

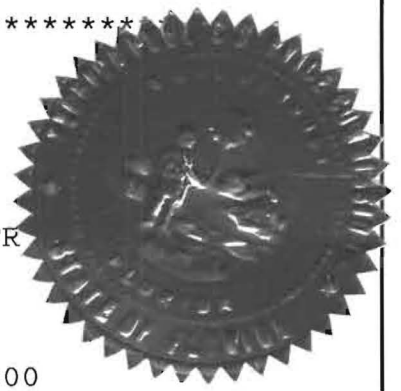
BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 000907-TP  
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PETITION BY LEVEL 3 COMMUNICATIONS, :  
LLC FOR ARBITRATION OF CERTAIN :  
TERMS AND CONDITIONS OF A PROPOSED :  
AGREEMENT WITH BELL SOUTH :  
TELECOMMUNICATIONS, INC. :  
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PROCEEDINGS: PREHEARING CONFERENCE  
  
BEFORE: COMMISSIONER LILA A. JABER  
Prehearing Officer  
  
DATE: Wednesday, November 8, 2000  
  
TIME: Commenced at 10:35 a.m.  
Concluded at 11:00 a.m.  
  
PLACE: Betty Easley Conference Center  
Room 152  
4075 Esplanade Way  
Tallahassee, Florida  
  
REPORTED BY: TRICIA DeMARTE  
Official FPSC Reporter



1 **APPEARANCES:**

2 KENNETH A. HOFFMAN and JOHN ELLIS,  
3 Rutledge, Ecenia, Underwood, Purnell and Hoffman,  
4 P. O. Box 511, 215 South Monroe Street, Suite 420,  
5 Tallahassee, Florida 32302-0551, and TAMAR E. FINN, 3000 K  
6 Street, Northwest, #300, Washington, D.C. 20007, appearing  
7 on behalf of Level 3 Communications, LLC. And MICHAEL R.  
8 ROMANO, Level 3 Communications, LLC, 1025 Eldorado  
9 Boulevard, Broomfield, Colorado 80021, appearing on behalf  
10 of Level 3 Communications, LLC, participating  
11 telephonically.

12 T. MICHAEL TWOMEY, DOUGLAS LACKEY, and  
13 PATRICK TURNER, BellSouth Telecommunications, Inc.,  
14 4300 Southern Bell Center, 675 West Peachtree  
15 Street, Northeast, Atlanta, Georgia 30375-0001,  
16 appearing on behalf of BellSouth Telecommunications,  
17 Inc.

18 FELICIA R. BANKS, Florida Public Service  
19 Commission, Division of Legal Services, 2540 Shumard  
20 Oak Boulevard, Tallahassee, Florida 32399-0850,  
21 appearing on behalf of the Commission Staff.

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

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COMMISSIONER JABER: Okay. Counsel, you want to read the notice? We'll get started.

MS. BANKS: This prehearing conference for Docket Number 000907-TP, petition by Level 3 Communications, LLC for arbitration of certain terms and conditions of a proposed agreement with BellSouth Telecommunications, Inc., is being held at this time and place for purposes set forth in the notices.

COMMISSIONER JABER: Okay. Let's take appearances. Mr. Hoffman, you have someone on the phone with Level 3 as well?

MR. HOFFMAN: Yes, ma'am. My name is Kenneth Hoffman. I'm with the law firm of Rutledge, Ecenia, Purnell & Hoffman. Our address is P. O. Box 551, Tallahassee, Florida 32302.

I would also like to enter appearances for Tamar Finn, who is with the Swidler Law Firm at 3000 K Street, Northwest, Suite 300, Washington, D.C. 20007, and I'd also like to enter an appearance for Michael Romano with Level 3 Communications. His address is 1025 Eldorado Boulevard, Broomfield, Colorado 80021.

And, Commissioner, it is Mr. Romano who is on the phone who is dialed in to this prehearing conference.

