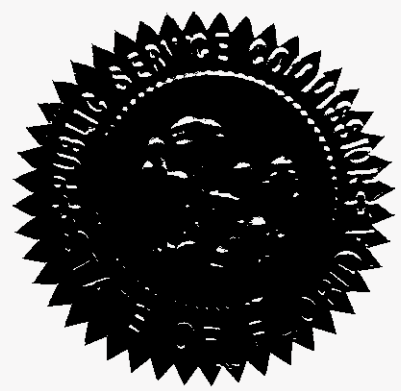


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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. UNDOCKETED

In the Matter of:
ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION.
_____ /



PROCEEDINGS: STAFF WORKSHOP
DATE: Thursday, August 11, 2009
TIME: Commenced at 1:30 p.m.
PLACE: Betty Easley Conference Center
 Room 140
 4075 Esplanade Way
 Tallahassee, Florida
TRANSCRIBED
FROM TAPE BY: JANE FAUROT, RPR
 Official FPSC Reporter
 (850) 413-6732

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

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P R O C E E D I N G S

MR. CASEY: I think we are ready to get started.

MS. COWDERY: I'm Kathryn Cowdery with the Office of General Counsel. Pursuant to notice, this time and place has been set for a preliminary undocketed workshop to discuss potential rule language concerning the requirements for a common carrier desiring designation as an eligible telecommunications carrier in Florida.

We have got Catherine Beard, Bob Casey, Jim Polk, and other staff members here to answer any questions. And I believe we will start with you.

MR. CASEY: Well, first I'd like to welcome everybody. Thank you for coming. The workshop is being recorded, and we ask that if you do speak, please state your name and the company or organization you are representing, so we can have it on the record. It will be transcribed. There will be a transcript available in a few weeks, and it's important that we get your name. It would also help if you spell your name for those of you who may have a long name.

The first thing I'd like to do is take appearances, and I'll start with the telephone first. I will tell you who I have, and if I don't have you, would you please speak up.

I have Lynn Ellensworth from Sprint Nextel, Doug

1 Nelson, Sprint Nextel, and Marsha Rule. Is there anyone
2 else on the phone?

3 MR. RALPH: Steve Ralph, Verizon, former Alltel.

4 MR. CASEY: Steve Ralph. Are you going to keep
5 that former Alltel? You're going to make me write this
6 out, huh?

7 MR. RALPH: No, you can drop that part.

8 MR. CASEY: All right. Okay. Anybody else?

9 Okay. That does it for the telephone. If we can
10 go around the room. Like I said, my name is Bob Casey.
11 I'm with Commission Staff.

12 MS. BEARD: Catherine Beard, Commission Staff.

13 MR. MOSES: Rick Moses, Commission Staff.

14 MR. FOLLENSBEE: Greg Follensbee, AT&T.

15 MS. SIRIANNI: MaryRose Sirianni, AT&T.

16 MS. MASTERTON: Susan Masterton, Embarq.

17 MR. POLK: Jim Polk, staff.

18 MS. HARVEY: Lisa Harvey, staff.

19 MR. WILLIAMS: Curtis Williams, PSC Staff.

20 MR. TEITZMAN: Adam Teitzman, PSC Staff.

21 MS. SALAK: Beth Salak, PSC Staff.

22 MR. MURPHY: Charlie Murphy, PSC Staff.

23 MR. HATCH: Tracy Hatch, AT&T.

24 MR. McDONNELL: Marty McDonnell. I'm here on
25 behalf of the Small ILECs of Northeast Florida and

1 Fairpoint Communications.

2 MR. ADAMS: Gene Adams of TW Telecom.

3 MS. COLLINS: Denise Collins, Verizon Wireless.

4 MS. CLARK: Demetria Clark, Verizon.

5 MR. CHRISTIAN: David Christian, Verizon.

6 MR. CULPEPPER: Ken Culpepper, Cox

7 Communications.

8 MS. PONTIS: Christy Pontis, Embarq.

9 MR. HEWITT: Craig Hewitt, Commission staff.

10 MR. MAILHOT: Dale Mailhot, Commission Staff.

11 MR. CASEY: Okay. Thank you. Did a couple of
12 people just join on the telephone? Could we have your
13 names, please?

14 MS. HOLDEN: Yes. Cathy Holden (phonetic) with
15 AT&T.

16 MR. CASEY: Hi, Cathy.

17 MS. HOLDEN: Hi.

18 MR. CASEY: Did someone else join? Okay. I
19 guess not.

20 At this time, I would like to ask Catherine Beard
21 if she would start going over these section-by-section.

22 Does anybody have any opening comments first, who
23 would like to make opening comments? Go ahead.

24 MS. SIRIANNI: This is MaryRose Sirianni with
25 AT&T, and the only thing, just kind of generally before we

1 start going through the rule, I guess the question that
2 came to my mind when I looked at these is that for the
3 most part these rules tend to mirror, or very closely
4 mirror the FCC rules.

5 And so I guess the question I have is why is
6 there a need to reiterate everything in the Commission
7 rules? Can we by reference of the FCC rules pull them into
8 the state commission -- to these rules? I mean, do we have
9 to repeat them?

10 MR. CASEY: In other words, instead of listing
11 the nine requirements, just refer to the FCC?

12 MS. SIRIANNI: Right. I kind of went through,
13 and I know they are not word for word, but I did go
14 through the entire rules and kind of -- in almost every
15 single section there's a place, you know, a certain rule
16 that is specific to the FCC rule. It's not word for word
17 in every case. In a couple of cases there is an addition
18 to what the FCC rule says, but for the most part they're
19 mirroring what the FCC rules already say.

