

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Petition of INTERMEDIA : DOCKET NO. 921074-TP  
COMMUNICATIONS OF FLORIDA, INC. :  
for expanded interconnection :  
for AAVs within LEC central :  
offices. :  
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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER JULIA L. JOHNSON  
Prehearing Officer

DATE: Wednesday, August 11, 1993

TIME: Commenced at 9:30 a.m.  
Concluded at 10:25 a.m.

PLACE: FPSC Hearing Room 122  
Fletcher Building  
101 East Gaines Street  
Tallahassee, Florida

REPORTED BY: JOY KELLY, CSR, RPR  
Chief, Bureau of Reporting

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## 1 APPEARANCES:

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4 Telephone No. (904) 222-1534, appearing on behalf of  
5 Intermedia Communications of Florida, Inc.

6 J. JEFFRY WAHLEN, Ausley, McMullen, McGehee,  
7 Carothers and Proctor, Post Office Box 391,  
8 Tallahassee, Florida 32301, Telephone No. (904)  
9 224-9115, appearing on behalf of ALLTEL Florida, Inc.,  
10 Central Telephone Company of Florida and United  
11 Telephone Company of Florida.

12 PETER M. DUNBAR, Pennington, Haben,  
13 Wilkinson, Culpepper, Dunlap, Dunbar, Richmond &  
14 French, P.A., Post Office 10095, Tallahassee, Florida  
15 32302, Telephone No. (904) 222-3533, appearing on  
16 behalf of Florida Cable Television Association, Inc.,  
17 and Time Warner AxS of Florida, L.P.

18 VICKI GORDON KAUFMAN, McWhirter, Grandoff &  
19 Reeves, 315 S. Calhoun Street, Suite 716, Tallahassee,  
20 Florida 32301, Telephone No. (904) 222-2525, appearing on  
21 behalf of Florida Interexchange Carriers Association.

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1                   **KIMBERLY CASWELL**, Post Office Box 110, MC 7,  
2 Tampa, Florida 33601, Telephone No. (813) 228-3087,  
3 appearing on behalf of GTE Florida Incorporated.

4                   **RICHARD E. BENTON**, Young, Van Assenderp,  
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7 32303-1833, Telephone No. (904) 222-7206, appearing on  
8 behalf of Indiantown Telephone System, Inc., Northeast  
9 Florida Telephone Company, Quincy Telephone Company, and  
10 Southland Telephone Company.

11                   **RICHARD D. MELSON**, Hopping Boyd Green & Sams,  
12 Post Office Box 6526, Tallahassee, Florida 32314,  
13 Telephone No. (904) 222-7500, appearing on behalf of  
14 MCI Telecommunications Corporation.

15                   **J. PHILLIP CARVER**, c/o Marshall M. Criser III,  
16 150 S. Monroe Street, Suite 400, Tallahassee, Florida  
17 32302, Telephone No. (904) 222-1201, and

18                   **DAVID M. FALGOUST**, 4300 Southern Bell Center,  
19 675 West Peachtree Street, Northeast, Atlanta, Georgia  
20 30375, Telephone No. (404) 529-3865, appearing on  
21 behalf of BellSouth Telecommunications, Inc. d/b/a  
22 Southern Bell Telephone and Telegraph Company.

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1 C. EVERETT BOYD, JR., Ervin, Varn, Jacobs, Odom  
2 & Ervin, Post Office Drawer 1170, Tallahassee, Florida  
3 32302, Telephone No. (904) 224-9135, and

4 MICHAEL W. TYE, AT&T Communications of the  
5 Southern States, Inc., 106 East College Avenue, Suite  
6 1410, Tallahassee, Florida 32301, appearing on behalf  
7 of AT&T Communications of the Southern States, Inc.

8 KENNETH A. HOFFMAN, Messer, Vickers, Caparello,  
9 Madsen, Lewis, Goldman & Metz, P.A., 215 South Monroe  
10 Street, P. O. Box 1876, Tallahassee, Florida 32302,  
11 Telephone No. (904) 222-0720, and

12 JOHN P. FONS, Ausley, McMullen, McGehee,  
13 Carothers and Proctor, Post Office Box 391, Tallahassee,  
14 Florida 32301, Telephone No. (904) 224-9115, appearing on  
15 behalf of United Telephone Company of Florida.

16 CHARLES J. BECK, Office of Public Counsel, c/o  
17 The Florida Legislature, 111 W. Madison Street, Room 812,  
18 Tallahassee, Florida 32399-1400, Telephone No. (904)  
19 488-9330, appearing on behalf of the Citizens of the State  
20 of Florida.

21 DAVID SMITH, FPSC Division of Appeals, 101 East  
22 Gaines Street, Tallahassee, Florida 32399-0850, Telephone  
23 No. (904) 488-7464, Counsel to the Commission.

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TRACY HATCH, FPSC Division of Legal Services,  
101 East Gaines Street, Tallahassee, Florida  
32399-0850, Telephone No. (904) 487-2740, appearing on  
behalf of the Commission Staff.

ALSO PRESENT:

MICHAEL REITH, FPSC Division of Communications.

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P R O C E E D I N G S

(Hearing convened at 9:30 a.m.)

COMMISSIONER JOHNSON: Could Staff counsel please read the notice.

MR. HATCH: Pursuant to notice, this time and place have been set for the prehearing conference in Docket No. 921074-TP, petition for expanded interconnection for alternative access vendors within local exchange companies central offices by Intermedia Communications of Florida, Inc.

COMMISSIONER JOHNSON: Thank you. What I'd like to do at this time for my own edification and for purposes of the record is to go ahead and take appearances, starting at the left here.

MR. CARVER: Phillip Carver for Southern Bell. 150 West Flagler Street, Suite 1910, Miami, Florida 33129.

MR. FALGOUST: David M. Falgoust, also representing Southern Bell, 675 West Peachtree Street Atlanta, Georgia 30375.

MS. CASWELL: Kim Caswell, GTE of Florida, P. O. Box 110, Tampa, Florida 33601.

