

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED  
SEP 10 1999  
COMMUNICATIONS  
DIVISION

In Re: )  
)  
In Re: Investigation into )  
pricing of unbundled network )  
elements )  
\_\_\_\_\_ )

Docket No. 990649-TP

Filed on: September 10, 1999

**JOINT MOTION OF  
FLORIDA COMPETITIVE CARRIERS ASSOCIATION,  
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.,  
MCI WORLDCOM, INC. AND ITS OPERATING SUBSIDIARIES,  
COVAD COMMUNICATIONS COMPANY, E.SPIRE COMMUNICATIONS,  
KMC TELECOM, INC., KMC TELECOM II, INC.,  
AND KMC TELECOM III, INC. (KMC),  
RHYTHMS LINKS INC. (F/K/A ACI CORP.),  
INTERMEDIA COMMUNICATIONS INC.,  
SPRINT COMMUNICATIONS COMPANY LIMITED  
AND SPRINT-FLORIDA, INCORPORATED,  
TO STRIKE PORTIONS OF PREFILED TESTIMONY  
OF WITNESSES VARNER (BELLSOUTH),  
EMMERSON (BELLSOUTH),  
AND TRIMBLE (GTE)**

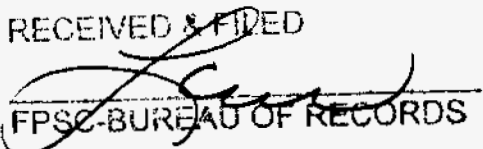
Florida Competitive Carriers Association (FCCA), AT&T Communications of the Southern States, Inc. (AT&T), MCI WorldCom, Inc. and its operating subsidiaries (MCI WorldCom), Covad Communications Company (Covad), e.spire Communications (e.spire), KMC Telecom, Incl, KMC Telecom II, Inc., and KMC Telecom III, Inc. (KMC), Rhythms Links Inc. (f/k/a ACI Corp.) (Rhythms), Intermedia Communications Inc. (Intermedia), Sprint Communications Company Limited, and Sprint-Florida, Incorporated (Sprint), through their undersigned counsel, move to strike

the following portions of the testimony and exhibits submitted by BellSouth Witnesses Alphonso J. Varner and Richard Emmerson, and GTE witness Dennis Trimble:

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CYR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- RES \_\_\_\_\_
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- SEC \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

Varner:

- ▶ page 3, line 18, through page 16, line 9;
- ▶ page 16, line 13, through page 17, line 9;
- ▶ page 40, line 22, through page 41, line 12;
- ▶ Exhibits AJV - 1, 2, 3, and 4.

RECEIVED & FILED  
  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
10921 SEP 10 99  
FPSC-RECORDS/REPORTING

Emmerson:

- ▶ page 4, line 16, through page 6, line 19.

Trimble:

- ▶ page 4, line 5, through page 6, line 19.

In support of the motion, Movants submit that the testimony exceeds the scope of the issues in Phase I of this proceeding, which were framed deliberately to await the FCC's ruling on remanded Rule 51.319 as the beginning point for the consideration of the analysis of specific UNEs. In contrast to the issues attached to Order No. PSC-99-1397-PCO-TP, the testimony and exhibits that are the subject of this Motion attempt to infuse this docket with issues presently being debated before the FCC. Unless the material is stricken, the Commission will be faced with the prospect of an unnecessary escalation of disputed matters and of assimilating voluminous, complex testimony on matters that likely will be mooted by a prescriptive decision of the FCC. Movants object to the testimony and materials based on the lack of relevancy to the subject of costing methodology and on the hearsay nature of Mr. Varner's exhibits. However, if for no other reason, fundamental considerations favoring the conservation of resources require the Commission to strike the cited testimony and preserve Phase I of this proceeding as one limited to the development of costing methodology. In the event the FCC decision requires any task to be performed by the Commission, additional testimony – tailored to the specifics of a known FCC decision and the exact labor to be undertaken by the Commission – can be entertained at that time.

