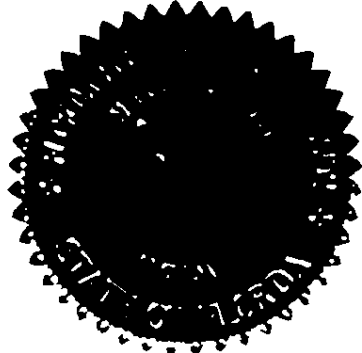


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of  
Generic consideration of  
incumbent local exchange (ILEC):  
business office practices and  
tariff provisions in the  
implementation of intralATA  
presubscription.  
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DOCKET NO. 970526-TF



**PROCEEDINGS:** PREHEARING CONFERENCE

**BEFORE:** COMMISSIONER J. TERRY DEASON  
Prehearing Officer

**DATE:** Monday, February 9, 1998

**TIME:** Commenced at 9:30 a.m.  
Concluded at 9:45 a.m.

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

**REPORTED BY:** H. RUTHE POTAMI, CSR, RPR  
Official Commission Reporter

DOCUMENT NUMBER-DATE

02004 FEB-98

1 **APPEARANCES:**

2           **MARSHA H. RULE**, AT&T Communications of the  
3 Southern States, Inc., 101 North Monroe Street,  
4 Tallahassee, Florida 32301, appearing telephonically,  
5 and **MARK A. LOGAN**, Bryant, Miller & Olive, P. A., 201  
6 South Monroe Street Tallahassee, Florida 32301,  
7 appearing on behalf of AT&T Communications of the  
8 Southern States, Inc.

9           **KIMBERLY CASWELL**, Post Office Box 110,  
10 FLTC0007, Tampa, Florida 33601, appearing  
11 telephonically on behalf of GTE Florida Incorporated.

12           **THOMAS K. BOND**, 780 Johnson Ferry Road,  
13 Suite 700, Atlanta, Georgia 30342, appearing  
14 telephonically on behalf MCI Telecommunications  
15 Corporation.

16           **CHARLES J. RENWINKEL**, Post Office Box 2214,  
17 MCFLTLH00107, Tallahassee, Florida 32301, appearing on  
18 behalf of Sprint-Florida, Incorporated.

19           **J. JEFFREY WAHLEN**, Post Office Box 391,  
20 Tallahassee, Florida 32302, appearing on behalf of  
21 Northeast Florida Telephone Company, ALLTEL, Florida,  
22 Inc. and Vista-United Telecommunications.

23           **KIMBERLY CASWELL**, Post Office Box 110,  
24 FLTC0007, Tampa, Florida, 33601, appearing  
25 telephonically on behalf of GTE Florida Incorporated.

1 **APPEARANCES CONTINUED:**

2 **WILLIAM P. COX, Gerald L. Gunter Building,**  
3 **2540 Shumard Oak Boulevard, Tallahassee, Florida**  
4 **32399-0850, appearing on behalf of the Commission**  
5 **Staff.**

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**P R O C E E D I N G S**

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

**COMMISSIONER DEASON:** Call the prehearing conference to order. Can we have the notice read, please?

**MR. COX:** Pursuant to notice filed January 23th, 1998, this time and place have been set for a prehearing conference in Docket No. 970526-TP, generic consideration of incumbent local exchange business office practices and tariff provisions in the implementation of interLATA presubscription.

**COMMISSIONER DEASON:** Appearances?

**MR. WAHLEN:** I'm Jeff Wahlen of the Ausley & McMullen Law Firm, P.O. Box 391, Tallahassee, Florida, appearing on behalf of Northeast Florida Telephone Company, ALLTEL, Florida, Inc., and Vista United-Telecommunications.

**MR. LOGAN:** On behalf of AT&T Communications of the Southern States, Inc., Mark Logan of the Bryant, Miller & Olive Law Firm, and I'd also like to enter an appearance for Marsha Rule.

**MR. REHWINKEL:** Charles J. Rehwinkel, P. O. Box 2214, mail code FLTLH00107, Tallahassee, Florida 32301 on behalf of Sprint-Florida, Incorporated.