MS. KAUFMAN: Vicki Gordon Kaufman, and I'd like to enter an appearance for Joe McGlothlin also of McWhirter, Grandoff and Reeves, 315 South Calhoun Street, Suite 716, Tallahassee 32301, on behalf of the

1 Florida Interexchange Carriers Association. And I  
2 would also like to enter an appearance this morning for  
3 Brad Mutschelknaus with the firm of Wiley, Rein &  
4 Fielding, 1776 K Street Northwest, Washington, on  
5 behalf of the Interexchange Access Coalition.

6 MR. MELSON: I'm Richard Melson of the law  
7 firm Hopping Boyd Green & Sams, P. O. Box 6526,  
8 Tallahassee, appearing on behalf of MCI Telecommunications  
9 Corporation. I'd also like to enter an appearance on  
10 behalf of Michael J. Henry of MCI in Atlanta.

11 MR. TYE: Michael W. Tye, 106 East College  
12 Avenue, Suite 1410, Tallahassee, Florida 32301,  
13 appearing on behalf of AT&T Communications of the  
14 Southern States, Inc.

15 MR. HOFFMAN: Commissioner, I'm Kenneth A.  
16 Hoffman. I'd also like to enter an appearance for  
17 Floyd R. Self, of the Messer Vickers law firm, P. O.  
18 Box 1876 Tallahassee, Florida 32302. I'd also like to  
19 enter an appearance for Jodie L. Donovan, regulatory  
20 counsel, One Teleport Drive, Suite 301, Staten Island, New  
21 York 10311, all on behalf of the Teleport Communications  
22 Group.

23 MR. DUNBAR: Peter Dunbar, the Pennington  
24 Haben firm, 306 North Monroe, Tallahassee, Florida, on  
25 behalf of Time Warner AxS of Florida. Also, I would



1 like to enter an appearance for David L Swafford, Class  
2 B Practitioner. I would also like to enter an appearance  
3 on behalf of Laura Wilson, who will -- we will be  
4 withdrawing on behalf of Florida Cable Television and  
5 she will be substituted as counsel and I'd like to  
6 enter an appearance for her as well.

7 MR. FONS: John Fons with the law firm of  
8 Ausley, McMullen, McGee, Carothers and Proctor,  
9 appearing on behalf of Central Telephone Company of  
10 Florida and United Telephone Company of Florida, also  
11 entering an appearance for Lee L. Willis of the same  
12 law firm.

13 MR. WAHLEN: Jeff Wahlen, with Ausley,  
14 McMullen, McGee, Carothers & Proctor, same address,  
15 appearing for ALLTEL Florida, Inc., and also entering  
16 an appearance for Lee L. Willis of the same law firm on  
17 behalf of ALLTEL.

18 MR. BOYD: Everett Boyd, of the Ervin law  
19 firm, 305 South Gadsden Street, Tallahassee, appearing  
20 on behalf of Sprint Communications Company, Limited  
21 Partnership. I also want to enter an appearance on  
22 behalf of Sprint for Chanthina Bryant of Sprint's  
23 office in Atlanta.

24 MR. BENTON: Rick Benton, of the law firm  
25 Young, Van Assenderp, Varnadoe & Benton, entering an

1 appearance also on behalf of my colleague, David Erwin  
2 on behalf of Indiantown Telephone System, Northeast  
3 Florida Telephone Company, Southland Telephone Company  
4 and Quincy Telephone Company.

5 COMMISSIONER JOHNSON: Any other appearances?

6 MR. HATCH: Tracy Hatch, 101 East Gaines  
7 Street, appearing on behalf of the Commission Staff.  
8 Also appearing with me will be Noreen S. Davis.

9 MR. SMITH: I'm David Smith, of the Division  
10 of Appeals, appearing as counsel to the Commission.

11 MR. BECK: Commissioner, could I make an  
12 appearance? My name is Charles Beck with the Office of  
13 Public Counsel, appearing on behalf of the Florida  
14 Citizens.

15 COMMISSIONER JOHNSON: Any others needed?

16 MR. HATCH: Is there anybody here from Pat  
17 Wiggins office? Just out of curiosity. I know that  
18 Pat was out of town and there was some confusion as to  
19 who was going to have to show up, either Kathy  
20 Villacorta or Susan Morely. They're probably on their  
21 way.

22 COMMISSIONER JOHNSON: Okay. Note that when  
23 they arrive.

24 What I'd like to do is go through any  
25 preliminary matters that we might have before us today.

1 If there are any motions, go ahead and hear those. And  
2 then just walk through the Prehearing Order going  
3 section-by-section. I don't anticipate any problems  
4 but I think it might be easier if we go ahead and take  
5 this section-by-section, page-by-page. I'd like to  
6 begin with any preliminary matters that we might have.

7 MR. HATCH: There are three pending motions  
8 that are listed in the Draft Prehearing Order. All of  
9 them dealing with motions to accept late-filed  
10 prehearing statements. One on behalf of Teleport, one  
11 from Centel and one from MCI. I'm unaware of any  
12 opposition to those but the parties can speak to that.

13 COMMISSIONER JOHNSON: Any oppositions to the  
14 motions as stated?

15 MS. KAUFMAN: No, Commissioner. I had  
16 another matter that doesn't relate to that. I'll just  
17 list it when you finish.

18 COMMISSIONER JOHNSON: Those motions will be  
19 granted.

20 MR. HATCH: There is one other pending motion  
21 that came in late yesterday. I discussed with Mr.  
22 Wahlen regarding ALLTEL's desire to file rebuttal  
23 testimony on behalf of Harriet. That's before us, if  
24 you want to address that, see if there are any  
25 objections from the parties.

1           COMMISSIONER JOHNSON: Are all of the parties  
2 aware of the motion?

3           MR. WAHLEN: It was filed late yesterday  
4 afternoon. It was served by mail. I brought copies  
5 for everyone to review if they didn't get them today.  
6 I think I handed them out to most people.

