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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION
FILED APR 27, 2015
DOCUMENT NO. 02328-15
FPSC - COMMISSION CLERK

In re: DOCKET NO. 140156-TP
Petition by Communications
Authority, Inc. for arbitration
of Section 252(b) interconnection
agreement with BellSouth
Telecommunications, LLC d/b/a
AT&T Florida
_____ /

PROCEEDINGS: PREHEARING CONFERENCE
COMMISSIONER PARTICIPATING: RONALD A. BRISÉ
PREHEARING OFFICER
DATE: April 21, 2015
TIME: Commenced: 9:30 a.m.
Concluded: 9:45 a.m.
LOCATION: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida
REPORTED BY: MICHELLE SUBIA, RPR
Notary Public in and for the
State of Florida at Large

PREMIER REPORTING
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1 APPEARANCES:

2 REPRESENTING THE FLORIDA PUBLIC SERVICE
3 COMMISSION:

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5 Florida Public Service Commission
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9 ADVISER TO THE COMMISSION:

10 MARY ANNE HELTON, ESQUIRE
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15 REPRESENTING COMMUNICATIONS AUTHORITY:

16 KRISTOPHER E. TWOMEY, ESQUIRE
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19 REPRESENTING AT&T FLORIDA:

20 TRACY HATCH, ESQUIRE
21 150 South Monroe Street, Suite 400
22 Tallahassee, FL 32301
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P R O C E E D I N G S

COMMISSIONER BRISE: All right. Good morning. It is nine-thirty, and we are going to go ahead and call this hearing to order, Docket No. 140156-TP. Today is April the 21st.

And, Staff, read the notice.

MS. TAN: By notice issued April 10th, 2015, the time and place has been set for a Prehearing Conference in Docket No. 140156-TP, which is a petition by Communications Authority, Incorporated for arbitration of Section 252(b) Interconnection Agreement with BellSouth Telecommunication d/b/a AT&T Florida. The purpose of the prehearing conference is set out in the notice.

COMMISSIONER BRISE: Thank you very much.

At this time, we will take appearances and we'll start with those on the phone.

MR. TWOMEY: This is Kris Twomey, counsel for Communications Authority.

COMMISSIONER BRISE: Thank you.

MR. HATCH: Tracy Hatch appearing on behalf of AT&T Florida.

MS. TAN: Lee Eng Tan on behalf of Commission and Staff.

MS. HELTON: And Mary Anne Helton, Adviser to

1 the Commission.

2 COMMISSIONER BRISE: Thank you very much.

3 I just want to remind everyone that since
4 this is a prehearing, the conversations are
5 limited specifically to the representatives or the
6 legal counsel for the various entities associated
7 with this docket.

8 Are there any preliminary matters?

9 MS. TAN: At this point, there are none and
10 none are expected.

11 COMMISSIONER BRISE: Thank you very much.

12 So let's proceed through the prehearing draft
13 order. I'll identify the sections, and I want
14 parties to let me know if there are any
15 corrections or changes that need to be made. We
16 will try to do this quickly, so please speak up if
17 you need to change something or make any
18 corrections.

19 Section I: Case Background.

20 (No response.)

21 COMMISSIONER BRISE: Okay. Seeing and
22 hearing no changes or corrections, we' going to
23 Section II: Conduct of Proceedings.

24 (No response.)

25 COMMISSIONER BRISE: Okay. Section III:

1 Jurisdiction.

2 (No response.)

3 COMMISSIONER BRISE: Section IV: Procedure
4 for Handling Confidential Information.

5 (No response.)

6 COMMISSIONER BRISE: Section V: Prefiled
7 Testimony and Exhibits, Witnesses.

8 (No response.)

9 COMMISSIONER BRISE: Section VI: Order of
10 Witnesses.

11 (No response.)

12 COMMISSIONER BRISE: Section VII: Basic
13 Positions.

14 (No response.)

15 COMMISSIONER BRISE: Section VIII: Issues
16 and Positions.

17 MR. HATCH: Commissioner Brise, I don't have
18 any objections or corrections at this point. We
19 got the prehearing order draft basically last
20 night so I haven't done a real thorough scrubbing
21 of it. I assume everything -- it looks okay at a
22 quick scan. If I note anything, I'll provide that
23 to Staff posthaste.

24 COMMISSIONER BRISE: Thank you.

25 Mr. Twomey.

1 MR. TWOMEY: I agree, Your Honor, there's
2 nothing from our side.

3 COMMISSIONER BRISE: Okay. Thank you very
4 much.

5 Staff, do you have any input or anything else
6 in terms of Issues and Positions that you want to
7 note for the record?