COMMISSIONER JABER: Thank you. Can we remove

1 Mr. Ellis and Mr. -- is it Blau -- Blau from the draft  
2 prehearing order under appearances?

3 MR. HOFFMAN: Commissioners, it would be my  
4 preference to retain Mr. Ellis as he may continue to have  
5 some participation in the docket.

6 COMMISSIONER JABER: All right.

7 MR. HOFFMAN: And I guess I'd ask Mr. Romano if  
8 he can hear me, Mike, whether you would like to leave  
9 Russell Blau?

10 MR. ROMANO: I think it's fine to remove Russ if  
11 we need to. That's fine. We can just have Tamar on.

12 MR. HOFFMAN: Okay.

13 COMMISSIONER JABER: BellSouth.

14 MR. TWOMEY: Good morning. Mike Twomey on  
15 behalf of BellSouth Telecommunications. My address is  
16 675 West Peachtree Street, Atlanta, Georgia 30375. I'd  
17 like to enter an appearance this morning on behalf also of  
18 Mr. Douglas Lackey and Mr. Patrick Turner, both are also  
19 with BellSouth at the same address. I filed this morning  
20 requests for both Mr. Lackey and Mr. Turner as well as one  
21 on behalf of myself for a qualified representative status.

22 COMMISSIONER JABER: Oh, you haven't been --  
23 your request for a qualified representative hasn't been  
24 ruled on yet?

25 MR. TWOMEY: No. We filed it this morning.

1 COMMISSIONER JABER: Why don't you give me that?

2 MR. TWOMEY: Commissioner, she took all of my  
3 copies, but I can get them back off of the computer.

4 COMMISSIONER JABER: Okay. Mr. Twomey, spell  
5 Mr. Lackey's last name for the court reporter.

6 MR. TWOMEY: L-A-C-K-E-Y.

7 COMMISSIONER JABER: Thank you. Staff.

8 MS. BANKS: Felicia Banks on behalf of  
9 Commission Staff.

10 COMMISSIONER JABER: All right. Staff, do we  
11 have any preliminary matters, other than what Mr. Twomey  
12 just handed me?

13 MS. BANKS: At this time, Staff is unaware of  
14 any preliminary matters.

15 COMMISSIONER JABER: All right. I think it's  
16 more appropriate for me to rule on the request for a  
17 qualified representative today since you're participating  
18 in the prehearing conference.

19 Mr. Hoffman, you all don't have an objection to  
20 BellSouth participating as a qualified representative  
21 counsel for BellSouth?

22 MR. HOFFMAN: We don't, Commissioner.

23 COMMISSIONER JABER: All right. Let the record  
24 reflect that Mr. Twomey's request for a qualified  
25 representative status has been granted. The request for

1 Mr. Turner to participate as a qualified representative  
2 has been granted, and the request by Mr. Lackey to appear  
3 as a qualified representative has been granted.

4 MR. TWOMEY: Thank you.

5 COMMISSIONER JABER: All right. Staff, it's my  
6 intent to go page by page unless there are any other  
7 preliminary matters that we need to take up. Parties?

8 All right. Page 1, you'll make the corrections  
9 to the appearances section. Page 2, are there any changes  
10 or corrections?

11 MS. BANKS: Before we begin, Commissioner Jaber,  
12 there were some changes that were made since last week to  
13 the copy of the draft that was sent to the parties.  
14 Parties have received a copy of this this morning, and I  
15 just wanted to note that those changes that have been  
16 made, they have either been stricken over or underlined.  
17 For those things that have been added, they have been  
18 underlined, and for those things that have been deleted or  
19 proposed to be deleted, they have been stricken, so if the  
20 parties would just keep that in mind.

21 COMMISSIONER JABER: That's great. You have the  
22 latest draft? Did you receive a copy of the newest draft  
23 of the prehearing order today?