**COMMISSIONER DEASON:** Ms. Caswell, are you

1 on the line?

2 MS. CASWELL: Oh, yeah. This is Kim Caswell  
3 for GTE Florida.

4 MR. BOND: Also on the line, Tom Bond on  
5 behalf of MCI Telecommunications.

6 MS. RULE: Also on the line, Marsha Rule for  
7 AT&T.

8 MR. COX: Will Cox on behalf of Commission  
9 Staff.

10 COMMISSIONER DEASON: Thank you. Are there  
11 any preliminary matters?

12 MR. COX: Yes, there are. Before we take  
13 those up, I would ask if the parties have any  
14 preliminary matters that I'm unaware of at this time.  
15 (No response.)

16 Okay. The first preliminary matter would be  
17 two motions. The first is a motion by Sprint to  
18 accept the late-filed prehearing statement. The  
19 second motion is a motion from the Commission Staff  
20 for extension of time to file its prehearing  
21 statement. As far as I know from the parties, there  
22 are no objections to these motions.

23 COMMISSIONER DEASON: Is there any objection  
24 to either of these two motions? (No response.)

25 Let the record reflect there are no

1 objections. Therefore, both motions shall be granted.

2 MR. COX: Another preliminary matter --  
3 well, we can either go through the order, or I can  
4 just take them up at this time. It's involving the  
5 order of testimony, order of witnesses.

6 COMMISSIONER DEASON: Okay. We'll get to  
7 that. Let's just go through the order. I think we  
8 can proceed rather quickly through the order. We'll  
9 do that at this point.

10 I'm just going to ask if there are any  
11 changes or corrections to various sections of the  
12 prehearing order. If I hear no response, I'm just  
13 going to go on.

14 MS. CASWELL: Commissioner Deason, I'm  
15 sorry. This is Kim Caswell. We never got a  
16 prehearing order here. You know, I'll try and follow  
17 along. I don't think I'll have problems with what's  
18 in there, and I think some of the people on the call  
19 haven't gotten them either. So, you know, like I say,  
20 I don't think it will be a problem.

21 MR. COX: Commissioner Deason, it was  
22 Staff's understanding that this was faxed to all the  
23 parties on Friday. If that's not the case, we can  
24 arrange to have it faxed now.

25 MS. CASWELL: Well, let me -- we did look

1 for it. We didn't find it, but we'll keep looking,  
2 and in the meantime just continue on.

3 COMMISSIONER DEASON: Okay. Mr. Bond, do  
4 you have a problem in continuing, or would you like to  
5 have a fax sent to you at this time?

6 MR. BOND: I have no problem continuing.

7 COMMISSIONER DEASON: Very well. Section I,  
8 Case Background, any changes or corrections? (No  
9 response.)

10 Section II, Confidential Information?

11 Section III, Prefiled Testimony and Exhibits? (No  
12 response.)

13 Section IV, Order of Witnesses? Mr. Cox.

14 MR. COX: Yes. On Section IV we'd like to  
15 make a notation regarding Sprint's witness, Sandra  
16 Khazraee. Our understanding from the stipulation that  
17 the parties are in the process of signing is that her  
18 testimony will be inserted as though read and there  
19 will be no cross-examination at the hearing, of  
20 Ms. Khazraee.

21 We would just probably insert an asterisk at  
22 this point to "See stipulation," and we will include a  
23 stipulation in the stipulation section if the parties  
24 agree to it that her testimony could be inserted as  
25 though read into the record, and cross-examination

1 would be waived.

2 COMMISSIONER DEASON: Any objection to that  
3 procedure? (No response.)

4 Hearing no objection, then you can show that  
5 notation in the prehearing order.

6 MR. COX: Okay.

7 COMMISSIONER DEASON: Any other questions or  
8 concerns on the order of witnesses?

9 MS. CASWELL: This is Kim Caswell. Can I  
10 just ask where my Witness Munsell appears in the order  
11 of witnesses?

12 COMMISSIONER DEASON: As the first witness.

13 MS. CASWELL: The first witness. Okay.

14 COMMISSIONER DEASON: Any other questions?  
15 (No response.) Very well.

16 Section V, Basic Positions? I guess I have  
17 a question at this point. We have a stipulation that  
18 is attached to the draft prehearing order. It  
19 addresses a number of the issues. Are we just going  
20 to leave the basic positions as is?