7           MS. VILLACORTA: I'm sorry. Can I enter an  
8 appearance? I came in late. My name is Kathy  
9 Villacorta, I represent Intermedia.

10           COMMISSIONER JOHNSON: All of the parties now  
11 have a copy of the motion?

12           MR. WAHLEN: It's a very simple motion.  
13 ALLTEL would like to file prefiled rebuttal testimony  
14 for Harriet Eudy on the issue of whether the two new  
15 LECs should be required to provide expanded  
16 interconnect. We don't think anyone would be  
17 prejudiced by the testimony. They will have an  
18 opportunity to protest depose Ms. Eudy, if they so  
19 desire. There is a month between now and the hearing,  
20 so we think there would be plenty of opportunity to  
21 react and respond to the testimony. The testimony is  
22 attached to the motion.

23           COMMISSIONER JOHNSON: I am fully prepared to  
24 rule on that unless the parties need more time to  
25 review the motion and determine whether or not they

1 have any objections. Seeing no objections, the motion  
2 is granted.

3 MR. WAHLEN: Thank you.

4 MR. HATCH: Just one observation for the  
5 court reporter's benefit. If you have to make a  
6 statement, come up forward closer so that the court  
7 reporter can hear you or grab a mike. It becomes  
8 problematic for her picking up what you're saying.

9 Last week the parties got together on a  
10 conference call, attempting to limit the issues or work  
11 out stipulations as to some of the issues.

12 I have passed out to the parties a  
13 compilation of what my notes show from our discussions  
14 last week. We can proceed to go through those to see  
15 if the parties agree or disagree. They are sort of  
16 left hanging based on seeking confirmations from their  
17 clients as to whether they wanted to do this or not.

18 I assume the parties have had enough time to  
19 cruise through this. If they have not, perhaps we can  
20 delay that if they need more time to look at it.

21 COMMISSIONER JOHNSON: Do any of the parties  
22 need more time?

23 MR. MELSON: Commissioner, for whatever  
24 reason, MCI was unaware of the conference call last  
25 week and did not participate. I would have to get my

1 clients's input on several of these items, but I don't  
2 want to hold up the discussion of them by any of the  
3 other parties.

4 COMMISSIONER JOHNSON: Why don't we go ahead  
5 and proceed with the discussion, and to the extent that  
6 you discuss it with your clients and you have problems  
7 with the issues, you can preserve the right to bring  
8 that up at a later date.

9 MS. KAUFMAN: Commissioner, I do have a  
10 procedural matter related, before we get into the  
11 substance, to late prehearing statements, and that is  
12 the Interexchange Access Coalition didn't file a  
13 motion, but noted in their prehearing statement that it  
14 was being filed late due to some inadvertence, and we  
15 would ask that that be accepted as well.

16 COMMISSIONER JOHNSON: Any objections? So  
17 granted.

18 MR. HOFFMAN: Commissioner Johnson, our firm  
19 recently got involved in this proceeding about a week  
20 ago and we were made aware of the conference call that  
21 Mr. Hatch referred to. And I received a letter from  
22 Ms. Donovan, who is the regulatory counsel for  
23 Teleport, which advised me of these proposed  
24 stipulations with the exceptions of Nos. 4, 7 and 9,  
25 which is not to say that they were not discussed.

1 I've reviewed them and from a tentative  
2 standpoint they appear to be satisfactory, but I would  
3 like the opportunity to just confirm that these are  
4 satisfactory by conferring with my client on those items.

5 COMMISSIONER JOHNSON: And that's Issues 4,  
6 7, and 9.

7 MR. HOFFMAN: It's numbers, Nos. 4 and  
8 Position 4. No. 7, which is Issue 9, and number 9,  
9 which is Issue 13.

10 COMMISSIONER JOHNSON: Now, do we need to,  
11 Staff, walk through each of these stipulations or how  
12 would you prefer to proceed?

13 MR. HATCH: If everybody has read them and  
14 has no objection to the way they currently exist, then  
15 I don't have any problem just letting them ride. But I  
16 expect there's going to be some objection and we'll  
17 need to walk through them.

18 MS. VILLACORTA: Intermedia, we have not read  
19 what you have here today.

20 COMMISSIONER JOHNSON: Why don't we give the  
21 parties an opportunity to read the proposed  
22 stipulations; take about 10 minutes and then we'll come  
23 back and proceed item-by-item.

24 (Brief recess.)

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1           COMMISSIONER JOHNSON: I think we're about  
2 ready to go back on the record.

3           Staff, how would you wish to proceed?

4           MR. HATCH: I assume most of the parties have  
5 had a chance to go through there. I know that it has  
6 already generated a certain amount of discussion. We  
7 probably should go through them just one-by-one and see  
8 if anybody has any objections or problems.

9           COMMISSIONER JOHNSON: Okay.

10          MR. HATCH: With respect to number one, that  
11 was not discussed at the conference call, Item No. 1,  
12 the proposed generic stipulation.

13          We're attempting -- at this point we're not  
14 discussing collocation or expanded interconnection for  
15 switched purposes. The whole proceeding is limited to  
16 the private line special access. So just to make sure  
17 that everybody is on board and we're all talking the  
18 same language, I proposed that one up-front so that  
19 everybody has that understanding. That avoids having to  
20 go through and insert "for private line and special access  
21 service" everywhere in the Prehearing Order where it  
22 mentions expanded interconnection. So I don't know if  
23 there is any objection to that. If so, we need to talk  
24 about that.

25          COMMISSIONER JOHNSON: Any objections?



1 Comments? Okay. Stipulation No. 1 will be inserted.

2 MR. HATCH: Okay. One, just a generic  
3 question that has come up since the conference call  
4 when we were compiling all of this, is that when we  
5 talk about expanded interconnection, when Staff has  
6 talked about it we generally are referring to  
7 collocation or collocation can take any one of several  
8 forms, but generally when you say "expanded  
9 interconnection," we refer to collocations as sort of as  
10 implicit in expanded interconnection. I think probably  
11 because the FCC talks about it that way as well.