In the alternative, in the event the Commission determines not to strike the cited testimony and exhibits, Movants request the Commission to convene a procedural conference for the purpose of establishing a realistic schedule that will take the FCC ruling

into account and will allow affected parties and the Commission an adequate opportunity to prepare, receive, and consider the additional discovery, analytical requirements, and testimony to which the disputed materials that are the subject of this Joint Motion necessarily give rise.

**MEMORANDUM**  
**IN SUPPORT OF JOINT MOTION TO STRIKE**

From the time the Competitive Carriers first requested the Commission to initiate a generic UNE pricing docket, the Commission and parties properly have been concerned with the appropriate interplay between such a proceeding and the FCC's further consideration of its Rule 51.319, on remand from the United States Supreme Court with instructions to revisit the network elements which ILECs should be required to unbundle. The Commission voted to proceed with a generic investigation, to be conducted in phases.

On June 23 and June 30, 1999, Staff and parties met to identify the issues that should be the subject of testimony in Phase I. Early in the process, several parties preliminarily indicated an interest in developing a list of UNEs to be studied by the ILECs prior to the FCC's decision. In response, counsel for BellSouth and GTE stated that if parties attempted to identify UNEs to be studied in advance of the FCC's ruling, in that circumstance BellSouth and GTE would proffer a consideration of the "necessary" and "impair" standards. (See letter from BellSouth to Staff, dated June 29, 1999 [Attachment 1].)

During the second Issue Identification Meeting of June 30, 1999, the suggestion of an early list of UNEs was abandoned. Consequently, BellSouth explicitly withdrew the issues that had been contingent upon a UNE list (which included the issues of the

“necessary” and “impair” standards). (TR-3 and 4, Attachment 2.<sup>1</sup>) The parties – including BellSouth and GTE – proceeded to develop a Consensus Issue List that makes no mention of the “necessary” and “impair” standards, and keys the subject of UNEs to be studied to the forthcoming FCC decision. As framed, the issues first deal with the FCC’s deaveraging requirements. Then, Issues 3(c) and 3(d) pose these questions:

3(c). To the extent not included in 3(b), should the ILECs be required to file recurring cost studies for any remaining UNEs, and combinations thereof, identified by the FCC in its forthcoming order on Rule 51.319 remand?

(d) To the extent not included in Issue 3(b), should the ILECs be required to file nonrecurring cost studies for any remaining UNEs, and combinations thereof, identified by the FCC in its forthcoming order on Rule 51.319 remand?

In prefiled testimony, BellSouth and GTE have ignored the limits framed by the issues in this proceeding. Already, at the insistence of Staff, BellSouth has withdrawn the testimony of BellSouth witnesses G. David Cunningham and Dr. Randall S. Billingsley, which – because they addressed specific inputs to cost studies – clearly were beyond the scope of the issues of Phase I. This Motion addresses portions of the prefiled testimony of BellSouth witness Alphonso J. Varner, BellSouth witness Richard Emmerson, and GTE witness Dennis Trimble. Inasmuch as Mr. Varner’s testimony is the most egregious, the reasons for this motion will be developed in the discussion of his excesses, then applied to the others.

---

<sup>1</sup>Even if the “necessary” and “impair” issues had not been voluntarily withdrawn, the absence of any effort to require ILECs to study the costs of specific UNEs prior to the FCC’s ruling rendered such issues irrelevant to Phase I.

Mr. Varner's Out-of-Bounds Testimony:

Like that of Messrs. Cunningham and Billingsley, Mr. Varner's testimony exceeds the scope of the Phase I proceeding, but in a different respect. Rather than awaiting the FCC decision, as contemplated by Issues 3(c) and 3(d) above, Mr. Varner attempts to involve this Commission in a parallel – and likely pointless – consideration of the issues regarding UNE availability now being debated before the FCC, for resolution by the FCC. Essentially, he asks the Commission to predict the FCC's application of the “necessary” and “impair” standards.

At the beginning of his testimony, and again in his conclusion, Mr. Varner acknowledges that this Commission's activities are dependent on the FCC's Order. Early in his testimony, he states:

Pricing standards of the Act and the FCC's pricing rules for the UNEs will only apply to those capabilities that the FCC determines should be unbundled.