24 MR. TWOMEY: I do have it.

25 COMMISSIONER JABER: All right. The statement

1 with respect to opening statements, I asked Staff to put  
2 in. Do you all know if you will be making opening  
3 statements at the hearing?

4 MR. HOFFMAN: I don't, Commissioner.

5 COMMISSIONER JABER: Well, is ten minutes  
6 adequate?

7 MR. HOFFMAN: I suspect it would be,  
8 Commissioner. I think once you get beyond ten minutes,  
9 it's perhaps not as effective anyway.

10 MR. TWOMEY: I concur that ten minutes is  
11 adequate time, and my expectation is that we would like to  
12 make an opening statement.

13 COMMISSIONER JABER: All right. You would like?

14 MR. TWOMEY: Yes.

15 COMMISSIONER JABER: Okay. Great. Mr. Hoffman,  
16 I think that you are on notice that BellSouth will be  
17 making an opening statement.

18 MR. HOFFMAN: Thank you, Commissioner. And,  
19 Commissioner, just for the record so the record is clear,  
20 we perhaps will make an opening statement as well.

21 COMMISSIONER JABER: Confidential information,  
22 do you know if you will be using any confidential exhibits  
23 at the hearing?

24 MR. HOFFMAN: Commissioner Jaber, at this time I  
25 know of no confidential exhibits that we will be using at

1 the hearing. However, we do have outstanding discovery  
2 requests that we have served on BellSouth, and I guess I  
3 just need to await the service of their documents and  
4 responses. But at this point, we certainly have not  
5 prefiled any confidential exhibits.

6 COMMISSIONER JABER: All right. And I would  
7 just bring to your attention that you have to let us know  
8 seven days before the hearing. And if anything comes in  
9 after the seven days, just give a courtesy phone call to  
10 BellSouth and to Staff, follow the procedures that are set  
11 forth in the prehearing order.

12 Okay. Any changes or questions on Page 4?  
13 Please notice the page limit for briefs is 40 pages, and  
14 also notice the addition with respect to oral summaries of  
15 testimony being limited to five minutes.

16 Page 5. Is there any objection to taking direct  
17 and rebuttal up at the same time?

18 MR. HOFFMAN: Commissioner Jaber, we were going  
19 to raise that anyway, so we concur with that approach.

20 MR. TWOMEY: We agree.

21 COMMISSIONER JABER: Is there any objection to  
22 Mr. -- is it Sanchetti, his testimony being adopted by  
23 Kevin Paul?

24 MR. ROMANO: Actually, I think it went the other  
25 way around.



1 COMMISSIONER JABER: Okay.

2 MR. ROMANO: Mr. Sanchetti is adopting  
3 Mr. Paul's testimony.

4 COMMISSIONER JABER: Thank you. That is what it  
5 says here. Thank you.

6 MR. TWOMEY: BellSouth has no objection to that.

7 COMMISSIONER JABER: All right. Any changes to  
8 the basic positions, Page 5, Page 6?

9 All right. On Page 6, there is a legal issue  
10 that has been identified at my request, and you may want  
11 to make note of Section K in the order on procedure that  
12 puts the parties on notice with respect to including in  
13 your briefs or in this proceeding any discussion about  
14 relevant FCC decisions, court decisions. Any other legal  
15 situations or circumstances that need to be brought to the  
16 Commission's attention, it would be my request that you do  
17 that in the brief under this issue. And if you need  
18 additional guidance, you can refer to Section K of the  
19 order on procedure.

20 Any changes or questions related to Page 7?  
21 Page 8.

22 MR. TWOMEY: Yes, Commissioner. Mike Twomey.  
23 When BellSouth filed its prehearing statement on November  
24 the 1st, there was a typographical -- there were some  
25 typographical problems with the filing that were the

1 responsibilities of my office, and what you have in the  
2 statement of BellSouth's position, for example, on Issue  
3 1 is a strike through --

4 COMMISSIONER JABER: Yes.

5 MR. TWOMEY: -- and some shading, and those  
6 actually reflect the last changes that we made to the  
7 prehearing statement before it was filed. And I'm still  
8 not entirely sure how that was preserved in the filed  
9 version. So what I have done this morning, after I spoke  
10 with Ms. Banks yesterday, is I have filed a new version of  
11 the prehearing statement.