12 Is there anybody out here that draws  
13 distinction between expanded interconnection in  
14 collocation? Just for discussion purposes, that's another  
15 thing to make sure we're talking the same language at the  
16 same time. That's a question that came up that I'd like  
17 to get some reaction to. (Pause) Silence is golden.

18 COMMISSIONER JOHNSON: Any comments? Maybe  
19 we'll get the reactions later. Do you want to proceed  
20 to No. 2?

21 MR. HATCH: Yeah. I guess so.

22 With respect to Issue 2, the issue is  
23 reprinted there and then there's the text of the  
24 proposed stipulation. If there's any objection to the  
25 way it's phrased or characterized or objections to

1 stipulating at all, then --

2 MR. MELSON: Commissioner Johnson, this is  
3 one on which I will have to consult with my client.

4 I attempted during the break and they're  
5 unavailable to me this morning.

6 COMMISSIONER JOHNSON: Understood.

7 MR. MELSON: There are some, however, I will  
8 be able to stipulate to.

9 COMMISSIONER JOHNSON: Good. Any objections  
10 or comments to the proposed stipulation? Seeing none,  
11 it will be inserted. No. 3.

12 MR. HATCH: We had talked about actually  
13 deleting this issue as unneeded in terms of a  
14 resolution by the Commission. I don't think there was  
15 any objection to this one at all in terms of the  
16 discussion of the conference call.

17 COMMISSIONER JOHNSON: Any objections or  
18 comments? So we will be deleting Issue 3?

19 MR. HATCH: Yes.

20 COMMISSIONER JOHNSON: Issue 3 will be  
21 deleted.

22 MR. HATCH: In order to maintain the number  
23 consistency, Issue 3 will be in the Prehearing Order. It  
24 will appear there, but then there will be a statement that  
25 we agreed to drop consideration of the issue.

1                   COMMISSIONER JOHNSON: That will be fine.  
2 No. 4, Issue 4. Any objections to the proposed  
3 stipulation?

4                   MS. VILLACORTA: Intermedia has an objection.  
5 I was not in teleconference with Tracy, but it was my  
6 understanding that that issue was going to be stricken.  
7 So in light of the fact that there's now an issue down  
8 here, I would need to talk to the client.

9                   MR. HATCH: When we talked about dropping the  
10 issue, I think Pete had a comment about he didn't want  
11 to drop it but could agree to this language. That's  
12 where we ended up, as I recall.

13                   MS. VILLACORTA: I don't think Intermedia's  
14 problem is going to be with the first sentence of the  
15 proposed stipulation. But there might be some with the  
16 second and I would just need to check with them.

17                   MR. HATCH: There was a fair amount of  
18 discussion with respect to the second sentence. I'm  
19 not sure that it adds or takes away from anything, but  
20 it gave some folks some comfort that it was there.

21                   Basically it says you can't use an expanded  
22 interconnection to do something that you can't do.  
23 It's sort of like you can't do what you can't do. I view  
24 it as a truism, but some of the folks had some concerns  
25 about whether that language was there or not there. I

1 don't know that it causes any problems either there or not  
2 there. I don't think it really changes anything.

3 MS. VILLACORTA: Right. And I suspect that  
4 they have no problem because it's different than what I  
5 talked to them about yesterday. I feel I need to run  
6 it by them.

7 COMMISSIONER JOHNSON: We'll note your  
8 concern/objection.

9 MS. VILLACORTA: Hopefully, I'll be able to  
10 let you know.

11 COMMISSIONER JOHNSON: Great. Okay. Any  
12 others?

13 MR. HOFFMAN: If I could, I just want to  
14 reiterate for the record that with respect to Issues 4  
15 -- the proposed stipulation on Issues 4, 9 and 13, I've  
16 reviewed the language and it appears that the language  
17 set forth in these proposals are acceptable. But I  
18 would like the opportunity to confirm that these are  
19 acceptable with Teleport.

20 COMMISSIONER JOHNSON: Certainly. Noted for  
21 the record. No. 5, Issue 7. Any comments or  
22 objections?

23 MR. HATCH: That has to do with the large  
24 LECs being essentially treated somewhat differently  
25 than the small LECs.

1 David Ervin was attempting to reach an  
2 agreement with all the parties with respect to that. I  
3 know that I've talked to Jeff Wahlen and they had some  
4 concerns about whether and how this was going to  
5 transpire. Those negotiations are still in progress.  
6 There's nothing more to report at this point.

7 COMMISSIONER JOHNSON: Okay. We'll note that  
8 for the record and proceed to Issue 8 proposed  
9 stipulation. Any comments or objections on the  
10 proposed stipulation?

11 MR. FALGOUST: Yes, Commissioner.

12 Issue 8 does not make specific reference to the  
13 implicit understanding that expanded interconnection can  
14 be made available only where space is available.

15 Now, to the extent that Issue 13 is  
16 stipulated to, I'm willing to live without an explicit  
17 reference to space availability in Issue 8. But to the  
18 extent that we can't stipulate Issue 13, I would  
19 suggest that we add a phrase in the proposed  
20 stipulation to Issue 8 that simply says, "Expanded  
21 interconnection should only be tariffed for those  
22 central offices where it is likely to occur and where  
23 space is available."

24 MR. HATCH: There is some discussion  
25 probably with respect to Issue 8. If you look in the

1 Prehearing Order draft on Page 29 at United's position,  
2 it sort of gives you a context of what I'm about to  
3 tell you.

4 United's position at the very top of Page 29,  
5 that's essentially the text of the stipulation.

6 Everybody agreed to strike that first clause where it  
7 says, "to avoid unnecessary administration and cost."

8 That was taken out and everybody agreed to that.

9 My notes reflect that we took out the last  
10 sentence but then there's some disagreement about  
11 whether we did that or not. And, you know, my notes  
12 could certainly be faulty with respect to that in terms  
13 of the conversations that occurred. If you look at  
14 that and put that last sentence back in, I have no  
15 problem putting it back in. I think that's fine. That  
16 does change the text that's there. If you put the last  
17 sentence back in, then "Is everybody happy?" Is the  
18 question?

