you
2 know, where there were a lot of -- we had financial
3 ratios looked at and financial tests done and all
4 the information that we were provided. And the
5 majority of the companies were -- did not fare well
6 under those ratios, recognizing that some startup
7 companies don't do well.

8 So that test, you know, it was questioned time
9 after time about what we were doing, and so those
10 tests were eliminated in the early years, where we
11 don't do those financial ratios anymore nor perform
12 those at all. But we used to do those.

13 You know, we have never asked for financial
14 information after the fact. That is something we
15 could do, I believe. I mean --

16 COMMISSIONER McMURRIAN: We're not prohibited
17 under the law from doing that?

18 MS. SALAK: I doubt if anybody would --
19 companies will not be pleased about that, but
20 there's nothing we can do with them. We don't do
21 any earnings. We can't, you know, tell them what
22 they have to earn or anything like that.

23 But again, that would mean that we would look
24 at them, and if they were still -- I'll say limping
25 along, and their financials looked poor, but they

1 were still operating and doing okay, and they
2 hadn't violated a rule and they hadn't violated a
3 statute, I'm not sure what we would do about that.
4 I mean, I think that would be okay as long as their
5 consumers were happy and they were meeting their
6 complaints and they were not breaking a rule or a
7 law.

8 COMMISSIONER McMURRIAN: So perhaps we don't
9 do it as a routine matter every time, but if
10 there's some question raised, and even if it has
11 been granted, we could go back and do that kind of
12 review?

13 MS. SALAK: I think we could. If you asked us
14 to do that on Clective, we certainly would do that.
15 We would ask for more financial information.

16 COMMISSIONER McMURRIAN: In my opinion, that's
17 kind of where we're headed, Commissioners, but I
18 guess that's -- that's all I have for now. But to
19 the extent Mr. Mondschein addresses us, I think it
20 would also be good to hear from the companies
21 again.

22 CHAIRMAN CARTER: Let's hear from
23 Mr. Mondschein. You're recognized.

24 MR. MONDSCHHEIN: Mr. Chair, thank you.

25 I think one of the things that certainly every

1 commission struggles with in the competitive
2 environment is trying to balance the rights of
3 companies to come in and compete, and certainly the
4 ability of the commissions to monitor those
5 companies and what is adequate and what's not
6 adequate when it comes to financial wherewithal.

7 One thing you have to remember is that AT&T
8 and all the ILECs have the ability to request
9 deposits, and these deposits are based on two
10 things. One is, it's based on the business plan
11 and what's for that company to be doing within the
12 state, and the second is on the -- it would really
13 be like the Dun & Bradstreet report, the financial
14 capability of those companies, sort of separate
15 from what the Commission would require.

16 And in this case, the deposit is significant,
17 what's being asked by AT&T to Clective. It's not
18 an insignificant amount of money, and so certainly
19 that's going to provide adequate protection in this
20 type of a situation.

21 In addition to that, you know, if a company
22 like Clective -- and Clective has had these
23 conversations with AT&T. If a company like
24 Clective and AT&T can't come to an agreement as to
25 a deposit, then perhaps they can come to an

1 agreement as to the type of traffic that's going to
2 be transferred between the two. And if there's a
3 certain limitation that's done or something like
4 that on the type of traffic, then perhaps the
5 deposit requirements can be waived, and there's an
6 agreement there.

7 So there's give and take. The deposit -- you
8 know, the deposit is really what is protecting a
9 company like AT&T, as well as I think their ongoing
10 monitoring of their own receivables.

11 You know, when you hear about companies that
12 owe hundreds of millions of dollars -- and there
13 are companies out there that owe hundreds of
14 millions of dollars, both on the ILEC side and the
15 CLEC side. I mean, AT&T, it's being claimed that
16 they owe hundreds of millions of dollars to Iowa
17 telecom companies for access rates, for access
18 charges. So everyone is subject to these issues,
19 whether you're an AT&T or and whether you're a
20 small CLEC.