12 The difference between the new prehearing  
13 statement and the old one is that I have essentially  
14 accepted the changes that you see so that the prehearing  
15 statement in the record for BellSouth now indeed omits,  
16 for example, the word "its" and includes the word  
17 "BellSouth's." And you will see changes like that in, I  
18 think, two other sections.

19 COMMISSIONER JABER: Mr. Hoffman, do you have a  
20 copy of the revised prehearing statement positions?

21 MR. HOFFMAN: I was given a copy this morning,  
22 yes.

23 COMMISSIONER JABER: Do you have any objection  
24 to what -- the way it's been handled or anything?

25 MR. HOFFMAN: No, ma'am.

1                   COMMISSIONER JABER: That's fine, Mr. Twomey.  
2 Do you have, though, a diskette you can give to our Staff  
3 so they can substitute the positions for the prehearing  
4 order?

5                   MR. TWOMEY: I don't have it right now, but I am  
6 staying here and attending a prehearing conference in  
7 another matter at 1:30 this afternoon, and I believe I can  
8 get my hands a diskette in the intervening time. And I  
9 will make sure that that's available, and if I can't do  
10 that, I will have one overnighted.

11                   COMMISSIONER JABER: That's fine. That's  
12 acceptable, Staff?

13                   MS. BANKS: Yes, Commissioner Jaber. That's  
14 fine.

15                   COMMISSIONER JABER: All right. Any changes to  
16 Page 9?

17                   MR. HOFFMAN: Commissioner Jaber, before we go  
18 to Page 9, may I ask a clarifying question concerning the  
19 legal issue on Page 6?

20                   COMMISSIONER JABER: Yes.

21                   MR. HOFFMAN: You had mentioned that it was your  
22 desire that the parties address any relevant court  
23 decisions or FCC decisions in the legal brief.

24                   COMMISSIONER JABER: Uh-huh.

25                   MR. HOFFMAN: Were you referring to decisions

1 that go to this specific legal issue only?

2 COMMISSIONER JABER: No.

3 MR. HOFFMAN: Okay.

4 COMMISSIONER JABER: Let's look at the order on  
5 procedure. Page 5 of the order on procedure, I had Staff  
6 insert that we would expect in a prehearing statement,  
7 actually Mr. Hoffman, a statement identifying any decision  
8 or pending decision of the FCC or any court that has or  
9 may either preempt or otherwise impact the Commission's  
10 ability to resolve any of the issues presented or the  
11 relief requested in this matter.

12 Just to give you a historical perspective, you  
13 may recall there had been three or four matters where the  
14 Commissioners found it helpful either right at the hearing  
15 or during an agenda conference to take up some legal  
16 matters. I would like to have those kinds of things  
17 addressed early on. So if there is a court decision or a  
18 FCC decision that impacts this case in any way, it's my  
19 intent to allow the parties to address that in the brief.  
20 To the degree there are decisions we need to take official  
21 recognition of in lieu of your addressing it in the brief  
22 or in addition to your addressing it in the brief, I would  
23 expect to handle that at the beginning of the hearing.

24 MR. HOFFMAN: Okay.

25 COMMISSIONER JABER: Do you understand?

1 MR. HOFFMAN: Uh-huh.

2 MR. TWOMEY: Thank you. I think that clears it  
3 up for me. For example, there is a rumor that the FCC may  
4 actually issue a decision sometime soon on intercarrier  
5 compensation issues. That is among the issues that have  
6 been presented to the Commission in this case. If we were  
7 to get a decision from the FCC, I presume from the  
8 conversation we've had this morning that you would like us  
9 to give you notification of that as soon as we are aware  
10 of it?