20 So I just don't -- I don't understand why we need
21 to maybe reiterate here. Why you can't just reference
22 those maybe at the beginning, because there are a few in
23 here that are not in the FCC rules.

24 MR. CASEY: Right.

25 MS. SIRIANNI: As we go through, I can kind of

1 point out to you, or we can sit down later, or we can do
2 it in comments.

3 UNIDENTIFIED SPEAKER: As we go through, if you
4 would point out, you know, this is a direct quote from the
5 FCC.

6 MS. SIRIANNI: And, like I said, I don't -- in
7 all cases didn't go through word for word, but for the
8 most part, like if -- and I have the FCC rules with me.
9 Like we are looking at it, and I feel that's 54.201A, and
10 when you look at it you will see that it's pretty much,
11 you know, side by side. So, I mean, I can do that as we
12 go through.

13 MR. CASEY: One of the reasons that this came up
14 is because a few years ago all the ETCs when we had a
15 workshop said why don't we have all the rules and
16 regulations in one spot where we can go to it and see.

17 MR. FOLLENSBEE: This is Greg Follensbee with
18 AT&T. We don't disagree. What we're suggesting is -- and
19 you're getting ready to have the Commission vote on a
20 couple of rules next week that kind of do the same thing.
21 They basically say a company will follow the FCC truth in
22 billing. In addition to that, you have to do these
23 things, as well. To us that makes it cleaner, because
24 then what you're listing in addition is very clear, what
25 you want in addition to the ETC.

1 The issue we have is when you don't exactly
2 mirror the words, now you're into we know the
3 interpretation of the FCC rule, now what's the
4 interpretation of yours if it's not exactly word for word?
5 So we think it would be cleaner if you would do -- you have
6 to follow the FCC rules, but in addition to that, here's
7 what you need to do where you feel additions are needed.

8 MS. SIRIANNI: The other thing you run into is
9 that if the FCC goes and changes theirs at any point, then
10 yours -- you know, they were like theirs, now we have to
11 go through another Commission proceeding to change, you
12 know, your state rules, because the FCC may have, you
13 know, changed theirs. You end up in this snowball effect
14 of changing rules.

15 MR. CASEY: And here's one of our rule
16 coordinators. Did you want to say something? I thought
17 you were coming --

18 MR. MAILHOT: No, actually, I was getting --

19 MR. CASEY: I thought you were coming up to
20 speak.

21 MR. MAILHOT: No. I don't necessarily agree
22 with you. If the FCC changes their rule, we have to
23 change our rule if we want to keep it in conformity with
24 the FCC. Either way we've got to change our rule, so it
25 doesn't make any difference.

1 MS. SIRIANNI: Well, yes.

2 MR. HATCH: The problem, though, if you've got
3 two sets of rules, you have to change yours if it is
4 inconsistent with the federal one. But in the lag between
5 when you change yours and when you change in the interim
6 to catch up with the FCC, it creates a lot of confusion.
7 Because they just look at the rule and say here is what
8 the rule says even though technically it's in conflict.

9 MR. MAILHOT: Yes, there is a lag either way.

10 MR. HATCH: There is no question, I agree.

11 (Simultaneous conversation.)

12 UNIDENTIFIED SPEAKER: I think if
13 you incorporate --

14 MR. HATCH: If you've got one place to go look
15 at the rules, you will at least know what the current set
16 is.

17 MS. SIRIANNI: Well, as we go through them, I
18 mean, I would suggest in some cases it is -- it is exactly
19 word for word. So, I mean, you know, I know this is the
20 first stages of your proposed draft rules. So, you know,
21 I can point it out to you.

22 MR. CASEY: Did you want to say something?

23 UNIDENTIFIED SPEAKER: I thought -- and this is
24 a question for the attorney. I thought you had to specify
25 the date of the rules that you are adopting so that we

1 would have a choice in whether we wanted to update or not
2 update.

3 UNIDENTIFIED SPEAKER: Right.

4 UNIDENTIFIED SPEAKER: I mean, whatever you
5 incorporate by reference that document is the rule that
6 applies.

7 MR. HATCH: Wholeheartedly. I mean, you are
8 basing all of your ETC rules on the federal rules.

9 UNIDENTIFIED SPEAKER: Right.

10 MR. HATCH: But then it begs the question.

11 UNIDENTIFIED SPEAKER: Right. Because we may
12 not agree with what they changed it to.

13 MR. CASEY: Dale.

14 MR. HATCH: Then you get into the debate is it
15 inconsistent or is it in addition?

16 UNIDENTIFIED SPEAKER: No, I agree.

17 UNIDENTIFIED SPEAKER: Does anybody else have
18 any general statement before we start?

19 MR. CASEY: Opening comments? Everybody likes
20 the statements?

21 UNIDENTIFIED SPEAKER: We agree with what AT&T
22 said about the federal rules and not really seeing exactly
23 the purpose of this if the intent is pretty much to follow
24 the federal rules. And if not, then the way you have done
25 it makes it less clear where you intend to differentiate

1 and what the purpose of that is.

2 UNIDENTIFIED SPEAKER: Thank you.

3 MR. CASEY: Catherine, please go ahead and start
4 going through.

5 MS. BEARD: We're just going to go to Page 3 of
6 the notice. And we do have extra copies if anybody needs
7 a copy. But we'll just start with Section (1) and just go
8 (1)(a) through (g) on that first page of the rule. Does
9 anybody have any comments or questions?

10 MR. CHRISTIAN: I have got one question. This
11 is Dave Christian with Verizon. Section (1) applies to
12 ETCs that desire designation as an ETC.