19 MS. VILLACORTA: Intermedia would not be  
20 happy. We'd want to stay with this position.

21 MR. HATCH: So for Issue 8 on that  
22 stipulation, do you like the language that's there but  
23 not adding back that last sentence?

24 MS. VILLACORTA: Right.

25 MR. FONS: United could not stipulate without

1 that last sentence.

2 MR. HATCH: Either way?

3 MR. FONS: Yes.

4 MR. TYE: I believe AT&T agrees with United,  
5 Commissioner.

6 MR. HATCH: You had a proposal, David, that  
7 seemed -- maybe possibly a middle gound. I don't know  
8 if that's true or not because you were just going to  
9 add one small statement to Issue 8 rather than the  
10 whole last sentence.

11 COMMISSIONER JOHNSON: Could you repeat your  
12 amendatory language?

13 MR. FALGOUST: My concern didn't really  
14 relate to the last sentence. I'm willing to live  
15 without the last sentence. But my concern was with  
16 respect to space availability. What I suggested was  
17 adding the phrase after the first sentence, adding the  
18 phrase, "and where space is available."

19 COMMISSIONER JOHNSON: Then we'll handle  
20 these two.

21 MR. HATCH: That doesn't help you at all.

22 COMMISSIONER JOHNSON: It's a separate issue  
23 that needs to be handled. Does anyone object to the  
24 language that was stated being added?

25 MR. HATCH: I think Intermedia objected to

1 adding it.

2 MS. VILLACORTA: Yes.

3 MR. HATCH: And I guess United and Centel  
4 can't live without it.

5 COMMISSIONER JOHNSON: No, no, no, no. His  
6 is a different issue from your issue.

7 MR. HATCH: I guess the bottom line, there's  
8 no agreement to the proposed stipulation on Issue 8.

9 MR. FONS: Kathy, what are you objecting to  
10 putting back in that last sentence for consistency?

11 MS. VILLACORTA: I'm objecting to, on 8,  
12 putting in the last sentence that's in United's  
13 original position that refers to the interstate.

14 MR. FONS: Well, that's what I thought we had  
15 agreed to on the telephone.

16 MS. VILLACORTA: Well, I was -- I need to --

17 MR. FONS: Well, we can't stipulate without  
18 that sentence.

19 COMMISSIONER JOHNSON: Okay.

20 MR. FALGOUST: Commissioner Johnson, if we  
21 aren't going to have a stipulation on Issue 8, I had a  
22 typographical error in my prehearing statement that I  
23 request be changed for the purposes of the  
24 Prehearing Order.

25 COMMISSIONER JOHNSON: Okay.



1           MR. FALGOUST: Southern Bell's position on  
2 Issue 8 said, "Expanded interconnection should be  
3 offered," and that should have read, "could be  
4 offered." And I ask that that language be inserted  
5 appropriately in the Prehearing Order.

6           COMMISSIONER JOHNSON: I see no problem with  
7 that. So we will not have a stipulation with respect  
8 to that issue.

9           MR. HATCH: May I just -- Kathy, what is your  
10 concern about adding back that last sentence? Maybe we  
11 can work something out if I know what the source of  
12 your problem is.

13           MS. VILLACORTA: My understanding is -- I'm  
14 somewhat crippled, which I realize is not anybody's  
15 problem by the fact that I'm filling in for Pat.

16           But my understanding is there is some  
17 uncertainty in Intermedia's agreement with how the FCC  
18 is going to do it when there is not space available,  
19 and what "space available" means. And so there is a  
20 reluctance on Intermedia's part to buy into -- do it the  
21 way the FCC is doing it when they're not sure they are in  
22 agreement with how it's being done. And there are some  
23 issues that are not resolved at the federal level  
24 regarding that.

25           Well, I can go back to them and ask them

1 about it again.

2 MR. HATCH: Yeah. If we can still reach an  
3 agreement, that would be nice.

4 MS. VILLACORTA: Sure.

5 MR. HATCH: The other problem is one of the  
6 problems that we have talked about in this case is  
7 doing things differently than the FCC. And how that's  
8 going to work out. So you need to consider whether  
9 whatever happens at the FCC level, if you are going to  
10 try and push down something different down here.

11 MS. VILLACORTA: Uh-huh. I understand that.  
12 Hopefully, I'll be able to get back to you today.

13 MR. HOFFMAN: Tracy, with respect to  
14 Teleport, my understanding is that Teleport stipulated  
15 on Issue 8 to the language that's in this proposal,  
16 with the addition of that last sentence in the United  
17 position in the Prehearing Order.

18 Southern Bell has brought up this additional  
19 language which they would like added to the first  
20 sentence of the proposed stipulation. Could I get some  
21 direction as to what I should communicate to Teleport  
22 in terms of trying to reach a stipulation? Would we be  
23 putting that last sentence back in, and in the Southern  
24 Bell proposal?

25 MR. DUNBAR: If Teleport agrees to No. 9

1 which is Issue 13, and David doesn't have the problem  
2 with 8 anymore -- Ken, it's really in your hands. If  
3 your client agrees to 13, David doesn't even have it  
4 pending further.

5 MR. HATCH: Does that make sense to you, Ken?

6 MR. HOFFMAN: If that's satisfactory with  
7 David. I think, subject to check, that Teleport does  
8 agree with the language proposed under Issue 13.

9 COMMISSIONER JOHNSON: And then that would  
10 resolve your problem?

11 MR. HATCH: Yes, ma'am.

12 MR. HOFFMAN: If we are now back to Issue 8  
13 and all the parties agree to the inclusion of the last  
14 sentence in United's position, Teleport has already  
15 agreed to that.

16 COMMISSIONER JOHNSON: Okay.

17 MR. HATCH: Okay.

18 MR. MELSON: Commissioner Johnson, Issue 8 is  
19 another one where I need to consult my client.

20 COMMISSIONER JOHNSON: Certainly. Any other  
21 questions or comments on Issue 8 or the proposed  
22 stipulation, which we'll leave pending?