11 COMMISSIONER JABER: That's right.

12 MR. TWOMEY: And I will by letter perhaps attach  
13 a copy of it and send a copy to the other side. Is that  
14 acceptable?

15 COMMISSIONER JABER: That's right. And then, of  
16 course, you need to get it in the record somehow. And I  
17 would -- if it's a decision, I'm sure parties wouldn't  
18 object to taking official recognition of the decision.

19 MR. TWOMEY: Right.

20 COMMISSIONER JABER: You know, my goal is just  
21 to make this easier for the Commissioners so that we can  
22 make the best informed decision timely, in a timely  
23 fashion.

24 Thank you for asking that, Mr. Hoffman. That  
25 was probably something that needed to be clarified.

1 All right. Page 9. Page 10. Page 11. Actually, going  
2 back to Issue 4. Let's see. Don't we have a stipulation  
3 on Issue 4?

4 MR. TWOMEY: Yes, Commissioner. We have -- the  
5 parties have actually resolved Issues 4, 5, and 8. I  
6 believe there was some confusion between BellSouth and  
7 Level 3 as to exactly when it officially became resolved  
8 because the -- there was e-mails back and forth saying,  
9 here's the proposed language. Do you accept it? Please  
10 send me back confirming that you've accepted it.

11 And I'm not sure when that officially happened,  
12 but Mike Romano can correct me, but I don't believe  
13 there's any more confusion, that we have, in fact,  
14 resolved Issues 4, 5, and 8 with specific language that  
15 the parties have agreed to include in their  
16 interconnection agreement so that there is no issue for  
17 those items for this Commission to resolve.

18 MR. ROMANO: Those e-mails, clarifications were  
19 sent, and I think the issues are resolved. The only  
20 question that remains is that we had forwarded to  
21 BellSouth contract language that actually -- we previously  
22 exchanged term sheets that showed the language that would  
23 be incorporated into the contract. We then forwarded  
24 earlier this week language incorporated into the contract  
25 itself for BellSouth to sign-off on so in the hopes that

1 we could prevent it at this conference. But apparently  
2 BellSouth is the person who would need to look at it is  
3 out of the office.

4 So until that language, I guess, is signed off  
5 as it appears in the contract, I don't know that we can  
6 formally withdrawal these, although I think as Mr. Twomey  
7 indicated we've sent back and forth language confirming by  
8 e-mail that we're resolved these issue.

9 COMMISSIONER JABER: When you say you've  
10 resolved the issue, are you suggesting that you would have  
11 language as a stipulation to be included in the prehearing  
12 order, or would you suggest that we remove the issue  
13 entirely?

14 MR. ROMANO: I would like to have language  
15 included in the prehearing order, and that was why we had  
16 sent over the draft language to BellSouth, but  
17 unfortunately, it didn't work out that we could have it in  
18 place this morning.

19 COMMISSIONER JABER: All right. Let's do this:  
20 By Monday close of business give to our Staff proposed  
21 stipulation language to be included at the end of this  
22 prehearing order. Alternatively, represent to our Staff  
23 that the issue could be completely removed from the  
24 prehearing order, but Monday close of business.

25 Now, I'm assuming if you all do not work it out

1 by Monday close of business, that you will need to revise  
2 your positions to these issues because they currently  
3 state that you've resolved the issue.

4 MR. TWOMEY: Commissioner, we have resolved the  
5 issues. I think -- as I'm listening to Mike, I was  
6 unaware that they had proposed language to be included in  
7 the prehearing order. I guess I'd have to think about  
8 that. We have certainly resolved a lot of other issues  
9 too, and we will not include those in the prehearing  
10 order. I think it would be more appropriate, once we have  
11 signed off as Mike has requested that we do and only after  
12 we have done that, that we simply withdraw the issues from  
13 the arbitration.