21 MR. COX: I was unclear, particularly for  
22 GTE and AT&T and MCI, whether they wanted us at this  
23 point just to see the proposed stipulation or to leave  
24 in what they had. I didn't know.

25 COMMISSIONER DEASON: Did you hear that



1 question? Well, we'll begin with AT&T. Mr. Logan, do  
2 you want to just keep your same basic position, or do  
3 you want to modify it in light of the proposed  
4 stipulation?

5 MR. LOGAN: I think it would be our  
6 preference to keep the positions as the same. The  
7 stipulation will obviously control the outcome of the  
8 proceeding.

9 COMMISSIONER DEASON: Is that the same  
10 procedure the other parties wish to follow?

11 MS. CASWELL: Yes.

12 MR. BOND: Yes. This is Tom Bond. I assume  
13 that if the stipulation is for some reason rejected,  
14 that we would use the positions as we originally gave  
15 them.

16 COMMISSIONER DEASON: Very well. We'll  
17 proceed with that in that way, then.

18 We'll proceed now to Section VI, Issues and  
19 Positions. Issue 1, as I understand, the proposed  
20 stipulation would address Issue 1 for all parties.  
21 The question, again, is do we want to leave it as it  
22 is, or do we want to reflect that it's addressed by a  
23 proposed stipulation? Mr. Cox did you have --

24 MR. COX: I didn't have a preference. I  
25 guess it would be the same situation as we've just

1 addressed. If they would like to leave them in, so be  
2 it, but, as Mr. Logan says, I believe the stipulation  
3 would control.

4 **COMMISSIONER DEASON:** Very well. If the  
5 parties then agree, that we'll just go with the same  
6 format as contained, and if anybody has any  
7 corrections to their position as stated, just let me  
8 know when we address the issue.

9 Any changes or corrections to Issue 1?  
10 Issue 2? Issue 3?

11 **MR. REHWINKEL:** I have, Commissioner a  
12 correction of a typo that I can just get with Mr. Cox  
13 on, things of that nature.

14 **COMMISSIONER DEASON:** And Ms. Caswell and  
15 Mr. Bond, if you have any corrections that need to be  
16 made once you review your facts, just inform Mr. Cox.  
17 He will be glad to make minor corrections that you may  
18 need to make, but there may be a deadline that you  
19 need to get that to him. Mr. Cox, when do you need  
20 these changes?

21 **MR. COX:** I believe a week from today would  
22 be sufficient.

23 **COMMISSIONER DEASON:** You have plenty of  
24 time. So once you receive your fax, if you have any  
25 changes of that nature, please relay those to Mr. Cox.

1 MS. CASWELL: Thank you.

2 MR. BOND: Thank you.

3 COMMISSIONER DEASON: Issue 3a, 3b, 3c, 3d?  
4 (No response.) Issue 4? Issue 5?

5 I have a question on Issue 5. Are we  
6 going -- what are we going to do with Sprint's  
7 testimony in regard to Issue 5?

8 MR. COX: Sprint's testimony, for the most  
9 part what I recall, does not really address Issue 5.  
10 If it does, it's only that they -- go ahead.

11 MR. REHWINKEL: I can address that.  
12 Actually, I apologize, Commissioner. On the Order of  
13 Witnesses section Ms. Khazraee should be indicated  
14 only on Issue 3a.

15 COMMISSIONER DEASON: So her testimony does  
16 not address Issue 5?

17 MR. REHWINKEL: That's correct.

18 COMMISSIONER DEASON: Very well. We'll make  
19 that change, then, in the order of witnesses, to  
20 reflect that Sprint's witness only addresses Issue 3a.