13 MR. CASEY: Carriers that desire ETC.

14 MR. CHRISTIAN: This does not apply to carriers
15 that are already ETCs.

16 MR. CASEY: Correct.

17 MS. BEARD: Correct.

18 MR. CHRISTIAN: Thank you.

19 MS. BEARD: Anybody else?

20 MS. SIRIANNI: On (1)(e), I believe -- actually,
21 I believe that's very similar to 54.101(c) of the FCC
22 rule. But if it is, then it probably explains the
23 clarification I was going to ask you for, but it talks
24 about if additional time is needed to complete network
25 upgrades. I was just going to ask for a clarification on

1 that.

2 In the FCC rules it talks about, you know, such
3 things as need to provide the enhance 911 and such. Is
4 that what you are talking about when you, you know,
5 reference --

6 MR. CASEY: That's where it came from, right out
7 of the CFRs.

8 MS. SIRIANNI: Okay. Out of 101(c). Like for
9 instance, in 54.101(c), it goes ahead and gives you that
10 entire explanation of what the additional time is
11 referring to.

12 MS. BEARD: Do you prefer to have the additional
13 information?

14 MS. SIRIANNI: I would prefer to, you know, just
15 have the reference to the FCC rules, and we would go to
16 the FCC rules to look.

17 MS. BEARD: Anybody have anything else on that?

18 Okay. Let's go to the second page, which is (h)
19 through (iii), and see if you agree. Just the --

20 MR. CASEY: Just the whole page.

21 MS. BEARD: Yes, the whole page. Does anybody
22 have any questions or comments on that page?

23 UNIDENTIFIED SPEAKER: Page 4?

24 MS. SIRIANNI: Page 4. Do you want me to point
25 out to the places, or --

1 MR. CASEY: We can actually -- I'll go back
2 through.

3 MS. SIRIANNI: Okay.

4 MR. CASEY: We know, basically, where --

5 MS. SIRIANNI: It would just take time. I mean,
6 I could do it. I'm sure you are going to ask for
7 post-workshop comments and --

8 MR. CASEY: Right.

9 MS. SIRIANNI: And I can either do it there or
10 you guys can go back.

11 MR. CASEY: I don't want to take up your time,
12 because I can do that myself.

13 MS. SIRIANNI: Right. Okay.

14 UNIDENTIFIED SPEAKER: Do you guys just want to
15 move to a page spot?

16 MS. SIRIANNI: Actually I will ask one thing.
17 Like, for instance, on Page 4, it's 2, so Line 18. Like
18 that is -- you know, part of that is from the FCC rules,
19 but then you guys add -- this is a place where you guys
20 add something in addition to the FCC rules. You say,
21 provide service to requesting customers within 30 days.
22 So there are pieces that you guys have put in in addition
23 to what the FCC rules have.

24 MR. CASEY: Right.

25 MS. SIRIANNI: Okay.

1 MR. CHRISTIAN: And, Bob, this is Dave Christian
2 with Verizon, again. This page also applies only to
3 carriers that want to be ETCs, and not ETCs that already
4 receive status.

5 MR. CASEY: Correct.

6 MS. BEARD: Right.

7 MR. CHRISTIAN: Okay.

8 UNIDENTIFIED SPEAKER: But just to clarify --

9 MR. CASEY: Hang on just a second.

10 Okay. Go ahead on the telephone.

11 MS. WILLIS: I couldn't hear what Dave Christian
12 said. Could he repeat that, please?

13 MR. CASEY: Okay. Who is this, please?

14 MS. WILLIS: Betty Willis.

15 MR. CASEY: Billy?

16 UNIDENTIFIED SPEAKER: Betty.

17 MR. CASEY: Betty.

18 MR. CHRISTIAN: Betty, my question was do these
19 apply to carriers that are already ETCs. And the answer
20 was no.

21 MS. WILLIS: Okay. Thank you, Dave.

22 MR. CASEY: Okay. Anybody else?

23 UNIDENTIFIED SPEAKER: My comment was that your
24 definition of a timely basis is 30 days. That's why you
25 want the 30 days in?

1 MS. BEARD: Correct.

2 UNIDENTIFIED SPEAKER: Okay.

3 MS. BEARD: Then on Page 5. Do you have any
4 questions?

5 Okay. We're going to move on to Page 6, which
6 ends Section (1) and begins Section (2).

7 MR. FOLLENSBEE: One question we had, and it's a
8 question of -- in (s), you ask for a two-year plan. Later
9 on you ask for a five-year plan. Was that an intentional
10 difference of years?

11 MS. BEARD: I believe that asks -- it's still
12 talking about companies that are applying, and whether or
13 not -- excuse me -- if they are seeking high cost and we
14 would ask them to provide the two-year plan with it versus
15 the five-year plan.

16 MR. FOLLENSBEE: But once they start to receive
17 it, then you want a five-year plan?

18 MS. BEARD: Right. Okay.

19 MR. CASEY: So that was intentional?

20 UNIDENTIFIED SPEAKER: Yes.

21 UNIDENTIFIED SPEAKER: I was trying to
22 remember --

23 (Simultaneous conversation.)

24 UNIDENTIFIED SPEAKER: I was trying to remember
25 what my question was. There is a question that I wanted

1 to -- (inaudible) -- like two-year, five-year, there you
2 go.

3 MS. BEARD: Anybody else on Page 6?

4 UNIDENTIFIED SPEAKER: Greg, could you just say
5 that again, what section you were looking at, the five
6 versus two?

7 MS. BEARD: Page 6.

8 MR. FOLLENSBEE: (S) is saying when you are
9 applying for high cost, that you're talking about that you
10 are going to submit a two-year plan.

