

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of:

DOCKET NO. 110087-TP

NOTICE OF ADOPTION OF EXISTING
INTERCONNECTION, UNBUNDLING,
RESALE, AND COLLOCATION AGREEMENT
BETWEEN BELL SOUTH TELECOMMUNICATIONS,
INC. D/B/A AT&T FLORIDA D/B/A AT&T
SOUTHEAST AND IMAGE ACCESS, INC.
D/B/A NEWPHONE, INC. BY EXPRESS
PHONE SERVICE, INC.

PROCEEDINGS: PREHEARING CONFERENCE

COMMISSIONER
PARTICIPATING: COMMISSIONER EDUARDO E. BALBIS
PREHEARING OFFICER

DATE: April 16, 2012

TIME: Commenced at 1:31 p.m.
Concluded at 1:37 p.m.

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

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

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FPSC-COMMISSIONER CLERK

1 APPEARANCES:

2 VICKI GORDON KAUFMAN, ESQUIRE, Keefe Law Firm,
3 118 North Gadsden Street, Tallahassee, Florida 32301,
4 appearing on behalf of Express Phone Service, Inc.

5 TRACY HATCH and SUZANNE L. MONTGOMERY,
6 ESQUIRES, 150 South Monroe, Suite 400, Tallahassee,
7 Florida 32301, appearing on behalf of BellSouth
8 Telecommunications, LLC d/b/a AT&T Florida.

9 LEE ENG TAN, ESQUIRE, Florida Public Service
10 Commission, 2540 Shumard Oak Boulevard, Tallahassee,
11 Florida 32399-0850, appearing on behalf of the Florida
12 Public Service Commission Staff.

13 MARY ANNE HELTON, Deputy General Counsel,
14 Florida Public Service Commission, 2540 Shumard Oak
15 Boulevard, Tallahassee, Florida 32399-0850, Advisor to
16 the Florida Public Service Commission.

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P R O C E E D I N G S

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2 **COMMISSIONER BALBIS:** Good afternoon. I'd
3 like to call the prehearing for Docket No. 110087 to
4 order.

5 Staff, could you please read the notice.

6 **MS. TAN:** Pursuant to notice, this time and
7 place has been set for a Prehearing Conference in
8 Docket No. 110087-TP.

9 **COMMISSIONER BALBIS:** Okay. Thank you. And
10 now I'd like to take appearances. We'll start with
11 Express Phone.

12 **MS. KAUFMAN:** Good afternoon, Commissioner
13 Balbis. Vicki Gordon Kaufman of the law firm Keefe,
14 Anchors, Gordon & Moyle. I am here on behalf of Express
15 Phone Service, Inc.

16 **COMMISSIONER BALBIS:** Okay. Thank you.

17 And AT&T?

18 **MR. HATCH:** Tracy Hatch appearing on behalf of
19 AT&T Florida. Also appearing with me is Suzanne
20 Montgomery.

21 **COMMISSIONER BALBIS:** And staff?

22 **MS. TAN:** Lee Eng Tan on behalf of Commission
23 staff.

24 **MS. HELTON:** And Mary Anne Helton, advisor to
25 the Commission.

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

2 And, Ms. Tan, are there any preliminary
3 matters that we need to address before we get to the
4 Draft Prehearing Order?

5 **MS. TAN:** No, there's not.

6 **COMMISSIONER BALBIS:** Okay. At this point I'd
7 like to go through the Draft Prehearing Order starting
8 with each section. And I'll give everyone an
9 opportunity to please stop me and raise any concerns
10 that you may have.

11 So starting with Section I, the case
12 background.

13 Seeing none, we'll move on to conduct of
14 proceedings, Section II.

15 Seeing none, Section III, jurisdiction.

16 Section IV, procedure for handling
17 confidential information.

18 Section V, prefiled testimony and exhibits;
19 witnesses.

20 Section VI, order of witnesses.

21 Section VII, basic positions.

22 Section VIII, issues and positions.

23 Section IX, exhibit list.

24 **MS. TAN:** Commissioner, staff is in the
25 process of preparing a Comprehensive Exhibit List

1 consisting of all the prefiled exhibits in discovery.
2 Staff will provide the exhibit list to parties as soon
3 as possible.

4 In addition, staff has prepared a cover sheet
5 that it would like the parties to use for any additional
6 exhibits at the hearing, and staff will pass out sample
7 copies now to the parties.