*(At page 4, line 4.)*

Consequently, a final required list of UNEs cannot be developed for certain until after the FCC's rules are effective.

*(At page 5, lines 18-18.)*

Similarly, some 35 pages later, Mr. Varner concludes his testimony this way:

In the 319 proceeding, the FCC will establish a minimum set of required UNEs where access to the UNEs by ALECs is determined to be “necessary” and where failure to provide such access “impairs” the ability of an efficient ALEC to provide telecommunications services.

Unfortunately, in the body of his testimony the witness does not heed the clear import of his own statements. The quoted passages sandwich a lengthy recapitulation of BellSouth's positions and arguments before the FCC on the very "necessary" and "impair" issues that the witness says the FCC will determine in the remanded proceeding on Rule 51.319. At page 5, Mr. Varner is asked to "summarize" BellSouth's position before the FCC regarding the application of the "necessary and impair" standards. In the series of "summaries" that follows, Mr. Varner relates the "market approach" to the standards that BellSouth is urging the FCC to adopt, and reports BellSouth's stance before the FCC to the effect that interoffice transport facilities (page 9), switching (page 10), loops (page 12), signaling data bases (page 13), and operator services (page 14) either should not be unbundled at all or should be bundled to a lesser extent. Mr. Varner then asks the Commission to speculate regarding the outcome of the debate over the "necessary" and "impair" standards now being conducted before the FCC. He urges the Commission to get a "head start" by collecting "market data" in this phase so that it can be poised to implement BellSouth's view of the world (pp. 15, 16).

Thus, while Mr. Varner purportedly sets out to communicate BellSouth's "policy position" regarding the pricing of UNEs (page 2), much of his testimony consists of reflected BellSouth arguments before the FCC on the "necessary and impair" standards. Through Mr. Varner, BellSouth seems intent on opening another front in that dispute. Mr. Varner would have this Commission embark on a time- and resource- consuming exercise that, in all likelihood, will be nullified by the FCC's ruling. The Commission must have the benefit of the FCC decision before it can possibly gauge whether the subject testimony would have any relevance, either in a different docket or in this docket with

expanded issues; the parties and the Commission can then proceed with the efficiency of effort that only knowledge of the decision can provide. Significantly, even Mr. Varner concedes (at pages 15-16) that “this testimony” may have to be “amended” following the entry of the FCC’s decision.

Even more egregious than Mr. Varner’s testimony are several exhibits that are attached to it. Mr. Varner attempts to import into this pricing methodology phase massive amounts of the materials that BellSouth and other parties have submitted to the FCC in their efforts to shape the outcome of that body’s consideration of the “necessary and impair” standards. Exhibit AJV-1 consists of BellSouth’s “Comments” and “Reply Comments” in FCC Docket No. 96-98, with attachments. The comments were prepared and signed by BellSouth’s FCC counsel. The attachments include some 38 pages of affidavits from Messrs. Hausman, Sidak, and Milner, none of whom have been identified as witnesses in this case. AJV-1 relates to the asserted effect of the “necessary” and “impair” standards on the availability of UNEs. It is irrelevant to the subject of costing methodology.

Exhibit AJV-2 consists of “Joint Reply Comments,” submitted jointly in the same FCC Docket by Ameritech, BellSouth, SBC Communications, and the United States Telephone Association. Prepared by counsel, the joint comments comprise 29 pages. The comments relate to the asserted effect of the “necessary” and “impair” standards on network element unbundling and availability now pending before the FCC. They are irrelevant to the subject of costing methodology.

Exhibit AJV-3 consists of the “Comments of the United States Telephone Association.” It was not even sponsored by BellSouth in the FCC case. Prepared by counsel for USTA, the comments of 47 pages attach affidavits of Messrs. Hausman, Sidak, and

Teece that fill approximately 190 pages. None of the affiants have been identified by BellSouth as witnesses in this proceeding<sup>2</sup>. Also attached to the USTA's comments is a 150-plus document entitled, "UNE FACT REPORT," prepared by Peter Huber and Evan Leo, neither of whom has been identified as a witness in this case. The comments and report relate to the asserted effect of the "necessary" and "impair" standards on network element unbundling and availability on which the FCC will rule shortly. They are irrelevant to the subject of costing methodology.