11 UNIDENTIFIED SPEAKER: Yeah.

12 MR. FOLLENSBEE: And then on Page 8, it talks
13 about in your annual certification you've got to give a
14 five-year --

15 MS. BEARD: Right.

16 MR. FOLLENSBEE: -- service quality improvement
17 plan. So when you're applying to get a high -- to get
18 certified as a high-cost provider, they are wanting just a
19 two-year plan for deployment. Once you start receiving
20 money, they want to know what your five-year plan is to
21 improve deployment. And I just was asking is that -- was
22 that intentional. Which you said yes, right?

23 MR. CASEY: Right.

24 MS. BEARD: Right.

25 MR. CASEY: That's correct.

1 MS. BEARD: Okay. We will move on to Page 7, if
2 there's no more questions. This is still Section (2).

3 MR. CASEY: And this, basically, is the nine
4 required services out of the CFR.

5 MS. BEARD: Right. Okay. And then Page 3
6 begins -- or, excuse me, Page 8 begins Section (3).

7 MR. FOLLENSBEE: Let me go back to page -- I
8 guess we're on Page 8.

9 MS. BEARD: We are on Page 8.

10 MR. FOLLENSBEE: Were you looking for a
11 different report than what we give the FCC if we are doing
12 this, or you would accept what we do give the FCC? It's
13 just --

14 MR. CASEY: It's the same requirements as the
15 FCC.

16 MR. FOLLENSBEE: So what we give them, you're
17 accepting?

18 MR. CASEY: Right.

19 MR. FOLLENSBEE: Okay.

20 MR. CASEY: And I believe that the --

21 MR. FOLLENSBEE: They do say that at some point.

22 MR. CASEY: Right. Later on we say if you have
23 already submitted the information, just let us know where
24 it is.

25 MR. FOLLENSBEE: Okay.

1 MR. CASEY: Where to go to.

2 MR. NELSON: Bob, this is Doug Nelson with
3 Sprint. This is just a technical issue for consistency
4 with the FCC rules. In (2)(i), at the very end of Section
5 (2), where you are talking about a toll limitation, that's
6 a little -- that definition is kind of, I think, a jumble
7 of a couple of different FCC definitions. So maybe you
8 would want to check that definition. There's toll
9 blocking, toll limitation that kind of go hand in hand.

10 MR. CASEY: What page was that? Could you give
11 me the page and line number? Oh, okay. Okay. It's up at
12 the top. I see it.

13 MR. NELSON: You see that? It's at the very end
14 of (2).

15 MR. CASEY: Right. Right. Before we started
16 (3) there.

17 MR. NELSON: Yes. So you just might want to --
18 if your intention is to go with the FCC rule, you might
19 want to just double-check that.

20 MR. CASEY: Okay. Thank you.

21 MS. SIRIANNI: Bob, on Page 9, Line 22, where
22 you say to the extent a Florida ETC believes that it has
23 already submitted a report or information to the
24 Commission that would comply -- when you say Commission
25 there, are you talking about the FCC, the information

1 we've provided to the FCC?

2 MR. CASEY: No, that's really us. We could
3 probably add --

4 (Simultaneous conversation.)

5 MS. SIRIANNI: That's what I was thinking. If
6 you said or FCC.

7 MR. CASEY: If it's available to us. If it's
8 filed with the FCC and available to us.

9 MS. SIRIANNI: Has already submitted a -- yes.

10 MR. FOLLENSBEE: Well, that would allow us the
11 option, if we wanted to, to give you a copy of what we
12 give the FCC.

13 MS. SIRIANNI: Right.

14 MR. FOLLENSBEE: Rather than --

15 MS. SIRIANNI: Yeah. That might be the place if
16 we can say Commission or FCC that would comply.

17 MR. CASEY: All right.

18 MS. BEARD: Are we ready, then, to move to Page
19 10? That covers Sections (4) and (5).

20 MR. CASEY: I've got one change.

21 (Simultaneous conversation.)

22 MR. CASEY: I noticed this just recently. At
23 the very beginning I would like to add unless otherwise
24 ordered by the Commission, any Florida eligible
25 telecommunications carrier designated by the Commission or

1 the FCC shall annually verify the continued eligibility of
2 its Lifeline subscribers by conducting a statistically
3 valid sample. And the reason I did that is because we
4 designated an ETC and put in an additional requirement in
5 there subsequent to this.

6 MR. FOLLENSBEE: So your language was -- read it
7 again.

8 MR. CASEY: Unless otherwise ordered by the
9 Commission.

10 MR. FOLLENSBEE: Okay.

11 MR. CASEY: And subsequent to an order coming
12 out saying we're going to do statistically valid samples
13 for all ETCs, the Commission has issued another order for
14 one ETC saying an additional requirement.

15 MS. SIRIANNI: Bob, let's go back for a second
16 to Page 8.

17 MR. CASEY: Okay.

18 MS. SIRIANNI: Starting on Section (3), Line 4.
19 That part applies to the same ETCs? Does that apply to
20 all of us -- to us?

21 MR. CASEY: What line again?

22 MS. SIRIANNI: Starting on 3.

23 MR. CASEY: Starting on Line 3?

24 MS. SIRIANNI: I'm sorry. Line 4, Part (3), and
25 everything that goes down. So like, you know, all this

1 stuff that we were just talking about, like the filing of
2 the reports and such. Would all of that --

3 MS. BEARD: I see your concern, because it just
4 says an applicant seeking.

5 MS. SIRIANNI: Yes.

6 MS. BEARD: That we may need to review that.

7 UNIDENTIFIED SPEAKER: Page 9, Line 4?

8 MS. SIRIANNI: Yes. Page 8, Line 4, because
9 that's Section (3), and all the stuff we're talking about
10 on 9, and as we go into 10 is -- well, up until the top of
11 10 all falls under that Section (3).

12 UNIDENTIFIED SPEAKER: The way I read that is
13 that that only applies to the folks that are seeking ETC.

14 MS. SIRIANNI: Well, that's exactly what it says
15 in Part (3). I just want to make sure --

16 (Simultaneous conversation.)