21 It really comes down to the ability of your
22 company to monitor receivables and the ability of
23 your company to get adequate deposits, and so I
24 think that's where the financial protection comes
25 to the other players in the market.

1 COMMISSIONER ARGENZIANO: Mr. Chair.

2 CHAIRMAN CARTER: Commissioner Argenziano.

3 COMMISSIONER ARGENZIANO: A question that
4 maybe you can help me --

5 CHAIRMAN CARTER: I'm sorry. I didn't hear
6 you, Commissioner.

7 COMMISSIONER ARGENZIANO: Can you hear me now?

8 CHAIRMAN CARTER: Yes, ma'am.

9 COMMISSIONER ARGENZIANO: I guess a question
10 to the gentleman. But wasn't there the exact
11 problem that you're saying that the company's
12 ability wasn't there -- and I know it's a separate
13 state, but wasn't there those problems in Georgia?

14 And one other question I want to ask is, when
15 it comes to the gentleman using a false name,
16 something bothers me about that. And I guess you
17 said before -- and I don't want to put words in
18 your mouth, but I think you said that it wasn't for
19 fraudulent purposes. But what was the purpose of
20 him using a different name, if not fraudulent, in
21 the State of Florida?

22 MR. MONDSCHHEIN: Well, I think -- I'll address
23 the Georgia issue first.

24 COMMISSIONER ARGENZIANO: Okay.

25 MR. MONDSCHHEIN: The Georgia issue was not an

1 issue of not having the ability to pay. It's the
2 issue of whether they had to pay AT&T for those
3 services. There was a bone fide dispute that was
4 going on as to whether in fact those moneys were
5 owed for the type of service that was being
6 transmitted between AT&T and Clective in Georgia.

7 COMMISSIONER ARGENZIANO: Okay. Thank you.

8 MR. MONDSCHHEIN: And the second issue of
9 Mr. Noack, the purpose of it really was to -- I
10 guess at the time, and from what I understand from
11 my conversations with Clective, is that, you know,
12 they saw what happened in Illinois to MyBell, and
13 they wanted to be as truthful as they could to the
14 Commission for explaining what their managerial
15 capabilities were and their technical capabilities,
16 but at the same time, they didn't believe that it
17 was any type of a fraud.

18 They didn't use Mr. Nichols' name or
19 Mr. Noack's alias with the intent at all to somehow
20 mislead the Commission. I think that if they left
21 Mr. Noack completely off the application, I think
22 that would be a different situation than we have
23 here. I think here they were trying to balance the
24 fact that they did not want to mislead the
25 Commission with the fact that they knew that AT&T

1 would raise the issue of Global NAPs if Mr. Noack's
2 name was being used.

3 COMMISSIONER ARGENZIANO: So you're saying for
4 the purpose of not having his name surrounded by
5 this other cloud or this other thing somewhere
6 else, that was the reason that he used an alias?

7 MR. MONDSCHHEIN: Correct.

8 CHAIRMAN CARTER: Thank you. Commissioner
9 McMurrian.

10 COMMISSIONER McMURRIAN: I don't think I had
11 any other questions. I just thought it might be
12 good to hear from AT&T and TDS one more time, with
13 all the questions we've asked staff and the other
14 party.

15 CHAIRMAN CARTER: And after that, I want to
16 make a couple of comments.

17 Mr. Hatch or Mr.-- you're recognized, and then
18 Mr. McCabe.

19 MR. GURDIAN: Thank you, Mr. Chairman. It is
20 somewhat strange to hear an attorney for a company
21 admit that their client made a misrepresentation
22 and admit that Clective thought up this scheme in
23 order to avoid AT&T intervening in their
24 certification docket. I mean, they provided a name
25 of someone who doesn't exist on their application,

1 in which they indicate -- and the application
2 requires them to be truthful and correct, in order
3 to prevent AT&T from intervening in that docket. I
4 mean, that's something that stands out
5 significantly, hid facts before this Commission.

6 And the way they file this application is
7 instructive in the way they do business. This is
8 going to be going on. How can AT&T, who is forced
9 to do business with this company, rely on the
10 statements made by Clective when they're making
11 misrepresentations to this Commission on their
12 application to provide services in Florida?

