

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 991534-TP
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REQUEST FOR ARBITRATION CONCERNING:
COMPLAINT OF INTERMEDIA :
COMMUNICATIONS, INC. AGAINST :
BELLSOUTH TELECOMMUNICATIONS, INC.:
FOR BREACH OF TERMS OF :
INTERCONNECTION AGREEMENT UNDER :
SECTIONS 251 AND 252 OF THE :
TELECOMMUNICATIONS ACT OF 1996, :
AND REQUEST FOR RELIEF :

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* AND DO NOT INCLUDE PREFILED TESTIMONY. *
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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER SUSAN F. CLARK
Prehearing Officer

DATE: Thursday, May 18, 2000

TIME: Commenced at 1:30 p.m.
Concluded at 1:35 p.m.

PLACE: Betty Easley Conference Center
Room 152
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: TRICIA DeMARTE
Official FPSC Reporter
(850) 413-6736

1 APPEARANCES:

2 CHARLIE PELLEGRINI, Wiggins & Villacorta, P. A.,
3 2145 Delta Boulevard, Suite 200, Tallahassee, Florida
4 32303, appearing on behalf of Intermedia Communications,
5 Inc.

6 E. EARL EDENFIELD, BellSouth Telecommunications,
7 Inc., c/o Nancy Sims, 150 South Monroe Street, Suite 400,
8 Tallahassee, Florida 32301, appearing on behalf of
9 BellSouth Telecommunications, Inc.

10 FELICIA BANKS, Florida Public Service
11 Commission, Division of Legal Services, 2540 Shumard Oak
12 Boulevard, Tallahassee, Florida 32399-0850, appearing on
13 behalf of the Commission Staff.

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P R O C E E D I N G S

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2 COMMISSIONER CLARK: We'll call the prehearing
3 to order. Would you, please, read the notice.

4 MS. BANKS: By notice issued May 2nd, 2000, this
5 time and place has been set for a prehearing conference in
6 the Docket 991534-TP regarding the request for arbitration
7 concerning the complaint of Intermedia Communications
8 against BellSouth Telecommunications for breach of terms
9 of the interconnection agreement under Sections 251 and
10 252 of the Telecommunications Act of 1996, and request for
11 relief. The purpose is set forth in the notice.

12 COMMISSIONER CLARK: We'll take appearances.
13 BellSouth?

14 MR. EDENFIELD: Kip Edenfield on behalf of
15 BellSouth.

16 MR. PELLEGRINI: Charles Pellegrini on behalf of
17 Intermedia Communications.

18 MS. BANKS: Felicia Banks, appearing on behalf
19 of the Commission Staff.

20 COMMISSIONER CLARK: Okay. Thank you very much.
21 I understand -- I have looked over the prehearing order.
22 What I'm just going to do is ask if there are any changes
23 to the prehearing order.

24 MR. PELLEGRINI: Commissioner Clark, I might
25 mention that I filed this morning a motion for leave to

1 file surrebuttal testimony.

2 COMMISSIONER CLARK: Okay. Let's deal with the
3 prehearing order first and see if there is any changes to
4 it. Does BellSouth have any?

5 MR. EDENFIELD: BellSouth has none.

6 COMMISSIONER CLARK: Mr. Pellegrini, does
7 Intermedia have any?

8 MR. PELLEGRINI: If you'll give me just a short
9 moment.

10 COMMISSIONER CLARK: Okay. Ms. Banks, is there
11 other issues? Are there any pending motions beyond the
12 request for surrebuttal?

13 MS. BANKS: BellSouth has not had an opportunity
14 to file --

15 COMMISSIONER CLARK: Respond to the motion?

16 MS. BANKS: Yes.

17 COMMISSIONER CLARK: Okay.

18 MS. BANKS: At this time, Staff is unaware of
19 any outstanding motions or any other preliminary matters.

20 COMMISSIONER CLARK: Okay.

21 MR. EDENFIELD: There may be when we get to that
22 point, Commissioner Clark, there may be one other, and it
23 will concern depositions that Mr. Pellegrini and I have
24 discussed. And he has voiced an objection to me wanting
25 to take those, but there has been no formal motion filed

1 yet.