17 MR. FOLLENSBEE: Well, it's a conflict, then,
18 with the -- that's where you get into a conflict with the
19 FCC rules.

20 MS. SIRIANNI: Right.

21 MR. FOLLENSBEE: So it becomes a question of did
22 you just want this from the applicant where the FCC says
23 an ETC shall.

24 MS. SIRIANNI: Right.

25 MS. BEARD: Right.

1 MS. SIRIANNI: I mean, I'm not --

2 MR. FOLLENSBEE: Continually.

3 MS. SIRIANNI: I don't want to have to give you
4 anything I don't have to give you, obviously. But if you
5 are trying to be consistent with the FCC rules, that's one
6 where it seems to not be consistent across.

7 UNIDENTIFIED SPEAKER: Are we back on --

8 MS. BEARD: 10.

9 UNIDENTIFIED SPEAKER: Okay.

10 UNIDENTIFIED SPEAKER: (Inaudible). An annual
11 certification shall be filed with the Commission. We
12 haven't done that before, right? That's something you
13 guys do to the FCC.

14 MR. CASEY: Right. But you --

15 UNIDENTIFIED SPEAKER: That's a new requirement
16 for an ETC.

17 MS. BEARD: For high cost.

18 MR. CASEY: Not for the rural. The rural have
19 to do it. All seven small rurals have to submit
20 certification to us on a yearly basis. An affidavit,
21 okay.

22 MR. FOLLENSBEE: No, I'm saying it isn't just a
23 rule. It's any company that is receiving high cost or
24 which could be --

25 UNIDENTIFIED SPEAKER: Anyone.

1 MR. FOLLENSBEE: In this state it is offered in
2 a rural territory.

3 MR. CASEY: Which means it's just a wireless.

4 MR. FOLLENSBEE: But in the future it could
5 change.

6 MR. CASEY: Right. Anything else?

7 MS. BEARD: So we are back on 10.

8 MS. SIRIANNI: I have a question. On Page 10,
9 Line 9, Number 5, it says shall notify each of its new
10 customers in writing of availability, Line 11, or any
11 other assistance program being offered by the company.
12 And I guess that was just --

13 MS. BEARD: We were trying to target, say, the
14 wireless companies that can't really offer Link-Up, but
15 can offer some sort of activation wave or that sort of
16 thing.

17 MS. KHAZAREE: Okay. Can I just go back one
18 more time. I'm sorry. You guys are going to get dizzy.
19 My brain is not working as quickly. So if we don't
20 receive high-cost funds --

21 MR. CASEY: This is Sandy Khazaree of --

22 MS. KHAZAREE: Oh, I'm sorry.

23 MR. CASEY: CenturyTel, right?

24 MS. KHAZAREE: Century (inaudible).

25 MR. CASEY: Century.

1 MS. KHAZAREE: But I'm Embarg so far, I haven't
2 filed a name change yet.

3 MR. CASEY: Okay.

4 MS. KHAZAREE: So we don't receive high cost
5 funds in Florida. So Paragraph (3), beginning on Line 4
6 on Page 8 would not apply to us, because we don't receive
7 high-cost funds, just to make sure I understand.

8 MS. BEARD: Correct.

9 MS. KHAZAREE: Okay. I apologize for the
10 interruption.

11 MS. BEARD: Back on Page 10. Okay.

12 (Simultaneous conversation.)

13 UNIDENTIFIED SPEAKER: I was getting ready to
14 make a comment on what she said unless she's going back to
15 8, but I'm not going to do anything until we're done with
16 8 and 9, okay.

17 UNIDENTIFIED SPEAKER: I want to go back to 10.

18 UNIDENTIFIED SPEAKER: So we are done with Page
19 9 now?

20 UNIDENTIFIED SPEAKER: No, I don't think so.

21 MR. CASEY: Okay.

22 UNIDENTIFIED SPEAKER: I think I'm done. That
23 answered my question.

24 MS. BEARD: You don't have any questions?

25 UNIDENTIFIED SPEAKER: Right.

1 MS. BEARD: Okay.

2 UNIDENTIFIED SPEAKER: I'm done. And I'm going
3 to have some issues on 10, but go ahead. You're ready it
4 sounds like.

5 MS. SIRIANNI: Well, I was just going to say it
6 concerns me. I have a little bit of concern about that
7 language. I understand what you are saying about, you
8 know, wireless may have something other than Link-Up. But
9 not that I know of something we have now, but, I mean, if
10 we were to have some type of program that may not even --
11 I don't know. It just seems like that language might
12 require something that we are not even regulated.

13 MR. FOLLENSBEE: For instance, we'll allow --
14 this is Greg Follensbee. We'll allow a new person to
15 possibly pay their installation fees over a period of
16 time, but we let them know that because they sign up for
17 it when we talk to them, but I'm not sure we do it in
18 writing. So this is, again, a question of are you looking
19 for a -- also in writing where we have already notified
20 customers. Because if they've signed up for a, you know,
21 write off the installation over four months, there doesn't
22 seem much sense to notify them in writing, because they
23 already are in the program. So the question is, is there
24 a way we can be a little clearer on what other assistance
25 programs you're talking about, because that could be

1 far-reaching. Both wireless and wireline could be
2 far-reaching.

3 MR. CASEY: Do you have any suggested language?

4 MR. FOLLENSBEE: Well, I'm wondering are you
5 looking for assistance programs that qualifies for drawing
6 out of the federal funds, or are you looking for any
7 assistance programs whether we get reimbursed or not?