13 This type of situation has arisen before. I
14 refer the Commission to the Effectel investigation.
15 In that, the issue was that a resumé was taken from
16 the Internet from somebody else. The Commission
17 opened an investigation in that docket. The CLEC
18 ended up withdrawing their CLEC certificate, but
19 there was an investigation and there was a docket
20 open. At a minimum, the Commission should stay
21 this notice of adoption and open an investigation
22 if it won't allow AT&T to proceed on its petition
23 to cancel the CLEC certificate.

24 On the issue of the deposit, Clective hasn't
25 agreed to a deposit. They've agreed to escrow a

1 deposit. That's different than what the
2 interconnection agreement that they're trying to
3 adopt requires. It's cash, letter of credit, or
4 bond, not escrow.

5 Thank you.

6 CHAIRMAN CARTER: Mr. McCabe.

7 MR. McCABE: Disregarding our concerns with
8 regard to the relationship, potential relationship
9 with Global NAPs, my real focus is on the
10 financials. What we have is a business model that
11 I don't think is any different between what they
12 have in Georgia and what they have in Florida. My
13 concern is that they've already filed for
14 bankruptcy in Georgia. That's my gravest concern.
15 I don't see how one can distinguish between the
16 actions of a CLEC of Georgia and the actions of a
17 CLEC of Florida when you have the same managerial
18 capability, you have the same business model, and
19 you have the same financial resources. That's to
20 your greatest concern, is that correct we're going
21 to be left holding the bag. We don't have the
22 opportunity to order or request a deposit from
23 Clective, or any other carrier, for that matter, on
24 these types of situations.

25 We don't question the fact that they had

1 received a certificate. We certainly don't
2 question staff in terms of the review of that
3 certificate, because we're in that same situation.
4 It's a difficult situation in terms of trying to
5 understand the financial viability of any company.

6 But my question that I have today is that we
7 already have learned something based on their
8 actions in the state of Georgia, and that's filing
9 for bankruptcy. We think at this point in time,
10 perhaps before we go forward, we should review
11 whether or not they have the ongoing financial
12 capability. What type of facilities do they have
13 out there, what type of equipment do they have,
14 things of that nature, before we get down the road
15 of, for example, my company having to come back and
16 spend significant resources filing a complaint,
17 ending up in a hearing, because that's all I've
18 done in cases with Global NAPs in terms of trying
19 to collect payment. It hasn't been so much that
20 I'm ever going to see any money. It's in terms of
21 getting them shut down. And they cost me a
22 significant amount of money, and that's why I'm
23 here today to try to prevent that on the front end
24 rather than on the back end.

25 Thank you.

1 CHAIRMAN CARTER: Commissioner Edgar.

2 COMMISSIONER EDGAR: Thank you, Mr. Chairman.
3 And I would like to go backwards and ask your
4 indulgence, because I did make a motion, and in my
5 understanding, it is still pending, and at the
6 beginning of that motion, I said if there is no
7 further discussion. Obviously, there was, since
8 we're almost an hour later.

9 I am, quite frankly, very disappointed,
10 because, you know, this item was before us before.
11 It was, I believe, deferred once. I've read it a
12 number of times. It's very thin. Staff has told
13 me repeatedly that more information is always
14 better, and it does seem to me that questions have
15 been raised that certainly were not in the
16 information that was given to me by staff prior to
17 this meeting today.

18 So, Mr. Chairman, I would like to withdraw my
19 motion and ask that the item be deferred, with
20 direction to our staff to do further analysis and
21 review of some of the discussion that we have had
22 today, with particular emphasis on, from my
23 perspective and any others that Commissioners would
24 like to elaborate on, but upon the concerns about
25 perhaps misrepresentation or misleading of this

1 Commission through the use of the name on the
2 certificate or what other issues possibly could
3 surround that, and I would like further
4 information.

