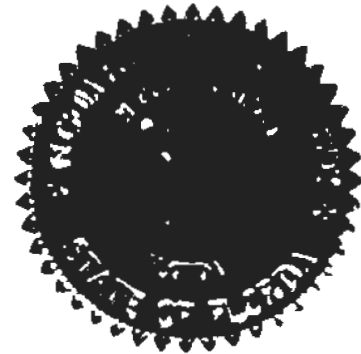


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of :
Complaint of Sprint Communi- :
cations Company, Limited :
Partnership d/b/a Sprint :
and Sprint Metropolitan :
Networks, Inc. against :
BellSouth Telecommunications :
Inc. regarding breach of :
interconnection agreement. :

DOCKET NO. 971314-TP



PROCEEDINGS: **PREHEARING CONFERENCE**

BEFORE: **COMMISSIONER SUSAN F. CLARK**
 Prehearing Officer

DATE: **Monday, March 16, 1998**

TIME: Commenced at 9:30 a.m.
 Concluded at 9:43 a.m.

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

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

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1 **APPEARANCES:**

2 **C. EVERETT BOYD, JR.**, Ervin, Varn, Jacobs &
3 Ervin, 350 South Gadsden Street, P. O. Drawer 1170,
4 Tallahassee, Florida 32302, appearing on behalf of
5 **Sprint Communications Company Limited Partnership.**

6 **NANCY B. WHITE**, 150 South Monroe Street,
7 Suite 400, Tallahassee, Florida 32301, appearing on
8 behalf of **BellSouth Telecommunication**, Inc.

9 **WILLIAM COX** and **JOHN BOWMAN**, Florida Public
10 Service Commission, Division of Legal Services, 2540
11 Shumard Oak Boulevard, Tallahassee, Florida
12 32399-0870, appearing on behalf of the Commission
13 **Staff.**

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P R O C E E D I N G S

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

COMMISSIONER CLARK: Call the prehearing to order. Read the notice.

MR. COX: Pursuant to notice filed February 27th, 1998, this time and place have been set for a prehearing conference in 971314-TP, complaint of Sprint Communications Limited Partnership doing business as Sprint and Sprint Metropolitan Network, Inc. against BellSouth Telecommunications, Inc. regarding breach of Interconnection Agreement.

COMMISSIONER CLARK: We'll take appearances.

MS. WHITE: Nancy White for BellSouth.

MR. BOYD: Everett Boyd for Sprint. And let me also enter an appearance for Benjamin Fincher of Sprint's Atlanta office, also for Sprint.

MR. COX: Will Cox and John Bowman on behalf of the Commission Staff.

COMMISSIONER CLARK: Are there any preliminary matters I have to take up, Mr. Cox?

MR. COX: Staff has a couple.

First, on the first page we just wanted to indicate that John Bowman will also be appearing on behalf of Commission Staff. That was inadvertently left out.

1 **COMMISSIONER CLARK:** And you indicate
2 Benjamin --

3 **MR. BOYD:** Fincher.

4 **COMMISSIONER CLARK:** Will appear -- he'll be
5 here for the hearing, if there is one, right?

6 **MR. BOYD:** Yes, indeed, if there is one.

7 **MR. COX:** We do have one motion, which is a
8 Motion to Substitute Witness by BellSouth. As far as
9 Staff is aware there are no objections from the
10 parties.

11 **MR. BOYD:** We have no objection.

12 **COMMISSIONER CLARK:** Okay. We'll show then
13 that -- how do we -- is it on the Prehearing Order?

14 **MR. COX:** Two primary places. One is on
15 Page 4 in the Order of Witnesses. Okay. And the
16 other place is in the Exhibits, Page 12 through 13.

17 **COMMISSIONER CLARK:** Do we just
18 substitute -- is it Mr. Stacy?

19 **MR. COX:** Mr. Stacy for Mr. Moore's. He's
20 adopting Mr. Moore's testimony.

21 **COMMISSIONER CLARK:** And the Prehearing
22 Order will indicate that he's adopting Mr. Moore's
23 testimony.

24 **MR. COX:** Yes, it will. It will indicate in
25 the ruling section on this motion to substitute

1 witness that there was a substitution.

2 COMMISSIONER CLARK: Good, thank you.

3 MR. COX: Last item I had was ask the
4 parties if they'd like to combine direct and rebuttal
5 for purposes of the hearing?

6 MS. WHITE: That's fine with BellSouth.

7 MR. BOYD: Yes, that would be fine with us.

8 COMMISSIONER CLARK: Would you please
9 indicate that on the Prehearing Order, and also let
10 the Commissioners know -- well, that's the way you
11 have it on there, isn't it? Thank you.

12 MR. COX: Yes, ma'am.

13 MR. BOYD: Let me inquire. Ms. White, are
14 you going to substitute a couple of pages to the
15 introduction of Mr. Stacy's testimony so that that
16 testimony becomes his as opposed to a new witness
17 adopting all of that?

18 MS. WHITE: That's probably the best way to
19 do it. And I'll get that out this week; just his name
20 address and his responsibilities, that kind of thing.

21 MR. BOYD: Because it's a little bit
22 difficult -- it was kind of the last minute to when we
23 were taking the depositions on Friday, in part it was
24 him looking back at this other testimony. At the
25 hearing I would anticipate that we will refer to the

1 prefiled testimony as his own.