Exhibit AJV-4 is entitled, "FLORIDA FACT REPORT." Like the "UNE FACT REPORT," it is irrelevant to the issue of costing methodology.

In all, these four exhibits exceed 600 pages of material, all of which are related to BellSouth's theory of limiting the unbundling of network elements through its interpretation of the "necessary" and "impair" standards, and none of which is relevant to costing methodology – the sole subject of Phase I of this case.

In addition to being irrelevant to costing methodology (the subject of Phase I), all of the exhibits to Mr. Varner's testimony are in the nature of hearsay. BellSouth's effort to pull massive amounts of pure hearsay into the record of Phase I constitutes a separate basis for striking the material.

Movants are of course aware that the rules of evidence in administrative hearings are less exclusionary than those that govern proceedings in court. However, the degree of prejudice that potentially may occur through the unrestricted use of hearsay has prompted the Legislature and the courts to discipline its use, even in administrative proceedings. In

---

<sup>2</sup> Perhaps because, as testimony, the irrelevancy of the proffered material would be even more conspicuous.



Jones v. City of Hialeah, 240 So. 2d, 686 (3d DCA 1974), the court cautioned that the use of hearsay in an administrative proceeding “...boils down to a question of fundamental fairness.” While this decision was issued prior to the enactment of the present Administrative Procedures Act, which codifies certain standards governing hearsay, the overriding consideration of fairness remains good law and better common sense. Spicer v. Metropolitan Dade County, 458 So. 2d, 792 (3d DCA, 1984).

With respect to statutory standards, §120.57(1)(c), Fla. Stat., provides that hearsay may be admitted to corroborate or explain other evidence, but may not be used to support a finding unless it would be admissible over objection in civil actions.

Applying these standards to the exhibits to Mr. Varner’s testimony, it is clear they should be stricken. First of all, BellSouth cannot satisfy the requirement that hearsay be offered to corroborate other testimony.

The analogous case of MacPherson v. School Board of Monroe County (505 So.2d, 68L (3d DCA, 1987), illustrates the point. MacPherson, a teacher whose contract status had been downgraded by the Defendant as a result of absences occasioned by a slow-healing foot injury, challenged the School Board’s action. At hearing, she testified that her feet had healed completely and offered a written doctor’s report into evidence. The hearing officer admitted the report, found her statement was corroborated by the doctor’s report, and determined her feet had healed. On appeal, the Court ruled the hearing officer had erred in admitting the doctor’s report and concluded the findings were without support in the record. The report was hearsay, and because MacPherson’s testimony was based on and taken from the report, the report was not offered to “corroborate” separate evidence.

The same principle is applicable here, in magnified form. Of course, the exhibits are attached to Mr. Varner's testimony; however, his testimony is replete with references that demonstrate Mr. Varner's function as a witness is to report, import, refer to, describe, and summarize BellSouth's positions before the FCC – which positions are taken from, indeed comprised of, the hearsay exhibits! As a very small sample of numerous examples:

In urging the FCC to adopt a market approach ... in its Comments and Reply Comments to the FCC ... BellSouth explains how transport and loops should be defined ... as local market offerings. (At page 6.)

...[M]arket facts referred to in BellSouth's Comments demonstrate that advanced services may be provided equally well... (At page 7.)

“BellSouth presently has about 1000 collocation arrangements (Comments at p.52). (At page 9.)

As in MacPherson, the exhibits do not “corroborate” Mr. Varner, because they are the source of Mr. Varner's statements. Accordingly, the exhibits are inadmissible.