14 COMMISSIONER JABER: Okay. Work with  
15 Mr. Hoffman too. It is my intent that you either leave  
16 the issue in and revise your positions, or you take the  
17 issue out and submit proposed stipulation language, or you  
18 remove the issue completely.

19 MR. TWOMEY: Okay. And, Mike, we can talk about  
20 that either this afternoon or tomorrow, but I have no  
21 doubt that the substantive issues have been resolved.

22 MR. ROMANO: I think that's right. I think we  
23 were just trying to have something formalized for today  
24 whether it went into the prehearing order as stipulated  
25 language or whether it just permitted us to withdraw the



1 issues in their entirety. But that was the hope, and it  
2 just -- timing prevented us from doing that, I guess. So  
3 let's speak about that afterward.

4 COMMISSIONER JABER: That's fine. And that's  
5 for Issues 4, 5, and 8.

6 MR. TWOMEY: Yes.

7 COMMISSIONER JABER: That brings us to Issue 6  
8 on Page 11. Any changes or questions?

9 MR. TWOMEY: Well, Issue 6 as it goes over to  
10 Page 12, I have the same typographical issues which I  
11 discussed earlier for this item, and I believe I had one  
12 other --

13 COMMISSIONER JABER: Okay. I think for purposes  
14 of today, Mr. Twomey, we will just let the record reflect  
15 that you will be giving our Staff --

16 MR. TWOMEY: Right.

17 COMMISSIONER JABER: -- a diskette and updating  
18 the positions to remove any typographical errors.

19 MR. TWOMEY: Excellent.

20 COMMISSIONER JABER: Any changes to Page 13?  
21 Now, I'm assuming that no one has an objection to the --  
22 you'll notice that some of the issues have added a clause  
23 that makes it clear that for purposes of the  
24 interconnection agreement we're resolving these issues.

25 All right. Any changes to Page 14? Okay.

1 Page 15, the exhibit list. Page 16, we've resolved the  
2 requests for qualified representative status. There are  
3 no pending motion, Staff; correct?

4 MR. HOFFMAN: Commissioner Jaber, I want to put  
5 you on notice that you're right, there are no pending  
6 motions as of right now, but it is Level 3's intention to  
7 file a motion to strike portions of the rebuttal testimony  
8 of BellSouth Witness Cynthia Cox as well as the exhibit  
9 that she has attached to her rebuttal. And because of the  
10 time frames and where we are in this proceeding, I expect  
11 to file that today.

12 COMMISSIONER JABER: All right.

13 MR. ROMANO: And actually, just to clarify as  
14 well, I think the motion to strike also covers the second  
15 paragraph of BellSouth's position statement in Issue 6.

16 MR. HOFFMAN: Thank you, Mr. Romano. It would  
17 also cover, Commissioner Jaber, the portion of their  
18 prehearing statement that address this matter of a lower  
19 rate for ISP-bound -- terminating ISP-bound traffic.

20 COMMISSIONER JABER: Ms. Cox's rebuttal  
21 testimony?

22 MR. HOFFMAN: Yes, ma'am.

23 COMMISSIONER JABER: All right. That's really  
24 just a heads-up. We're not going to make any ruling  
25 obviously until we see the motion and BellSouth responds.

1 MR. HOFFMAN: Yes, ma'am.

2 COMMISSIONER JABER: No confidentiality matters  
3 pending. Anything else we need to take up today,  
4 Ms. Banks?

5 MS. BANKS: Commissioner Jaber, we were just  
6 going to say, given the fact that Level 3 has anticipated  
7 to file a motion to strike, we would like -- Staff would  
8 like to request an expedited response to that motion in  
9 the context of where we are in the proceedings.

10 COMMISSIONER JABER: When is the hearing?

11 MS. BANKS: The hearing is set for December 6.

12 COMMISSIONER JABER: Why do we need an expedited  
13 response?

14 MS. BANKS: Well, Staff was just going to  
15 request that we -- if we could get it as soon as possible,  
16 but it may not be necessary after all, Commissioner Jaber.