5 CHAIRMAN CARTER: Commissioner Skop, you
6 seconded it. What's your --

7 COMMISSIONER SKOP: Yes, Mr. Chair. I'll
8 respectfully withdraw the second per Commissioner
9 Edgar's request. And also a deferral, if
10 additional information would be helpful, I would be
11 happy to consider it.

12 COMMISSIONER EDGAR: Thank you, Commissioner.
13 I appreciate that.

14 CHAIRMAN CARTER: Commissioners, before we get
15 too carried away, let me just say this. We've had
16 a stimulating discussion, but I do think that a lot
17 of what we were talking about was not pertaining to
18 what staff's issues were, so we're going to have to
19 redefine these issues.

20 First of all, the issue was whether or not
21 AT&T had standing. Based upon the law, they do not
22 have standing. I mean, based upon the law as
23 presented here and based upon the facts of this
24 case, they do not have standing. But what we're
25 asking staff to do, that will give us an

1 opportunity to get to the questions that you had
2 from the bench.

3 The other aspect of the case was whether or
4 not they could adopt the interconnection agreement.
5 I think that based upon staff's reading of the law,
6 it was that it was fairly clear. But again, that
7 we have discussed today in terms of questions from
8 the bench is different from what staff has ruled
9 on.

10 So I think that what we'll probably need to
11 do, Commissioners, would be to expand this
12 perspective to that level, because I think that on
13 its face, from my reading of staff's
14 recommendation, particularly as the issues were
15 laid out, they're fairly straightforward. So I
16 think that in the context of doing that, we're
17 going to probably need to -- we'll probably need to
18 give staff some direction, because based upon what
19 was provided to staff in this area here, it was
20 fairly cut and dried, to me, maybe not to -- but I
21 think that based upon the discussion today, from
22 where we've gone or the last hour or so, we
23 probably do need to give staff some greater
24 direction on that.

25 Commissioner McMurrian.

1 COMMISSIONER McMURRIAN: Thank you,
2 Mr. Chairman, and I support the revised motion of
3 Commissioner Edgar. The only thing I would say to
4 what we were just talking about there about the
5 issues we have before us, it seems that if a CLEC
6 -- if someone is certificated as a CLEC, they
7 usually are entitled to the right to have an
8 interconnection agreement pursuant to the laws as
9 the staff has enumerated them here.

10 But it seems if we're going to do some kind of
11 investigation into whether or not there could be
12 some problem with the CLEC certificate on our own,
13 not on AT&T's request, but essentially on our own
14 motion, that -- and I just wasn't sure. I want to
15 be clear. I don't think we should vote or suggest
16 that we have our mind made up with respect to Issue
17 2 at this point, because I think that it would
18 follow from what we find out with respect to the
19 certificate.

20 CHAIRMAN CARTER: And I agree with --

21 COMMISSIONER McMURRIAN: I hope that made
22 sense.

23 CHAIRMAN CARTER: Excuse me for talking over
24 you, but I agree with you, because I think it does
25 put us in a posture where we're looking at from our

1 perspective as opposed to AT&T's perspective. That
2 gives us a different -- it gives us an opportunity
3 to look at these issues that were raised in the
4 context of the application process itself.

5 COMMISSIONER EDGAR: And, Mr. Chairman, I'm
6 just asking for additional information. I think
7 that that perhaps would be helpful to all of us.

8 CHAIRMAN CARTER: I agree with you,
9 Commissioner, and I do think that in the context of
10 that information, we need to expand the issues.
11 So, staff, I hope that you kind of paid attention
12 with the issues.

13 MS. SALAK: Yes, sir. And we will provide
14 additional information.

15 CHAIRMAN CARTER: Okay. Commissioners, is
16 there any objection to proceeding further as
17 Commissioner Edgar has recommended?

18 Okay. Show it done.

19 (Conclusion of consideration of Item 6.)
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25

CERTIFICATE OF REPORTER


STATE OF FLORIDA:

COUNTY OF LEON:

I, MARY ALLEN NEEL, Registered Professional Reporter, do hereby certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 1 through 49 are a true and correct record of the aforesaid proceedings.

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

DATED THIS 29th day of August, 2009.


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