8 MR. CASEY: That's a good question. You have
9 different promotions all the time.

10 MS. BEARD: Similar assistance programs. I
11 mean, that's what you are saying it should say. Something
12 if it's similar, not --

13 MR. FOLLENSBEE: Well, if it's drawing from the
14 fund, that's what I thought they were looking at, not
15 every program we do in writing. Because the problem is if
16 we have 20 different assistance programs, I'm not sure we
17 want to write to a new customer, or there were 20 others.

18 UNIDENTIFIED SPEAKER: I mean, because
19 whether --

20 MR. FOLLENSBEE: You picked the one, you didn't
21 pick the other 19, which could cause a lot of customers
22 calling and say, well, you know, I thought this was the
23 best for me. Well, it still could be. So just think
24 about it. We may give you some additional language, as
25 well, but --

1 MR. CASEY: In the post-workshop comments?

2 MR. FOLLENSBEE: Yes.

3 MR. CASEY: Okay.

4 MS. SIRIANNI: If you are talking specifically
5 about, you know, assistance offered by the company to aid
6 in the consumer -- you know, getting Lifeline, getting
7 them enrolled in the Lifeline program, or something to
8 that nature where you tie it to assistance that's provided
9 to enable them to enroll in the Lifeline program.

10 MR. CASEY: I could see the problem. When a
11 customer comes on line and then you send them a letter
12 saying, well, we have these 20 other promotions.

13 MS. SIRIANNI: Right. So if we tie it
14 specifically to assistance, whatever it was I said,
15 something like that, then we get to your wireless issue or
16 they -- and wireline, too. But it would be specific to
17 helping them get onto the Lifeline program.

18 MR. CASEY: Just include it in your comments, if
19 you would, please.

20 MS. SIRIANNI: Okay. I'll just go back and look
21 at the transcripts to see what I said.

22 MR. CASEY: Yes.

23 MS. SIRIANNI: I've got that memory problem.
24 It's that over -- I see you laughing, Lisa.

25 MR. CASEY: Okay. Anything else on 10?

1 MR. CHRISTIAN: Yes. I have some questions, any
2 maybe we will bring them out in the comments a little bit
3 more, but --

4 MR. CASEY: This is Dave Christian.

5 MR. CHRISTIAN: Yes. I'm sorry. And we are
6 specifically talking about outreach materials on Line 15,
7 it must target consumer groups that may be in need of
8 Lifeline. And it goes on to list some of those examples.
9 I'm not sure that that list of examples is accurate or
10 applicable in many cases. And I just -- I think putting
11 those such as in there might be a little too
12 prescriptive, and if you -- if we are going to talk about
13 (inaudible) Lifeline, I think there is some language more
14 like what Verizon would be able to support. But
15 prescriptive, such as seniors, young adults, consumers who
16 live in remote areas, wireless users, non-English-speaking
17 populations, the disabled community, users of
18 telecommunications relay services and the unemployed.
19 That presumes that just that group needs Lifeline
20 assistance. And, you know, I don't think that's even
21 accurate.

22 MR. CASEY: Most of those examples were taken
23 from FCC Order 0487.

24 MR. CHRISTIAN: Okay. Well, I just think
25 putting that in a rule in Florida might be a little

1 prescriptive, and it's in the order, but it's in the
2 discussion part of the order, not in the controlling
3 language of the rules. So that's my only comment. And my
4 lawyer may tell me to sit down and quiet, but --

5 MR. CASEY: No, that's why we are here, to hear
6 your comments.

7 MR. CHRISTIAN: I thought that was pretty
8 prescriptive, and maybe we can work on language that's a
9 little bit more flexible.

10 MR. CASEY: And include it in your post-workshop
11 comments?

12 MR. CHRISTIAN: Yes.

13 MR. CASEY: Thank you. Okay.

14 MS. SALAK: Dave, I'm just a little confused.
15 The terms such as, which is like, yes, and here are some
16 examples. I mean, I think --

17 MR. CHRISTIAN: I think the word must target
18 consumer groups.

19 MS. SALAK: That may be in need of Lifeline,
20 such as. So you think that that must goes with seniors,
21 young adults, consumers, is that what you are saying?

22 MR. CHRISTIAN: And that's a literal reading of
23 the rule, I know, but I'm just saying that it just seems
24 like we can be a little bit more flexible there. And when
25 we get into (b), we are also talking about very specific

1 types of things and outreach materials, that ETCs must
2 develop outreach materials. Well, we have been working
3 with the Commission for the last couple of years using
4 your outreach materials. So we're going to spend our own
5 revenue dollars here to develop outreach materials where,
6 you know, we have been doing -- using your outreach
7 materials. I just felt want that could be construed as if
8 we use your materials then we are in violation of
9 Commission rules.

10 Just a question for you. We have outreach
11 materials, so I don't know why we need to develop more
12 outreach materials is the question.

13 MS. SIRIANNI: I have a question about the whole
14 way it's drafted, because what is an outreach material? I
15 mean, first you have the (5), the overall (5) that talks
16 about two things, notifying after 30 days -- within 30
17 days, and then using a general distribution. And then you
18 say the outreach materials must target consumers in (a).
19 And then in (b) you say you must develop outreach
20 materials. I'm not really sure. Are the outreach
21 materials the 30-day notice in the media of general
22 distribution, which is what you might think the way this
23 is drafted, or is it something else?

24 UNIDENTIFIED SPEAKER: That could be part of it.

25 MR. CASEY: In other words, what you're saying

1 is we should put a definition of outreach materials in
2 there of what they are and what they include?

3 MS. SIRIANNI: I'm not necessarily saying that,
4 but maybe (a) should follow (b), instead of being before
5 (b), because (b) seems to be the general discussion of,
6 quote, outreach materials.