Considerations of fundamental fairness reinforce the conclusion that the exhibits should be stricken. In Florida, before an agency takes action that affects a party's substantial interests, the party is entitled to a hearing and has the right to cross-examine witnesses. (§120.57(1)(b), Fla. Stat.) The subject of the availability of UNEs is of critical importance to ALECs. BellSouth's contentions before the FCC are controversial and the subject of a vigorous dispute. If any of the numerous “affiants” appeared as witnesses before this Commission to present the disputed, technical content of their affidavits, they would be subject to cross-examination. To suggest that BellSouth could circumvent that right through

the expedient of submitting the “comments” and “affidavits” in the form of “exhibits” is ludicrous, and flies in the face of the principle of fundamental fairness.

BellSouth Witness Dr. Richard Emmerson:

BellSouth witness Dr. Richard Emmerson addresses the “necessary” and “impair” standards in Section II of his testimony. In that section, the witness attempts to influence this Commission’s views on the required scope of UNE availability by arguing the social perils of “excessive unbundling.” For the reasons set forth above, his Section II, beginning at page 4 at line 16 and continuing through page 6 at line 19, should be stricken.

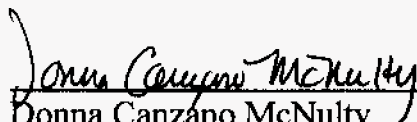
GTE Witness Dennis B. Trimble:


GTE witness Dennis Trimble also pulls his company’s arguments before the FCC into this proceeding. Mr. Trimble feels compelled to repeat here GTE’s contention before the FCC that the FCC should not require ILECs to unbundle certain elements. While Mr. Trimble does not advocate that the Commission take any specific action, for the reasons set forth above, the testimony beginning at page 4 at line 5 and continuing through page 6 at line 19 should be stricken.


For the above reasons, the undersigned request the Commission to strike the testimony and exhibits identified in this Motion.


Alternatively, in the event the Commission decides – notwithstanding the determinative role of the FCC and the posture of this case – to entertain evidence on the “necessary and impair” standards, the undersigned request the Commission to suspend the existing case schedule and expeditiously convene a Status Conference for the purpose of establishing a procedural schedule that will allow parties an adequate opportunity to protect

their interests in light of the additional dimension created by BellSouth's testimony. If it decides not to strike the subject testimony, the Commission should revise the schedule so that the Movants are not prejudiced by what amounts to a unilateral, preemptive strike.

  
Donna Canzano McNulty  
325 John Knox Road, Suite 105  
Tallahassee, FL 32303  
Telephone: (850) 422-1254  
Telecopy: (850) 422-2586  
and  
Richard D. Melson  
Hopping Green Sams & Smith, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314  
Telephone: (850) 425-2313  
Attorneys for MCI WorldCom, Inc., and  
its operating subsidiaries

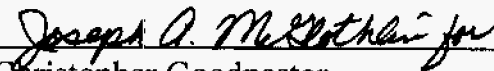
  
Joseph A. McGlothlin  
McWhirter, Reeves, McGlothlin,  
Davidson, Decker, Kaufman,  
Arnold & Steen, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-2525  
Telecopy: (850) 222-5606  
Attorneys for Florida Competitive Carriers  
Association

  
Scott A. Sapperstein, Esq.  
Intermedia Communications Inc.  
3625 Queen Palm Drive  
Tampa, FL 33619  
Telephone: (813) 829-4093  
Telecopy: (813) 829-4923  
(e-mail): [sasapperstein@intermedia.com](mailto:sasapperstein@intermedia.com)

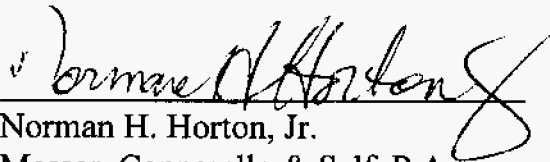
  
Charles J. Rehwinkel  
Post Office Box 2214  
Tallahassee, FL 32316-2214  
Telephone: (850) 847-0244  
Telecopy: (850) 878-0777  
Attorney for Sprint-Florida, Incorporated  
and Sprint Communications Company Limited



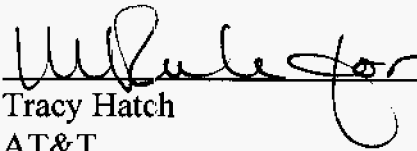
Richard D. Melson  
Hopping Green Sams & Smith, P.A.  
P.O. Box 6526  
Tallahassee, FL 32314  
Telephone: (850) 425-2313  
Attorneys for  
Rhythms Links Inc. (f/k/a ACI Corp.)



