

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 000121A-TP

INVESTIGATION INTO THE
ESTABLISHMENT OF OPERATIONS
SUPPORT SYSTEMS PERMANENT
PERFORMANCE MEASURES FOR
INCUMBENT LOCAL EXCHANGE
TELECOMMUNICATIONS COMPANIES.
(AT&T FLORIDA TRACK)



PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 8

COMMISSIONERS
PARTICIPATING: CHAIRMAN ART GRAHAM
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER NATHAN A. SKOP
COMMISSIONER RONALD A. BRISÉ

DATE: Tuesday, October 26, 2010

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

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

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P R O C E E D I N G S

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3 **CHAIRMAN GRAHAM:** Let's move to Item 8. Thank
4 you, Staff.

5 Ms. Evans.

6 **MS. EVANS:** Good morning, Commissioners. Item
7 8 is Florida Cable Telecommunications Association's
8 motion for clarification of a PAA order. The Commission
9 rules do not entertain motions for reconsideration or
10 clarification on PAA orders; therefore, we recommend
11 that the Commission deny the motion.

12 The representatives from AT&T and Florida
13 Cable Telecommunications Association are here to answer
14 any questions you may have, and Staff is also available
15 to answer any questions the Commissioners may have.

16 **CHAIRMAN GRAHAM:** Commission board, any
17 questions?

18 Commissioner Skop.

19 **COMMISSIONER SKOP:** Thank you.

20 Just a quick question, I believe, to
21 Mr. Hatch. I guess I want to commend AT&T for reaching
22 a settlement agreement with CompSouth and also with the
23 other party that I have here. I'm trying to -- STS, I
24 believe; right?

25 Okay. I guess the question I have for Staff

1 and Mr. Hatch, if you have any objection. It seemed at
2 least that there was a lengthy recommendation written as
3 to why the request should be denied and a, and a score
4 of legal analysis done. But it seems to me, you know,
5 would it not have been just simple enough to add a
6 footnote to amendatory order and, you know, solve the
7 whole situation without a detailed analysis? You know,
8 I'd like to hear from Mr. Hatch because I respect AT&T's
9 position. And I'm not saying that AT&T is not right. I
10 mean, it just -- if it's a matter of just, you know,
11 putting a little footnote in, obscure footnote that, you
12 know, FCTA's position is reiterated as they took no
13 position or was not a party to the settlement. It seems
14 like to me we're having much ado about nothing, but I'd
15 like to hear from the parties and perhaps from Staff on
16 that.

17 **MR. HATCH:** In some respects -- this is Tracy
18 Hatch on behalf of AT&T Florida. In some respects I
19 agree with you, Commissioner Skop. The problem is, is
20 that the PAA process, the mechanical process is very
21 precise and very specific and is used for very specific
22 things. And if you alter or try to alter a PAA, then
23 what you necessarily have to do is reissue the PAA
24 because then -- to give parties the 21-day notice to
25 protest. So if you change it in any way, then you've

1 got to start the 21-day clock over again. Nobody wanted
2 to do that. We agree with the substantive ultimate
3 result. Just have a process where we're trying to
4 protect the integrity of the process.

5 **COMMISSIONER SKOP:** All right. And I
6 appreciate that, Mr. Hatch. As do I, I think it's very
7 important to respect tradition and the process and
8 precedent. I think that what I was getting at is I know
9 that Staff, you know, if there's a scrivener's error,
10 typically you might be able to incorporate it without
11 being a modification or amendatory order. I mean,
12 there's things that we have the power to, to amend on
13 our motion to address. But, again, I thought it, you
14 know, interesting reading across many pages as to how do
15 we get to the decision. It seems to me the simple thing
16 would have been that mutual consent by the parties to
17 have Staff add a footnote and just reissue the order
18 without, you know, being a formal protest or a
19 reconsideration of the PAA process, so.

20 **MR. KONUCH:** And indeed, Commissioner Skop,
21 that is what we were looking for.

22 **CHAIRMAN GRAHAM:** Sir, I need you to give your
23 name for the record.

24 **MR. KONUCH:** David Konuch from FCTA.

25 **CHAIRMAN GRAHAM:** Thank you.

1 **MR. KONUCH:** But the recommendation, at least
2 it does make clear that we're not a party to the
3 agreement and we're not, we're not bound by it. So to
4 that extent we've accomplished our objective. But, you
5 know, we -- initially that really is what we wanted was
6 just that footnote.

7 **COMMISSIONER SKOP:** Okay. Well, I appreciate
8 that. And like I say, that's the only questions I had.
9 I think it would have been, in retrospect it might have
10 been easier just to put a footnote in, but apparently it
11 got a little more detailed than that. So I appreciate
12 the input from both the parties and Staff on that one.
13 Thank you.

14 **CHAIRMAN GRAHAM:** Any other questions or
15 comments from the board? Seeing none, can I get a
16 motion?

17 **COMMISSIONER EDGAR:** Move Staff.

18 **COMMISSIONER SKOP:** Second.

19 **CHAIRMAN GRAHAM:** It's been move Staff and
20 second for Item Number 8. Any further discussion?
21 Seeing none, all in favor, signify, signify by saying
22 aye.

23 (Unanimous vote.)

24 Those opposed. By your action, you approve
25 Item Number 8.

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(Agenda item concluded.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON)

CERTIFICATE OF REPORTER

I, LINDA BOLES, RPR, CRR, Official Commission Reporter, 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' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 1st day of November, 2010.

Linda Boles
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FPSC Official Commission Reporter
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