8 MS. TAN: No, just that if there is any
9 position that needs to be taken, that it would
10 need to reflect no position and otherwise we'll
11 just reflect that as is.

12 And at this time with the issues, we would
13 mark that -- or we note that we do have some
14 issues that are resolved in this proceeding. It
15 is my understanding, or Staff's understanding,
16 that the following issues are resolved, which is
17 15i, 17i, 21, 26, 28i, 28ii, 31, 39a, 39b, 42,
18 46ii, 47, 49, 52 and Issue 63.

19 COMMISSIONER BRISE: Thank you very much.

20 And if the parties could take a look at those
21 issues and then make sure that we are in agreement
22 that those have been resolved.

23 MR. HATCH: I would only make one request. I
24 think Communications Authority indicates that one
25 of the 17 series is resolved, and we're not sure

1 that it is. We think it is and we've asked for
2 confirmation, but I'm not sure if Mr. Twomey is in
3 a position to confirm that or not at this point.

4 COMMISSIONER BRISE: Okay. Mr. Twomey, if
5 you're in a position to confirm that this morning,
6 please do so. If not, then let us know prior to
7 the hearing.

8 MR. TWOMEY: Okay. 17i is absolutely
9 resolved. And 17ii, I think we indicated that it
10 was resolved at some point, and it is not, only
11 17i is.

12 COMMISSIONER BRISE: Okay. So 17ii hasn't
13 been resolved as of yet, okay.

14 MR. HATCH: Was CA going to take a position
15 on it since it's -- in the prehearing order it
16 says it's resolved under Communications
17 Authority's position. Are they going to now
18 advance a position for it?

19 COMMISSIONER BRISE: Okay. Mr. Twomey.

20 MR. TWOMEY: I guess the simplest position
21 would be that CA argues that its proposed language
22 be adopted.

23 COMMISSIONER BRISE: Okay.

24 MR. TWOMEY: From the initial DPL.

25 COMMISSIONER BRISE: Okay. Thank you.

1 MS. TAN: Okay. We'll reflect that language.
2 And then we will be circulating the prehearing
3 order to the parties for review, so we can make
4 sure that that language is appropriate for CA.

5 COMMISSIONER BRISE: Okay. Thank you.

6 Okay. I think we're ready to move forward,
7 okay. So Section IX: Exhibit List. Staff will
8 note that --

9 MS. TAN: There is a comprehensive exhibit
10 list which includes all the prefiled exhibits and
11 also includes those exhibits that Staff wishes to
12 include in the record. Staff will check with the
13 parties prior to the hearing to determine if there
14 are any objections to the comprehensive exhibit
15 list or to any of Staff's exhibits being entered
16 into the record.

17 COMMISSIONER BRISE: Okay. Section X:
18 Proposed Stipulations.

19 MS. TAN: There are no proposed stipulations
20 at this time. We do note that there are issues
21 that we have discussed that have been resolved.

22 COMMISSIONER BRISE: Okay. Section XI.

23 MS. TAN: There are no pending motions.

24 COMMISSIONER BRISE: Okay. Section XII:
25 Pending Confidentiality Motions.

1 MS. TAN: There are also no pending
2 confidentiality motions in this proceeding.

3 COMMISSIONER BRISE: Okay. Section XIII:
4 Post-Hearing Procedures.

5 MR. HATCH: I have one matter to raise.

6 COMMISSIONER BRISE: Sure.

7 MR. HATCH: One is it's the page limit on the
8 briefs. In my request in the draft that I
9 submitted back to the Staff, I had suggested 300
10 pages. The rationale for that, essentially, is if
11 you take the total number of issues, including
12 subparts, you have 94-plus issues. If you
13 subtract all of the stipulated issues, including
14 subparts, you end up with like 76 discreet issues.

15 And the way briefs are formatted, you do the
16 issue statement and then your position statement.
17 Even limited to 50 words, you end up with
18 basically a third to a half of a page for that.
19 Unless you single space it and do eight point type
20 for everything, you're consuming at least a third
21 of your page there. So at 76, 75 pages doesn't
22 leave you one-third or a two-thirds of a page for
23 the rest of your issues.

24 We think -- the rationale, essentially, was
25 three pages per issue. Not all issues are going

1 to take three pages. Some are quite simple and
2 will be easy to resolve. Some are much more
3 complicated and will take way more than three
4 pages. So we would like the latitude to be able
5 to get at least three pages per issue. I think
6 that will work out.