7 MR. CASEY: We'll look at that. Anything else?
8 Okay. Going once, twice.

9 MS. SIRIANNI: Well --

10 MR. CASEY: Oh.

11 MS. SIRIANNI: The only part of that actually
12 goes on to Page 11 of Line 1, it mentions all those, and
13 then goes on to say and television public service
14 announcements, and it goes through all those, and then it
15 says are also acceptable. And the way it says are also
16 acceptable, it makes it sound like, you know, do something
17 else, but then these are good, too. Are also acceptable.
18 I mean, yes, just some change in the words there, and you
19 could --

20 MR. FOLLENSBEE: This is Greg Follensbee. The
21 question is are you saying in every event you have to do
22 the outreach material, but in addition to that you can do
23 this other, or is it if we do multi-media is that
24 acceptable in lieu of specific outreach materials being
25 placed in certain locations?

1 MR. CASEY: Okay.

2 MS. SIRIANNI: But I think we know what you
3 mean, but when you read the words literally, it makes it
4 sound like you have to do that plus this. And I don't
5 think that's what you mean.

6 MR. CASEY: Give us some suggestive language.

7 MS. SIRIANNI: We'll give you some words.

8 MR. CASEY: That would help. Anything else on
9 Page 10? Quick.

10 UNIDENTIFIED SPEAKER: Yes.

11 (Simultaneous conversation.)

12 MR. CASEY: That's why we are here.

13 MS. BEARD: We're almost done. Maybe we will go
14 back.

15 UNIDENTIFIED SPEAKER: There you go.

16 MS. BEARD: This covers Sections (6), (7), and
17 the beginning of (8).

18 MR. FOLLENSBEE: This is Greg Follensbee with
19 (6). We've got a major problem with that. I mean, we
20 have a very hard time getting anybody we resell to to give
21 us any kind of certificate like this. We have a hard
22 enough time getting their sales exemption and, you know,
23 things of that nature that we have to do annually, because
24 otherwise we have to charge them sales tax. So our
25 preference would be you put the onus on the ETC that you

1 certify that they have to provide this to you, rather than
2 us having to provide it to you.

3 MR. CASEY: Now, if you're an ETC, you are
4 reselling it. They are not an ETC. You're reselling the
5 Lifeline line here.

6 MR. FOLLENSBEE: Yes.

7 MR. CASEY: And you are the one company that has
8 that on your website.

9 MR. FOLLENSBEE: Oh, we do. We do. But we
10 still have a hard time getting them to give it to us.

11 MR. CASEY: I even asked for it one time and you
12 gave it to me like that.

13 MR. FOLLENSBEE: Yes.

14 MS. SIRIANNI: You're right. If we are
15 reselling it, they are not always an ETC. They don't have
16 to be an ETC for us to resell it.

17 MR. CASEY: Right.

18 MS. SIRIANNI: But I think the difference here
19 is we shall file a copy of this and, if anything, I would
20 at least ask, you know, that we maintain a copy. And then
21 if you request then we would, you know, provide, but to
22 have to -- to mandate a filing.

23 MR. CASEY: So you're not disagreeing that it's
24 required that you get that certification?

25 MS. SIRIANNI: I'm not -- I don't disagree that

1 we have to. It is difficult sometimes to get them to give
2 it to us, and, you know, we struggle with that. But
3 you're right, we have to do that. But then to mandate us
4 to file it, I would prefer that -- you know, you all
5 require we maintain it. If you need a copy, you know,
6 request, and we will provide. But I would prefer not to
7 have to mandate a copy of it.

8 MR. CASEY: All right. Will you include that in
9 your comments, please? Thank you.

10 Anything else on Page 11?

11 MR. FOLLENSBEE: Yes, (7) I would question. Do
12 you have the authority to require a wireless company to
13 reimburse you for them traveling -- for you traveling out
14 of state to go review wireless records?

15 MR. CASEY: I would have to get an opinion.

16 MR. FOLLENSBEE: I mean, I know you have that in
17 your 364 --

18 MR. CASEY: Right.

19 MR. FOLLENSBEE: -- talking about it, but that's
20 for companies you regulate.

21 MR. CASEY: Right. But all wireless ETCs that
22 were designated by the FCC have a footnote in that order
23 saying that they have to file with the state Lifeline
24 program if there is a Lifeline program. And if that
25 includes going out and auditing the books, then, yes, I

1 would think so.

2 UNIDENTIFIED SPEAKER: That begs the question,
3 though.

4 MR. CASEY: That begs the question. You
5 attorneys can fight over it. I'm not an attorney.

6 MR. FOLLENSBEE: I'm not, either.

7 MS. SIRIANNI: Greg plays one on TV.

8 MR. CASEY: I don't even play one on TV.

9 MS. SIRIANNI: Oh, Greg does.

10 MR. CASEY: Oh, Greg does?

11 MR. FOLLENSBEE: And I quit staying at Holiday
12 Inn Expresses, too.

13 MR. MAILHOT: Greg, would you question whether
14 or not we could order somebody to bring their books and
15 records back and just (inaudible) the ten days?

16 MR. FOLLENSBEE: I'd have to look and see. I'm
17 not -- that might be what you could do. Which then
18 becomes an option of the wireless, which is the cheaper,
19 fly people up to wherever they are or bring the records in
20 depending on what records are being sought.

21 MS. SALAK: Does AT&T care about that problem?

22 MR. FOLLENSBEE: It does because some day we may
23 have AT&T or a wireless become an ETC, yes.

24 UNIDENTIFIED SPEAKER: I kind of thought of
25 that.

1 MR. FOLLENSBEE: Right now I'm less troubled by
2 it; I could be in the future.

3 MS. SIRIANNI: We're just looking out for our
4 future, right.

5 MR. CHRISTIAN: David Christian with Verizon.

6 On Line 22 on Page 11, 12-month advance notice to
7 the Commission in writing of its intention if we're going
8 to relinquish ETC designation. And I'm not suggesting we
9 are going to relinquish our ETC designation, but the FCC
10 rules say advance notice. It doesn't say 12 months.