2 MS. WHITE: That's fine. And I will be glad
3 to substitute the pages that say his name, address,
4 responsibilities, what his job title is, that kind of
5 thing.

6 COMMISSIONER CLARK: Okay. I apologize. I
7 have not had the opportunity to read the Prehearing
8 Order. Can we do this sort of in shorthand and just
9 ask each party if there are any changes to the
10 Prehearing Order?

11 MS. WHITE: I have no changes other than
12 what Staff has made.

13 COMMISSIONER CLARK: Okay. Mr. Boyd.

14 MR. BOYD: And I don't have any changes
15 either. We can do a real quick look when I get back
16 to the office, double-check if there's any.

17 COMMISSIONER CLARK: That would be fine. If
18 you discover any changes, just let the Staff know.
19 When is the hearing scheduled?

2 MR. COX: March 30. Monday, March 30.

21 COMMISSIONER CLARK: Two weeks. Yeah. Two
22 weeks.

23 MR. BOYD: Yes, ma'am.

24 COMMISSIONER CLARK: Mr. Cox has indicated
25 you are working on a settlement. I'd just like to

1 encourage you to continue to work on it.

2 MR. BOYD: There are some settlement
3 discussions going on. We are pursuing them as
4 actively and earnestly as we can, but obviously we are
5 also preparing for the hearing.

6 COMMISSIONER CLARK: Good.

7 MR. BOYD: Commissioner, let me mention one
8 other thing. I wanted to bring it to your attention
9 as the Prehearing Officer. I don't believe it needs
10 to go in the Prehearing Order.

11 Back early last year the parties had some
12 discussions and they came to an agreement that from
13 March 21st, was kind of a cutoff day in their
14 relationship, so I want to make clear that our
15 complaint is only based on events that have occurred
16 from that date forward, in terms like a cause of
17 action. And our prayer for relief is only based upon
18 the events that have occurred since March 21st, 1997.
19 And I believe we have, in our Complaint, had the
20 material allegations only in that time period. Now,
21 at the same time in the testimony, from a historical
22 standpoint, just to sort of set the stage, there are
23 some references back to prior to that date. But we
24 want to make it clear that our prayer for relief and
25 our claims are only based on the events that occurred

1 from March 21, 1997, forward.

2 COMMISSIONER CLARK: Okay.

3 MR. BOYD: In our briefing and all we will
4 make that clear. But in order to honor those
5 discussions that we had with BellSouth last year I
6 want to make that as clear as I can.

7 COMMISSIONER CLARK: Will you be making
8 opening statement?

9 MS. WHITE: I wasn't planning on it, unless
10 Mr. Boyd requests it.

11 COMMISSIONER CLARK: I'm just thinking it
12 may be worthwhile to make that kind of statement to
13 all of the Commissioners. Is this a panel?

14 MR. COX: Yes, it is a panel.

15 COMMISSIONER CLARK: Okay.

16 MR. BOYD: It might be helpful to have a
17 very brief opening statement in which I could include
18 that, and to, perhaps, focus -- a couple of the issues
19 have not quite completely gone away, but the
20 circumstances appear to have improved so that would,
21 in the opening, help us to focus away from those
22 issues and on the ones we think are more alive.

23 COMMISSIONER CLARK: I could offer this
24 option: That we always take up at the beginning --
25 who is on the panel?

1 **MR. COX:** That's a good question, because
2 I'm looking at my CSRA here, and it only reflects two
3 Commissioners. Right now it's yourself and
4 Commissioner Deason.

5 **COMMISSIONER CLARK:** Well, I'm sure
6 Commissioner --

7 **MR. COX:** I'll have to check on that, but
8 I'm sure there is a third assigned but it's not
9 showing up on the CSRA.

10 **COMMISSIONER CLARK:** I'm sure he'll ask for
11 preliminary matters and you may want to take it up as
12 a preliminary matter to indicate the time period for
13 which this dispute looks at, in lieu of an opening
14 statement.

15 **MR. BOYD:** That's fine. Yes, ma'am.

16 **COMMISSIONER CLARK:** Mr. Cox, do we need to
17 take up anything further?

18 **MR. COX:** Staff has nothing further to
19 address.

20 **MS. WHITE:** Nothing further.

21 **MR. BOYD:** No, ma'am.

22 **COMMISSIONER CLARK:** Thank you very much.
23 This hearing is adjourned.

24 (Thereupon, the hearing concluded at
25 9:43 a.m.)

1 STATE OF FLORIDA)
2 :
3 COUNTY OF LEON)

CERTIFICATE OF REPORTER

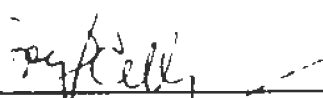
4 I, JOY KELLY, CSR, RPR, Chief, Bureau of
5 Reporting, Official Commission Reporter,

6 DO HEREBY CERTIFY that the Prehearing
7 Conference in Docket No. 971314-TP was heard by the
8 Prehearing Officer at the time and place herein
9 stated; it is further

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

15 DATED this 16th day of March, 1998.

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JOY KELLY, CSR, RPR
Chief, Bureau of Reporting

(904) 413-6732