17 MR. HOFFMAN: Commissioner Jaber, perhaps I can  
18 lend something to that question. The focus of the motion  
19 is a motion to strike, and that's what Level 3 believes is  
20 the appropriate remedy. However, if that request is  
21 denied, Level 3 has asked in the motion that it be granted  
22 an opportunity to file surrebuttal in connection with that  
23 one issue. So in terms of time frames and so forth,  
24 perhaps an expedited response would be helpful.

25 COMMISSIONER JABER: Well, is this an issue that

1 was identified after you filed your direct testimony?

2 MR. HOFFMAN: Commissioner, it's an issue that  
3 was not raised in BellSouth's response, nor was it part of  
4 the -- part of Issue 6. It's basically an alternative  
5 proposal for reciprocal compensation, and it's a proposal  
6 that was raised for the first time in rebuttal. So we  
7 believe, as we'll outline in the motion, that it is not  
8 properly before the Commission because it was not part of  
9 the pleadings and it was raised in rebuttal.

10 If you disagree with that and allow it to stand,  
11 then we would like the opportunity to file a response,  
12 some surrebuttal, on that issue only. That's what this is  
13 about.

14 COMMISSIONER JABER: All right. And that will  
15 all be included in your motion --

16 MR. HOFFMAN: Yes, ma'am.

17 COMMISSIONER JABER: -- so I am not going to  
18 make any ruling with respect to anything related to that  
19 motion until I see it and have a response filed to it.

20 With respect to expediting the response, I'm not  
21 going to order you today to expedite your response. It  
22 sounds like it would be helpful if you did. But of  
23 course, Mr. Hoffman, a lot of that has to do with how you  
24 serve your motion, so take that into account too.

25 MR. HOFFMAN: Okay.

1           COMMISSIONER JABER: I don't see the need to  
2 require an expedited response today.

3           MR. TWOMEY: What is the normal response time?

4           MS. BANKS: Seven days is the normal response --

5           COMMISSIONER JABER: If it's mailed to you,  
6 you'll have seven days plus five days for mailing, and if  
7 it's hand delivered or overnighted, I suppose it's --  
8 well, overnight will still require the five days.

9           MR. HOFFMAN: We intended to hand deliver and  
10 fax it and mail it.

11           COMMISSIONER JABER: Seven days. All right.  
12 Anything else we need to take up today?

13           MS. BANKS: Commissioner Jaber, Staff has no  
14 further matters to be discussed.

15           COMMISSIONER JABER: Parties.

16           MR. HOFFMAN: No, ma'am.

17           COMMISSIONER JABER: All right. We'll  
18 adjourn -- I'm sorry?

19           MR. TWOMEY: I was going to say I don't think --  
20 you're not taking up the matter of the motion to strike  
21 today, but just because of all the comments about it, I  
22 believe I just need to say for the record that we oppose  
23 it.

24           COMMISSIONER JABER: I thought you would.  
25 Mr. Romano, do you have any matters that need to come

1 before us today?

2 MR. ROMANO: Nothing further. Thank you.

3 COMMISSIONER JABER: Okay. Thank you. This  
4 prehearing is adjourned.

5 (Prehearing conference concluded at 11:00 a.m.)

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON )

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5 I, TRICIA DeMARTE, Official FPSC Commission Reporter,  
6 do hereby certify that the Prehearing Conference in Docket  
7 No. 000907-TP was heard by the Florida Public Service  
8 Commission at the time and place herein stated.

9 It is further certified that I stenographically  
10 reported the said proceedings; that the same has been  
11 transcribed under my direct supervision; and that this  
12 transcript, consisting of 22 pages, constitutes a true  
13 transcription of my notes of said proceedings.

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

19 DATED this 9th day of November, 2000.

20

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*Tricia DeMarte*

TRICIA DeMARTE

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FPSC Official Commission Reporter

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