Christopher Goodpastor  
Senior Counsel  
Covad Communications Company  
9600 Great Hills Trail, Suite 150W  
Austin, TX 78759  
Telephone: (512) 502-1713  
Telecopy: (419) 818-5568  
(e-mail): cgoodpas@covad.com



Norman H. Horton, Jr.  
Messer, Capparello & Self, P.A.  
215 S. Monroe Street, Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-1876  
Telephone: (850) 425-5203  
Attorneys for e.spire Communications,  
Inc.



Tracy Hatch  
AT&T  
101 North Monroe Street, Suite 700  
Tallahassee, FL 32301  
Telephone: (850) 425-6364  
Attorney for AT&T Communications of  
the Southern States, Inc.

*Willi Gordon Kaufman for*

Ron J. Jarvis

Swidler Berlin Shereff Friedman, LLP

3000 K Street, N.W., Suite 300

Washington D.C. 20007-5116

Telephone: (202) 424-7500

Telecopy: (202) 424-7645

Attorneys for KMC Telecom, Inc.,

KMC Telecom II, Inc., and

KMC Telecom III, Inc.

**ATTACHMENT #1**

**NANCY B. WHITE**  
General Counsel-Florida

BellSouth Telecommunications, Inc.  
160 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(306) 347-6568

VIA FACSIMILE

June 29, 1999

Will Cox, Esq.  
Staff Attorney  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

Re: Docket No. 990649-TP

Dear Mr. Cox:

If Staff accepts Issue 1 of the FCCA, which BellSouth believes should not be included as an issue in this proceeding, then BellSouth believes the following issues should also be included:

1. What's the appropriate definition of the necessary and impaired standard?
2. What other factors or policy considerations, if any, should be considered in determining what network elements or combinations of network elements should be made available by the ILECs.
3. Should the Commission impose an unbundling obligation only in those geographic markets where the ILEC's network elements is the only reasonable alternative available to competitors?

Sincerely,

  
Nancy B. White

cc: Joseph A. McGlothlin, Esq.



ATTACHMENT #2

1 MS. MCNULTY: Donna McNulty, MCI worldCom.

2 MR. MCGLOTHLIN: Joe McGlothlin,  
3 representing the FCCA.

4 MR. GROSS: Michael Gross, representing the  
5 FCTA.

6 MR. NIETO: Dave Nieto for ACI Corp.

7 MR. DUNBAR: Pete Dunbar and Mark Dunbar  
8 for Time Warner.

9 MS. OLLILA: I just wanted to let you know,  
10 if you want to speak and the mikes are occupied,  
11 or the seats, you can use the tables on either  
12 side.

13 when we left this last week,  
14 Mr. McGlothlin, you were going to attempt to get  
15 a list.

16 MR. MCGLOTHLIN: Yes. And as we notified  
17 staff and counsel for Bellsouth and GTE, on  
18 reflection, we decided not to pursue the subject  
19 of a comprehensive list, and we're ready to work  
20 from the staff's revised issues.

21 MS. OLLILA: Okay. Other parties that wish  
22 to speak at this point?

23 MR. GOODPASTURE: This is Chris Goodpasture  
24 at Kovad Communications. I just wanted to let  
25 the staff know that I was unable to attend the

1 last meeting. Therefore, I don't have a copy of  
2 the proposed issue list, and with the Staff's  
3 permission would like to reserve the right to  
4 either supplement that list in the next day or  
5 so, or at least provide comments, if that is  
6 possible.

7 MS. OLLILA: well, if you can give us a fax  
8 number, we'll fax you our revised issues list  
9 now.

10 MR. GOODPASTURE: That would be great. And  
11 I'm sorry. I'm getting a lot of (inaudible) on  
12 this line, but it's 408/844-7676.

