

1 BEFORE THE
2 FLORIDA PUBLIC SERVICE COMMISSION

3 In the Matter of:

 DOCKET NO. 090538-TP

4
5 AMENDED COMPLAINT OF QWEST
6 COMMUNICATIONS COMPANY, LLC
7 AGAINST MCIMETRO ACCESS
8 TRANSMISSION SERVICES (D/B/A
9 VERIZON ACCESS TRANSMISSION
10 SERVICES); XO COMMUNICATIONS
11 SERVICES, INC.; TW TELECOM OF
12 FLORIDA, L.P.; GRANITE
13 TELECOMMUNICATIONS, LLC;
14 BROADWING COMMUNICATIONS, LLC;
15 ACCESS POINT, INC.; BIRCH
16 COMMUNICATIONS, INC.; BUDGET
17 PREPAY, INC.; BULLSEYE TELECOM,
18 INC.; DELTACOM, INC.; ERNEST
19 COMMUNICATIONS, INC.; FLATEL,
20 INC.; NAVIGATOR TELECOMMUNICATIONS,
21 LLC; PAETEC COMMUNICATIONS, INC.;
22 STS TELECOM, LLC; US LEC OF FLORIDA,
23 LLC; WINDSTREAM NUVOX, INC.; AND
24 JOHN DOES 1 THROUGH 50, FOR
25 UNLAWFUL DISCRIMINATION.

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PROCEEDINGS: COMMISSION CONFERENCE AGENDA
 ITEM NO. 6

COMMISSIONERS
PARTICIPATING: CHAIRMAN RONALD A. BRISÉ
 COMMISSIONER LISA POLAK EDGAR
 COMMISSIONER EDUARDO E. BALBIS

DATE: Tuesday, August 13, 2013

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

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

P R O C E E D I N G S

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2 **CHAIRMAN BRISÉ:** We are moving on to Item
3 Number 6, recognizing that Number 6 is a panel, and
4 then we'll come back to Item Number 3, and that is a
5 panel with Commissioner Balbis and Edgar and myself.

6 How did I assign myself to a panel?

7 (Laughter.)

8 You may proceed.

9 **MS. TAN:** Good morning. Lee Eng Tan on
10 behalf of staff.

11 Item Number 6 addresses Quest's motion for
12 reconsideration on the Commission's final order. Quest
13 is seeking reconsideration of the Commission's
14 findings, including subject matter jurisdiction and the
15 authority to order refunds. Staff recommends that the
16 Commission deny Quest's motion.

17 Additionally, Quest has requested oral
18 argument. Staff recommends denying the request.
19 However, should the Commission in its discretion grant
20 oral argument, staff recommends that each party be
21 allowed five minutes.

22 Susan Masterton is here on behalf of Quest.
23 Counsel for TW Telecom, Beth Keating, is also here
24 today. Bullseye has authorized counsel for TW Telecom
25 to speak on its behalf for the purposes of oral

1 argument, should it be granted. Staff is available for
2 any questions.

3 **CHAIRMAN BRISÉ:** Thank you very much.

4 Commissioner Edgar.

5 **COMMISSIONER EDGAR:** Thank you, Mr. Chairman.

6 I was Prehearing Officer on this -- I guess I
7 still am --

8 **CHAIRMAN BRISÉ:** Yes.

9 **COMMISSIONER EDGAR:** -- on this docket, and I
10 will say that it is one of those that stretched over a
11 longer period of time. So perhaps, I don't remember
12 for sure, but it might have been Chairman Graham who
13 assigned the panel.

14 (Laughter.)

15 **CHAIRMAN BRISÉ:** It may be.

16 **COMMISSIONER EDGAR:** Regardless, though, I,
17 from reviewing the documents, do not believe that the
18 standard for reconsideration is met. So, therefore, I
19 do not need to hear oral argument and would deny that
20 request.

21 However, recognizing that it is a panel of
22 three, if there is a desire by either of you to hear
23 oral argument, I certainly will understand that.

24 **CHAIRMAN BRISÉ:** Sure. I think I'm in the
25 same place with you with respect to that. So I don't

1 know if -- Commissioner Balbis, what your thoughts
2 might be.

3 **COMMISSIONER BALBIS:** Thank you, Mr.
4 Chairman.

5 And I agree. I have gone through their
6 motion for reconsideration in detail, and I believe
7 that the alleged mistakes of fact and law, I don't
8 think those arguments are persuasive. I think it seems
9 to be a rearguing of the issues of the previous
10 decision, and I don't see where listening to oral
11 arguments would change that. So I am in agreement with
12 staff's recommendation to deny the request for oral
13 argument on Issue 1.

14 **CHAIRMAN BRISÉ:** All right.

15 Commissioner Edgar.

16 **COMMISSIONER EDGAR:** With that, then, Mr.
17 Chairman, I would move staff recommendation on all
18 issues in this item.

19 **CHAIRMAN BRISÉ:** Okay.

20 **COMMISSIONER BALBIS:** Second.

21 **CHAIRMAN BRISÉ:** Okay. It has been moved and
22 seconded. Any further discussion? Seeing none, all in
23 favor.

24 (Vote taken.)

25 **CHAIRMAN BRISÉ:** All right. Thank you very

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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 16th day of August, 2013.



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