23 MR. HATCH: Could I make sure -- just so that  
24 everybody is aware, could I get confirmation by Friday  
25 from everybody as to "Aye" or "Nay" on Issue 8,

1 including the addition of the last sentence from  
2 United's position in the prehearing draft?

3 MR. DUNBAR: For what it's worse, for FCTA  
4 and Time Warner, it was our understanding that the last  
5 sentence was in there, in the stipulation.

6 MR. HATCH: That seems to be the consensus.  
7 I just messed it up somehow.

8 MS. CASWELL: That's our understanding too,  
9 so if you want the agreement now.

10 MR. HATCH: But anyway, including that last  
11 sentence then make sure that those parties that they  
12 have an objection to that last sentence, to let me know  
13 by Friday, if possible.

14 COMMISSIONER JOHNSON: At this point in time  
15 it looks at if -- who was objecting to that now,  
16 Intermedia?

17 MS. VILLACORTA: Right.

18 COMMISSIONER JOHNSON: Okay. So we'll be  
19 most concerned with your response by Friday.

20 No. 7, Issue 9. Any objections or comments  
21 to the proposed stipulation? Tracy, do you have any  
22 comments on number --

23 MR. HATCH: There is one addition that we  
24 talked about at the conference call that I forgot to  
25 put into this text, and it's just tacked on to the end.

1 I'll read the whole text so you'll get it all. "Any  
2 entity should be allowed to interconnect on an intrastate  
3 basis. Its own basic transmission facilities associated  
4 with terminating equipment and multiplexers, except  
5 entities restricted pursuant to Commission rules and  
6 regulations." That added text has to do with certain  
7 kinds of entities that currently are precluded from doing  
8 certain things. For example, STS providers are precluded  
9 from getting special access to an IXC.

10 COMMISSIONER JOHNSON: Okay.

11 MR. FONS: When does that full language begin?

12 MR. HATCH: To the existing text, add the  
13 language, "except entities restricted pursuant to  
14 Commission rules and regulations."

15 COMMISSIONER JOHNSON: And that was more of a  
16 clarifying language, I suppose?

17 MR. HATCH: Yeah. We just want to make sure  
18 that something else didn't happen by implication from  
19 this text.

20 COMMISSIONER JOHNSON: Any comments with  
21 respect to the proposed stipulation with the additional  
22 language?

23 MR. NELSON: Commissioner, I think this is  
24 the last one on which I need to consult my client.

25 COMMISSIONER JOHNSON: Okay. And I think Mr.

1 Hoffman stated this is one he would also need to consult?

2 MR. HOFFMAN: Yes.

3 COMMISSIONER JOHNSON: For No. 8, we have  
4 that there were parties attempting to reach an  
5 agreement on Issue 10. Any comments?

6 MR. TYE: Commissioner, I've talked to Mr.  
7 Gillan of FIXCA. I think we have a tentative  
8 agreement. We're trying to hammer out the language  
9 right now. I think we will stipulate this issue,  
10 though, and that will allow us, I believe, to withdraw  
11 Mr. Gillan's direct testimony and Mr. Guedel's rebuttal  
12 testimony. We'll get that language to Tracy as soon as  
13 we can get it hammered out and get approval on it.

14 COMMISSIONER JOHNSON: Okay. Do you think  
15 that -- right now I'm going to assume that we don't  
16 have an agreement?

17 MR. TYE: We have an agreement in principle.

18 COMMISSIONER JOHNSON: Okay.

19 MR. TYE: It's just getting the language  
20 straightened out. But we will get it to you as soon as  
21 Ms. Kaufman can get with Mr. Gillan and get his  
22 concurrence on it.

23 COMMISSIONER JOHNSON: Do we have a date  
24 specific that we need that language?

25 MR. HATCH: ASAP is my obvious reaction.

1           **COMMISSIONER JOHNSON:** By Friday. Why don't  
2 we make Friday.

3           **MR. TYE:** Can you all make Friday, Vicki?

4           **MS. KAUFMAN:** I'll do my best. We have the  
5 language and I'd also like to point out that until we  
6 do have an agreement on that language, IAC's position  
7 for now is going to be the same as FIXCA's, as it is  
8 represented on Page 31. But if FIXCA stipulates, I  
9 think that will take care of IAC as well.

10           **MR. TYE:** MCI has also changed their position  
11 to adopt FIXCA's position. So I hope if we make peace  
12 with FIXCA, we make peace with them too.

13           **MR. MELSON:** If they've made peace with  
14 FIXCA, they've made peace with MCI.

15           **COMMISSIONER JOHNSON:** Okay. We'll just have  
16 Friday as the deadline for that language. If for any  
17 reason we can't make that deadline, we'll work it out  
18 -- you all can work it out with Tracy.

19           **MR. HATCH:** Let me just make one request to  
20 the parties that there's now starting to be some  
21 changes to positions and getting thrown around. If all  
22 parties could get to me any changes to the positions,  
23 typographical and that sort of thing, in writing by  
24 Monday, I would be most appreciative. That would allow me  
25 to go ahead and start putting out the final prehearing

1 draft. If you have a substantive change in your position,  
2 you need to announce it now. But making the change in  
3 writing by Monday would be really helpful.

4 COMMISSIONER JOHNSON: Let's proceed to No.  
5 9, Issue 13. Any comments or objections?

6 MS. VILLACORTA: Again, this is a motion that  
7 Intermedia would not be able to stipulate on.

8 COMMISSIONER JOHNSON: Any other comments or  
9 reactions?

10 MR. HATCH: Do you know what your objection  
11 is, Kathy?

12 MS. VILLACORTA: Again it relates to where  
13 space isn't available, the exemptions that the FCC has  
14 made and what that means. And I think one that they  
15 were particularly concerned about was where the LEC  
16 said that they were unable to sublease and how that  
17 will be resolved and what happens.