21 Okay. Any changes or corrections to  
22 Issue 5? (No response.)

23 Very well. Exhibit list, Section VII?  
24 Proposed Stipulation, Section VIII, it appears fairly  
25 straightforward. Are there any changes or

1 corrections?

2           **MR. COX:** I would just note that we are  
3 going to add the stipulation regarding Sprint's  
4 testimony, and that both of the stipulations would be  
5 taken up at the beginning of the hearing for the  
6 Commission's approval.

7           **COMMISSIONER DEASON:** Very well.  
8 Section IX, Pending Motions, we've addressed both of  
9 the motions reflected there. I assume there are no  
10 other motions pending? Hearing none, that is the  
11 case.

12           The ruling section will reflect the rulings  
13 that are made today on the motions. And that  
14 concludes the review of the draft prehearing order.

15           Are there any other questions or concerns  
16 that need to be brought up before the prehearing  
17 officer at this time?

18           **MR. COX:** Just for clarification for the  
19 parties' sake, Staff would prefer that we have the  
20 witnesses there for cross-examination. Part of the  
21 stipulation was if Staff agrees, we would waive  
22 cross-examination; but Staff would request that we do  
23 have the live witnesses and have the  
24 cross-examination.

25           **COMMISSIONER DEASON:** That will be fine, but

1 I would request Staff that once you review your case,  
2 if you know that you're not going to have cross,  
3 please advise the parties so they can advise their  
4 witnesses that they -- well, that brings up another  
5 question. We don't know if any of the Commissioners  
6 may have questions.

7 MR. COX: Right. And it was Staff's  
8 position that we thought the Commissioners might like  
9 questions.

10 COMMISSIONER DEASON: Is that a hardship on  
11 anyone, having your witnesses available? (No  
12 response.) Very well.

13 MR. WARLEN: I was just going to inquire.  
14 We've got a mechanical issue about getting the  
15 stipulation signed. I assume that there's nobody that  
16 is not planning to sign. We haven't heard from  
17 anybody who says they're not going to sign, have we?

18 COMMISSIONER DEASON: Is it all parties'  
19 intention to sign the proposed stipulation?

20 MR. COX: I believe the only signature we  
21 don't have is from GTE and maybe some of the smaller  
22 ILECs at this point.

23 MS. CASWELL: Well, I sent that this  
24 morning. And I apologize. I had it with me the other  
25 day when I was at the commission, but I forgot to give

1 it to you. So if you don't get the fax, let me know.

2 MR. COX: We're just missing one other small  
3 ILEC's signature and GTE's, and we will get that  
4 before we issue the prehearing order and attach the  
5 stipulation, the proposed stipulation, to the  
6 prehearing order.

7 MR. WANLEN: Very good.

8 COMMISSIONER DEASON: Very good.

9 MR. REHWINKEL: Can I ask, just for purposes  
10 of briefing our issue, is there -- I would assume we  
11 would adhere to the same briefing schedule that would  
12 follow all posthearing matters.

13 MR. COX: Yes, the same that's in the  
14 procedural order.

15 MR. REHWINKEL: Okay.

16 COMMISSIONER DEASON: Any other final  
17 matters? (No response.)

18 Hearing none, this prehearing conference is  
19 adjourned. Thank you all.

20 (Thereupon, the hearing concluded at 9:45  
21 a.m.)

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1 STATE OF FLORIDA)

:

CERTIFICATE OF REPORTER

2

COUNTY OF LEON )

3

I, H. RUTHE POTAMI, CSR, RPR Official  
Commission Reporter,

4

5 DO HEREBY CERTIFY that the Prehearing  
Conference in Docket No. 970526-TP was heard by the  
6 Prehearing Officer at the time and place herein  
stated; it is further

7

8 CERTIFIED that I stenographically reported  
the said proceedings; that the same has been  
transcribed under my direct supervision; and that  
9 this.

9

10 Transcript, consisting of 14 pages,  
constitutes a true transcription of my notes of said  
11 proceedings.

11

DATED this 9th day of February, 1998.

12

13



14

H. RUTHE POTAMI, CSR, RPR  
Official Commission Reporter  
15 (904) 413-6732

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