2 MR. PELLEGRINI: I have no problem with the
3 prehearing order, Commissioner Clark, as it stands.

4 COMMISSIONER CLARK: Mr. Edenfield?

5 MR. EDENFIELD: I have no problems with the
6 prehearing order.

7 COMMISSIONER CLARK: All right. Now, there is
8 an issue regarding discovery?

9 MR. EDENFIELD: I don't want to put words in
10 Mr. Pellegrini's mouth. I sent a letter to him. We had
11 worked out a number of discovery disputes satisfactorily
12 to both parties.

13 COMMISSIONER CLARK: Uh-huh.

14 MR. EDENFIELD: I had indicated that I wanted to
15 take two corporate representative depositions to be used
16 at the hearing. Mr. Pellegrini indicated that they would
17 not agree to those, but I have not yet filed a formal
18 motion. But instead of having to do this again later, I
19 will just bring it up now.

20 MR. PELLEGRINI: Well, our objection,
21 Commissioner Clark, was, I think, somewhat more limited
22 than Mr. Edenfield has represented it. I objected to the
23 taking of a -- the deposition of an Intermedia corporate
24 representative to the extent that the questioning would
25 pursue the Intermedia/BellSouth interconnection

1 arrangements in Georgia, but not so far as they might
2 pursue those arrangements in Florida, of course.

3 COMMISSIONER CLARK: Well, Mr. Pellegrini, if
4 you have to object on the basis it's not designed to lead
5 to whatever the standard is then --

6 MR. PELLEGRINI: Admissible evidence, yes.
7 Well, and we --

8 COMMISSIONER CLARK: No, relevant evidence.

9 MR. PELLEGRINI: Relevant, admissible. We would
10 agree to proceed with the deposition. And if there is
11 testimony as a result of the deposition that we think is
12 not admissible, we will raise that objection at hearing.

13 COMMISSIONER CLARK: Well, how can there be
14 any -- is there an opportunity to file any more testimony
15 in this docket?

16 MR. PELLEGRINI: No, not so far as the
17 procedural order is concerned. No.

18 COMMISSIONER CLARK: Well, it strikes me that
19 the deposition should go forward.

20 MR. PELLEGRINI: Yes. And I'm not objecting to
21 that. I just -- we expressed our objection, as I've
22 described it, but we will go forward reserving our right
23 to object at hearing if --

24 COMMISSIONER CLARK: If the deposition is -- if
25 they attempt to enter it in the record.

1 MR. PELLEGRINI: -- they go beyond the limits of
2 relevancy, yes.

3 COMMISSIONER CLARK: All right. I guess that's
4 solved, Mr. Edenfield.

5 MR. EDENFIELD: That's good. As far as the
6 motion to file surrebuttal, I have not seen that. So I
7 couldn't even begin to formulate a response to it because
8 I don't know the basis for it.

9 COMMISSIONER CLARK: When is the hearing in
10 this?

11 MS. BANKS: Commissioner, the hearing is set for
12 June 13th.

13 COMMISSIONER CLARK: Okay. That gives us time
14 to rule on it. So when we have the response, if you would
15 bring it to me with a recommendation, we'll make a ruling.

16 MR. PELLEGRINI: Very well.

17 COMMISSIONER CLARK: Is there anything else we
18 need to take up at this time?

19 MS. BANKS: Commissioner, there are no other
20 preliminary matters that Staff is aware of at this time.

21 COMMISSIONER CLARK: Okay. Thank you all very
22 much. This prehearing is adjourned.

23 (The hearing concluded at 1:35 p.m.)

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2 STATE OF FLORIDA)

3 : CERTIFICATE OF REPORTER

4 COUNTY OF LEON)

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6 I, TRICIA DeMARTE, Official FPSC Commission Reporter, do
7 hereby certify that the Prehearing Conference in Docket
8 No. 991534-TP was heard by the Prehearing Officer at the
9 time and place herein stated.

10 It is further certified that I stenographically
11 reported the said proceedings; that the same has been
12 transcribed under my direct supervision; and that this
13 transcript, consisting of 7 pages, constitutes a true
14 transcription of my notes of said proceedings.

15 I FURTHER CERTIFY that I am not a relative, employee,
16 attorney or counsel of any of the parties, nor am I a
17 relative or employee of any of the parties' attorneys or
18 counsel connected with the action, nor am I financially
19 interested in the action.

20 DATED THIS 22ND DAY OF MAY, 2000.

21
22 *Tricia DeMarte*

23 TRICIA DeMARTE
24 FPSC Official Commission Reporter
25 (850) 413-6736