18 MR. HATCH: As I understand -- make sure I  
19 understand your concern, you don't know what's going to  
20 happen at the FCC level so you can't really agree to  
21 this here.

22 MS. VILLACORTA: Right. Right.

23 MR. HATCH: Okay.

24 COMMISSIONER JOHNSON: Okay. So we will not  
25 have a proposed stipulation for Issue 13. No. 10,



1 Issue 19. Any questions or comments?

2 MR. HATCH: Just as a note: I intend to sort  
3 out the issues and positions to make sure that  
4 everything ends up where it's supposed to be in the  
5 final draft. Hopefully.

6 And Issue 11 is the same notice to sorting  
7 out where all the issues go.

8 COMMISSIONER JOHNSON: Okay.

9 MR. HATCH: That's all of the procedural  
10 matters that were pending. I'm prepared to go ahead  
11 and we can proceed with the --

12 COMMISSIONER JOHNSON: Any other pending  
13 issues before we proceed through the Prehearing Order?

14 MR. FALGOUST: Yes, Commissioner. It's been  
15 my understanding, I would just like to confirm it, that  
16 even with the stipulations that the parties reach, the  
17 testimony will remain extant in the record except in  
18 those situations positions where the party may wish to  
19 withdraw the testimony.

20 MR. HATCH: That's my understanding as well.

21 COMMISSIONER JOHNSON: Yes. So noted in the  
22 record.

23 Are we ready to proceed with the Prehearing  
24 Order?

25 To the extent that the comments deal with

1 typographical- or grammatical-type errors, if you could  
2 just submit those to Staff, that would be preferable.  
3 What we are doing here is looking for substantive  
4 issues or legal issues, real issues.

5 Let's start with No. 1, Case Background. Any  
6 comments?

7 MR. DUNBAR: Commissioner, if I might, Time  
8 Warner and Florida Cable took no position at this time  
9 in their prehearing statement on a number of issues.

10 I have distributed, I believe, to all parties  
11 in writing the positions that we have taken consistent  
12 with the discovery that Staff has engaged in. Do you  
13 want me to read those on each occasion or is it enough  
14 that everyone has a copy of that in writing?

15 COMMISSIONER JOHNSON: I think it's enough  
16 that everyone has a copy of that in writing. Unless  
17 you have a preference, Staff?

18 MR. HATCH: No, that's fine. As long as  
19 everyone everybody has got them, that will be fine.  
20 They are quite extensive. I don't think everybody  
21 needs to sit here and have them actually recited.

22 I have corrections from the FCTA and Time  
23 Warner, and I also have some from MCI as well, just so  
24 that everybody is on board.

25 MR. MELSON: That's correct. MCI also is

1 taking positions on a number of matters where it  
2 previously had no position. I believe everybody has  
3 got them; if not, I have additional copies here.

4 MR. DUNBAR: I also have additional copies of  
5 the FCTA and Time Warner if anyone wants them.

6 COMMISSIONER JOHNSON: Okay. To the extent  
7 that any of the parties need those comments that were  
8 filed, they are available.

9 Seeing no comments on Section I, Case  
10 Background, Section II, Procedure for Handling  
11 Confidential Matters. Seeing none, Section III,  
12 Prefiled Testimony and Exhibits. Seeing none, Section  
13 IV, Order of Witnesses.

14 MR. HATCH: With respect to Section IV, I  
15 have put out a new order of witnesses that reflects  
16 rebuttal being separate from direct. I believe it is  
17 complete. Please check it. Make sure I didn't leave  
18 anybody off or I have something somewhere where it  
19 shouldn't be.

20 There's no magic to the order that's there  
21 now. Basically, it's Intermedia first with the IXC's  
22 and others second and then the LECs last bringing up  
23 the trail, if there's any changes or requests to the  
24 order.

25 MR. WAHLEN: Commissioner Johnson, consistent

1 with the ruling this morning, we suggest that Harriet  
2 Eudy's rebuttal testimony be added after John Carroll.

3 COMMISSIONER JOHNSON: I'm sorry, who is the  
4 individual? Eudy?

5 MR. WAHLEN: Harriet Eudy's rebuttal  
6 testimony for ALLTEL, after John Carroll.

7 COMMISSIONER JOHNSON: I see no objection.  
8 Any objections?

9 We'll note that and add the individuals in  
10 that order.

11 MR. WAHLEN: And she'll be testifying  
12 primarily on Issue 7.

13 MR. HATCH: The one question I have for the  
14 parties is that I have not put any dates for  
15 appearances. Are there any special time considerations  
16 that any of the witnesses have as far as appearing  
17 during the hearing dates that are established for the  
18 case? (Pause)

19 COMMISSIONER JOHNSON: Okay. Seeing no --

20 MR. HATCH: Probably what I will do then is I  
21 will stack everybody in the first two days. That way  
22 everybody is on notice as to when they're going to have  
23 to be here up early. And then if it crowds over into  
24 the remaining, that's fine, too, so that nobody gets --  
25 we run out of witnesses and they are not scheduled for

1 the following day, for example.

2 COMMISSIONER JOHNSON: Any comments or  
3 objections?

4 Then we will insert the new order of  
5 witnesses with the additional witness to be included  
6 after John Carroll.

7 Section V?

8 MR. HATCH: One more final point. There's a  
9 possibility; we're talking to Mr. Dunbar about deposing  
10 an individual the provided answers to interrogatories  
11 from FCT -- from Time Warner, actually.

12 We think we're going to be deposing him. It  
13 is possible we may require him to be present at the  
14 hearing or, in lieu of that, to substitute his  
15 deposition transcript if he cannot be here at the  
16 hearing.

17 We're still trying to work all of that out.  
18 We're not sure exactly how much we want to do at this  
19 point. I just want to put parties on notice that there  
20 may yet be a new witness coming along. I forget his  
21 name at the moment.

22 MR. DUNBAR: Paul Jones.

23 MR. HATCH: That's right, Paul Jones. I'm  
24 sorry. That's a possibility that he will be here after  
25 the deposition.