13 MS. OLLILA: Okay. we'll fax that to you  
14 now.

15 MR. GOODPASTURE: I appreciate it. Thank  
16 you.

17 MS. OLLILA: Okay. Any other comments from  
18 any other parties now?

19 MS. WHITE: well, I guess to the -- Nancy  
20 white with BellSouth. To the extent that FCCA  
21 has withdrawn the issue they were thinking they  
22 wanted, then I'll withdraw the contingency  
23 issues that I filed.

24 MS. OLLILA: Okay. would you like to begin  
25 and go through Staff's revised issue list?

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

---

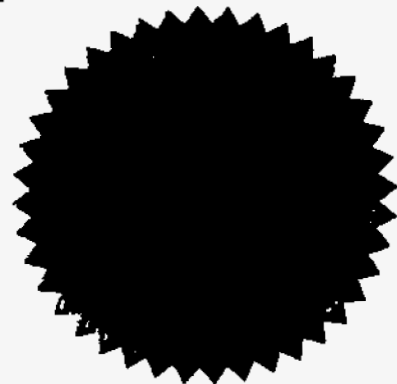
DOCKET NO. 990649-TP

ISSUES I.D. MEETING

TAPE 1

June 30, 1999

---



TRANSCRIBED FROM TAPE BY:

MARY ALLEN NEEL, RPR  
Notary Public, State  
of Florida at Large

ACCURATE STENOGRAPHY REPORTERS, INC.  
100 SALEM COURT  
TALLAHASSEE, FLORIDA 32301  
(850) 878-2221

ACCURATE STENOGRAPHY REPORTERS, INC.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the Joint Motion of Florida Competitive Carriers Association; AT&T Communications of the Southern States, Inc.; MCI WorldCom, Inc. and its Operating Subsidiaries; Covad Communications Company; e.Spire Communications; Rhythms Links Inc. (f/k/a ACI Corp.); Intermedia Communications Inc.; Sprint Communications Company Limited and Sprint Florida, Incorporated, to Strike Portions of Prefiled Testimony of Witnesses Varner (BellSouth), Emmerson (BellSouth), and Trimble (GTE) has been furnished by (\*)hand delivery and U.S. Mail this 10th day of September, 1999 to:

(\*)William Cox  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Glenn Harris  
NorthPoint Communications, Inc.  
222 Sutter Street, 7th Floor  
San Francisco, CA 94108

Nancy B. White  
c/o Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301-1556

Office of Public Counsel  
Stephen C. Reilly  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Jeffrey Blumenfeld  
Blumenfeld & Cohen  
1615 M. Street, NW, Suite 700  
Washington, DC 20036

Peter M. Dunbar and Marc W. Dunbar  
Pennington, Moore, Wilkinson,  
Bell & Dunbar, P.A.  
P.O. Box 10095  
Tallahassee, FL 32302

Michael A. Gross  
Vice President, Regulatory Affairs  
& Regulatory Counsel  
Florida Cable  
Telecommunications Assoc.  
310 North Monroe Street  
Tallahassee, FL 32301

Angela Green, General Counsel  
Florida Public Telecommunications Assoc.  
125 S. Gadsden St., #200  
Tallahassee, FL 32301-1525

Kimberly Caswell  
GTE Florida Incorporated  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110

Bruce May  
Holland Law Firm  
P.O. Drawer 810  
Tallahassee, FL 32302

Laura L. Gallagher  
Laura L. Gallagher, P.A.  
204 South Monroe Street, Suite 201  
Tallahassee, FL 32301

David Dimlich, General Counsel  
Supra Telecommunications and Information  
Systems, Inc.  
2620 S.W. 27th Avenue  
Miami, FL 33133-3001

TCG South Florida  
c/o Kenneth Hoffman  
Rutledge Law Firm  
P. O. Box 551  
Tallahassee, FL 32302

Carolyn Marek  
Time Warner AxS of Florida, L.P.  
233 Bramerton Court  
Franklin, TN 37069



Joseph A. McGlothlin  
McWhirter, Reeves, McGlothlin,  
Davidson, Decker, Kaufman,  
Arnold & Steen, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-2525  
Telecopy: (850) 222-5606

Attorneys for Florida Competitive Carriers Association