8 **COMMISSIONER BALBIS:** Okay. Thank you. Does
9 anyone have objections to that?

10 Seeing none --

11 **MS. KAUFMAN:** Excuse me, Commissioner.

12 **COMMISSIONER BALBIS:** Oh, sorry.

13 **MS. KAUFMAN:** I don't have any objections, but
14 until we see the list of the exhibits --

15 **COMMISSIONER BALBIS:** Okay.

16 **MS. KAUFMAN:** -- we'd want to reserve our
17 right to object at that time.

18 **COMMISSIONER BALBIS:** Okay. That is noted.

19 **MR. HATCH:** Are you going to prenumber that
20 list?

21 **MS. TAN:** Yes.

22 **COMMISSIONER BALBIS:** Okay. Any other
23 comments or concerns about Section IX, the exhibit list?

24 Okay. Moving on to Section X, proposed
25 stipulations.

1 Section XI, pending motions.

2 Section XII, pending confidentiality motions.

3 **MS. TAN:** Commissioner, there are four pending
4 confidentiality requests which will be addressed by
5 separate order.

6 **MS. KAUFMAN:** And, Commissioner, I would just
7 like to note that Express Phone did file an exhibit that
8 they -- that belongs to AT&T which we thought might be
9 confidential, and I understand AT&T believes that it is.
10 So they will be filing the appropriate documentation to
11 address that. It's actually attached to Mr. Armstrong's
12 testimony, who is our witness.

13 **MR. HATCH:** I believe that's the fourth
14 request for confidentiality that Ms. Eng [sic] referred
15 to.

16 **COMMISSIONER BALBIS:** Okay. And I don't
17 recall seeing that yet.

18 **MR. HATCH:** We filed, we filed it on Friday.

19 **COMMISSIONER BALBIS:** Okay. Okay. Any other
20 questions or concerns on Section XII?

21 Seeing none, we'll move on to Section XIII,
22 objections to qualifications to witnesses.

23 Moving on to Section XIV, post-hearing
24 procedures.

25 Section XV, rulings.

1 **MS. TAN:** Commissioner, staff would suggest
2 that if there are any opening statements in this docket,
3 that it should be limited to five minutes per party.

4 **MS. KAUFMAN:** I would ask that that amount of
5 time be increased to ten minutes. We have very few
6 witnesses, only two, and we're doing direct and rebuttal
7 together. And I think that this case is one that
8 there's a lot of legal and policy issues entwined with
9 it, and I think it would be helpful to have a little
10 more than five minutes for the opening statement. And
11 Express Phone would intend to make an opening statement.

12 **MR. HATCH:** That's fine with us. At this
13 point we had not intended on making either an opening or
14 closing statement. But to the extent that Express Phone
15 does, then we would reserve the right to do so as well.

16 **COMMISSIONER BALBIS:** Okay. Hearing no
17 objections and the fact that they're not planning on
18 opening statements, then I'm inclined to grant a
19 ten-minute limit for opening statements.

20 Okay. Are there any other matters to address
21 in this Prehearing Conference?

22 **MS. TAN:** There are no other matters.

23 **MS. KAUFMAN:** The only other thing I would
24 mention is that I had talked to counsel for AT&T about
25 maybe stipulating some of the witnesses. And, of

1 course, if that does happen, we'll let staff counsel
2 know about that so that you'll be aware and the other
3 Commissioners will be aware and ask for their
4 permission.

5 **COMMISSIONER BALBIS:** Do you anticipate
6 possibly stipulating all of the witnesses?

7 **MS. KAUFMAN:** I do not, no, not for Express
8 Phone.

9 **COMMISSIONER BALBIS:** Okay. I mean, one of
10 the things that I've done in a previous docket is if
11 all, all witnesses are stipulated to, have one
12 comprehensive witness in case the Commissioners or
13 others have questions at the hearing. But given that
14 there probably will be witnesses available, then I'll
15 just keep that in my back pocket just so everyone knows.
16 I think that was somewhat successful.

17 And are there any other matters? Seeing none,
18 I want to thank the parties for being flexible with the
19 scheduling. I do appreciate that. And seeing no other
20 matters, this prehearing is adjourned.

21 (Prehearing Conference adjourned at 1:37 p.m.)

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STATE OF FLORIDA)
 : CERTIFICATE OF REPORTER
COUNTY OF LEON)

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 17th day of April, 2012.


LINDA BOLES, RPR, CRR
FPSC Official Commission Reporter
(850) 413-6734