1           Is there any major problem on the part of the  
2 parties if we depose him using his deposition  
3 transcript as his testimony in the hearing? (Pause)

4           We're thinking of deposing him on the 30th at  
5 this point. That seems to be the date that works for  
6 everybody, or at least for us.

7           MR. FALGOUST: And whose testimony would Mr.  
8 Jones be on behalf, Tracy?

9           MR. HATCH: It would be on behalf of Time  
10 Warner. But we would subpoena him technically,  
11 although he could voluntarily appear as well.

12           COMMISSIONER JOHNSON: Any objections to  
13 that? Seeing none, we'll just follow that through,  
14 then, Tracy?

15           MR. HATCH: Yes, ma'am.

16           COMMISSIONER JOHNSON: And to the extent that  
17 we do need to use it, we'll --

18           MR. HATCH: As soon as I know anything more,  
19 I'll let everybody know as soon as I possibly can what  
20 exactly we are doing. I'm not going to announce  
21 anything at the eleventh hour.

22           COMMISSIONER JOHNSON: Okay. Section V,  
23 Basic Positions. (Pause) Any comments? And, again, to  
24 the extent that they are typographical or grammatical,  
25 you can just submit those to Tracy.

1 Section VI, Issues and Positions. (Pause)

2 No comments or objections.

3 Section VII, Exhibit List. Any additions at  
4 this time?

5 MR. HATCH: As soon as Staff has a more  
6 accurate list of the exhibits that it intends to launch  
7 into this proceeding, I'll provide that list to the  
8 parties.

9 MR. WAHLEN: Ms. Eudy does have an exhibit  
10 with her rebuttal testimony and that will be reflected  
11 on this list.

12 COMMISSIONER JOHNSON: Okay. Thank you.

13 We've handled the issues in Section VIII;  
14 we've handled the pending motions. There's nothing  
15 left for me to rule on.

16 Are there any other comments or any other  
17 matters that the parties would like to have heard?  
18 Yes, sir.

19 MR. FONS: Yes, Commissioner, if I may.

20 There's really two things: Previously,  
21 Tracy, you had indicated some interest in taking  
22 depositions of other witnesses?

23 MR. HATCH: Yes. I have an approximate list  
24 now. I was going to get together after the prehearing  
25 conference with the folks and iron that out.

1           MR. FONS: And the second issue has to do  
2 with Phase II.

3           The FCC has now ruled on expanded  
4 interconnection for switched access. You have a Phase  
5 II in this proceeding. It shows a prehearing  
6 conference, I believe, sometime in March with hearings  
7 in April; but we have no date scheduled for preparing  
8 testimony or filing testimony. And I'm wondering if  
9 the Commission has made any determination of when that  
10 will take place.

11          MR. HATCH: Staff hasn't had a chance to put  
12 all of that together yet. We've been focusing mostly  
13 on this. I would expect that's been done. We'll  
14 probably do that fairly quickly and get that process in  
15 motion one way or the other. I don't anticipate much  
16 delay in doing that.

17          MR. FONS: Do you anticipate the testimony  
18 will be due sometime after the hearings are held in  
19 Phase I?

20          MR. HATCH: Yes.

21          MR. REITH: John, tentatively we're looking  
22 at a possible issue ID in October for Phase II.

23          MR. FONS: Okay.

24          COMMISSIONER JOHNSON: Other comments?

25          MR. FALGOUST: I have a question,



1 Commissioner.

2 Does the Staff contemplate having issue ID  
3 prior to the time that the FCC order is actually issued  
4 or after the FCC order is issued? I would suggest that  
5 we not have an issue ID until after the FCC order is  
6 issued.

7 MR. HATCH: Let me consult with Staff.

8 (Pause)

9 I would anticipate that probably it would be  
10 after that order is out, whatever that order is going  
11 to say.

12 COMMISSIONER JOHNSON: Any other comments or  
13 issues that need to be addressed at this time?

14 Seeing none, we will adjourn. Thank you for  
15 your participation.

16 (Hearing concluded at 10:25 a.m.)

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1 F L O R I D A )  
 2 :  
 3 COUNTY OF LEON)

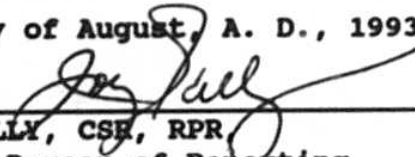
CERTIFICATE OF REPORTER

4 I, JOY KELLY, CSR, RPR, Official Commission  
 5 Reporter.

6 DO HEREBY CERTIFY that the Prehearing  
 7 Conference in this cause, Docket No. 921074-TP, was  
 8 heard by the Florida Public Service Commission at the  
 9 time and place herein stated; it is further

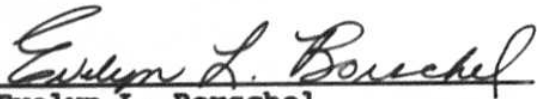
10 CERTIFIED that I stenographically reported  
 11 the said proceedings; that the same has been  
 12 transcribed under my direct supervision, and that this  
 13 transcript, consisting of 41 pages, constitutes a true  
 14 transcription of my notes of said proceedings;

15 DATED this 17th day of August, A. D., 1993.

16  
 17   
 18 \_\_\_\_\_  
 19 JOY KELLY, CSR, RPR  
 20 Chief, Bureau of Reporting  
 21 Florida Public Service Commission  
 22 (904) 488-5981

23 STATE OF FLORIDA)  
 24 :  
 25 COUNTY OF LEON )

26 The foregoing certificate was acknowledged  
 27 before me this 17th day of August, 1993, by JOY KELLY,  
 28 who is personally known to me.

29  
 30   
 31 \_\_\_\_\_  
 32 Evelyn L. Borschel  
 33 Notary Public - State of Florida



EVELYN L. BORSCHEL  
 MY COMMISSION # CC200205 EXPIRES  
 May 25, 1997  
 BONDED THRU TROY FAIR INSURANCE, INC.