7 It is not in our interests to give you 300
8 pages because it makes it difficult. And nobody
9 likes to read 300 pages. So there's no incentive
10 on our part to inflate it to make it longer just
11 because of -- you know, the theory that it weighs
12 more so therefore it carries more weight. But we
13 would like the latitude to have that much space to
14 do all of these issues to do them justice. Some
15 of them are complicated and need a lot of
16 explanation.

17 COMMISSIONER BRISE: Okay. Mr. Twomey, do
18 you have any particular request in terms of the
19 number of pages?

20 MR. TWOMEY: We would hope to file far less
21 than 300 pages, but we're fine with AT&T's
22 request.

23 COMMISSIONER BRISE: Okay. Well, I'm going
24 to recommend 250 pages. And I think we should be
25 able to manage 250 pages, I mean, incorporate most

1 of what we need in terms of the briefs into 250
2 pages.

3 When are the briefs due?

4 MS. TAN: Right now the briefs are due on
5 June 5th, 2015.

6 COMMISSIONER BRISE: Okay.

7 MR. HATCH: Let me make one quick
8 observation.

9 COMMISSIONER BRISE: Sure.

10 MR. HATCH: And this is going both ways over
11 time. One of the things that we would probably
12 propose to attach to our brief is a copy of the
13 DPL, which basically is the issue and a column
14 with their proposed language and our proposed
15 language. It makes it real easy to compare who's
16 talking about what, much more -- in terms of in
17 our brief, we will give you the language and
18 explain why our language is best. But in terms of
19 a quick comparison, we propose to attach a DPL.

20 I don't want that to eat into my 250 pages,
21 so as an appendix to attach it and not get burned
22 because of the page limits, if that's acceptable.

23 COMMISSIONER BRISE: Sure, that's acceptable
24 to me. That makes a lot of sense. So you would
25 have the 250 pages for actual briefs, your

1 paragraphs and so forth, but then you have the --

2 MR. HATCH: The DPL.

3 COMMISSIONER BRISE: -- the DPL.

4 MR. HATCH: Thank you.

5 COMMISSIONER BRISE: Okay. Section XIV.

6 MS. TAN: Staff notes that at this time,
7 opening statements are limited to five minutes per
8 party.

9 COMMISSIONER BRISE: Okay. Before anyone
10 asks, I'm going to go ahead and bump that up to
11 seven and a half minutes, considering that we have
12 so many issues on the table.

13 MR. HATCH: Okay.

14 COMMISSIONER BRISE: Okay. Are there any
15 other matters?

16 MR. HATCH: One quick question.

17 COMMISSIONER BRISE: Sure.

18 MR. HATCH: It goes both ways, again, over
19 time. Typically in most of the telecom cases, we
20 have combined direct and rebuttal for the witness
21 to have one appearance on the stand. I don't know
22 if there was any interest in doing that here.

23 From our perspective, it helps us because
24 then you don't have witnesses having to hang
25 around for a second appearance, to get up and get

1 down. That would be a request, if that's
2 acceptable to Mr. Twomey and the Commission.

3 COMMISSIONER BRISE: Sure. Mr. Twomey, is
4 that acceptable to you?

5 MR. TWOMEY: No objection from us. That's
6 fine.

7 COMMISSIONER BRISE: Perfect. Thank you.
8 Any other matters?

9 MS. TAN: There are no other matters to
10 address in this prehearing. However, Staff notes
11 that after this prehearing ends, we will be
12 conducting depositions today, so we would like to
13 tell all the parties that are on the line that we
14 will start the deposition at 10:45, in about an
15 hour.

16 COMMISSIONER BRISE: Okay. Thank you.

17 I just want to remind both parties that we do
18 have some time between now and the hearing and if
19 there are issues that you can resolve between now
20 and then, we certainly encourage you to do so. We
21 certainly look at that favorably based on the
22 history here at the Commission.

23 So we hope that the parties will work very
24 diligently to address some of the issues that have
25 not been resolved up to this point and only leave

1 the issues that there is absolutely no resolution
2 in the interim for us to take up in the actual
3 hearing, okay.

4 So with that, if there is nothing else, we
5 stand adjourned.

6 MS. TAN: Thank you.

7 (Whereupon, proceedings were concluded at
8 9:45 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, MICHELLE SUBIA, Registered Professional Reporter, 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 3 through 14, 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 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 27th day of April, 2015.

MICHELLE SUBIA, RPR
NOTARY PUBLIC
COMMISSION #FF127508
EXPIRES JUNE 7, 2018