11 MR. CASEY: It says the Commission -- yes, a
12 maximum of 12 months, I believe, if I remember right.

13 MR. CHRISTIAN: A maximum of 12 months.

14 MR. CASEY: Right.

15 MS. SIRIANNI: It's 54.205(a), and it says not
16 to exceed one year. So Mr. Casey took his whole year.

17 MR. HATCH: So it can't be more than, but it can
18 be less than. So you had better do it exactly one year to
19 the day.

20 MS. SIRIANNI: I was looking for that in the FCC
21 rules where you have got that 12 months. And, yes, it
22 says not to exceed one year.

23 MR. CHRISTIAN: I don't know, it just seems a
24 little bit different than the intent of the FCC rule. So
25 we will probably comment on that.

1 MR. CASEY: Will you also be relinquishing?

2 MR. CHRISTIAN: Not to speak for them, but I
3 think there is --

4 MR. CASEY: Well, they have in other states,
5 that's why I was asking that.

6 MR. CHRISTIAN: I don't think we're going to be
7 relinquishing our ETC status anytime soon.

8 MR. CASEY: Okay. Anything else on 11?

9 MS. BEARD: Okay. Page 12, which is Section
10 (8) (a) and (b), and Section (9).

11 MS. MASTERTON: Susan Masterton from Embarq. I
12 just think (b) is a little broad. I don't know, would any
13 service -- seeks to discontinue any service. I don't
14 think you meant any service offered by the eligible
15 telecommunications carrier. You probably meant any
16 supported service or something more narrow?

17 MR. CASEY: We'll have to look at that. I'll
18 write that down, any supported service. And would you
19 include that in your comments, Susan?

20 MS. MASTERTON: Yes.

21 MR. CASEY: Thank you. Anything else on 12?

22 MS. SIRIANNI: We're having a side conversation.

23 MR. CASEY: Go ahead. That's why we are here.

24 MS. SIRIANNI: I mean, starting on that portion
25 on Line 5, the (a) and (b), I actually couldn't -- I mean,

1 the FCC rules kind of, sort of hint to, you know, the fact
2 that you have to -- you know, obviously there has to be an
3 ETC provider in an area. But I really didn't see any FCC
4 rules that mirrored the (a) and (b), especially the (b)
5 about the discontinuance. Not that it's right or wrong,
6 I'm just saying I just didn't really see anything. And
7 maybe you're familiar or you know if that one particularly
8 mirrors an FCC rule.

9 MR. CASEY: Maybe that's something that we came
10 up with.

11 MS. SIRIANNI: I think it is, too.

12 MR. CASEY: I don't think its in there.

13 MS. SIRIANNI: I mean, that's what I think,
14 but -- I mean, not to -- you know. I don't recall that
15 being --

16 MR. CASEY: But do you have any objection to it,
17 or --

18 MS. SIRIANNI: I don't know. I don't think so,
19 but I'm not positive. But I would agree with Susan that,
20 you know, the broadness of it, the way it's written out
21 might make it sound like we have to notice them
22 discontinuing any kind of service. But I think what you
23 mean is any supported --

24 MR. CASEY: Any supported service?

25 UNIDENTIFIED SPEAKER: Supported service. I

1 mean, like if we were going to discontinue Lifeline or
2 something. But if we just wanted to discontinue, you
3 know, call forwarding, or, you know, some feature that --
4 that's not a good one to use, but --

5 MR. FOLLENSBEE: This is Greg Follensbee with
6 AT&T. I mean, a promotion. Do we allow a Lifeline
7 customer to buy -- you want us to give you 60 days notice
8 that we are going to discontinue the promotion when we may
9 not know 60 days in advance we are going to discontinue
10 the promotion.

11 MR. CASEY: Good point.

12 MS. SIRIANNI: Yes, that's a good point. So I'm
13 not -- I may.

14 MR. CASEY: Well, you've got plenty of time
15 between now and the post-workshop comments. So she will
16 talk about how long you have. I think it's two or three
17 days.

18 MS. BEARD: Yes.

19 MR. FOLLENSBEE: I guess you are not going on
20 vacation.

21 MS. SIRIANNI: Yes, right.

22 MR. CASEY: Well, Greg called me and told me to
23 say two or three days.

24 MS. SIRIANNI: I always knew he would
25 (inaudible) vacation.

1 MR. CASEY: Okay. Anything else on 12?

2 MS. BEARD: Does anyone want to go back?

3 MR. CASEY: Yes.

4 MS. SIRIANNI: Are we giving you that
5 impression?

6 (Simultaneous conversation.)

7 UNIDENTIFIED SPEAKER: I'll do them in written
8 comments.

9 MS. BEARD: Okay.

10 MR. CASEY: No other comments? Closing
11 comments?

12 I'll turn it back over to Catherine, then.

13 MS. COWDERY: All right. So we need to figure
14 out how long you want to prepare these comments. I
15 understand it might be a couple of weeks to get the
16 transcript if anyone actually does want to go back and
17 look at what they said. Otherwise, we can just say two
18 weeks, on the 25th, you know.

19 How does that sound to people? Does two weeks
20 sound good?

21 (Simultaneous conversation.)

22 MS. SIRIANNI: I'm going on vacation tomorrow,
23 and I won't be back in the office until probably about the
24 24th.

25 MS. COWDERY: You want two or three days.

1 MS. SIRIANNI: I mean, if that's what you want,
2 I'll make sure I get it done, but I would like a little
3 more time.

4 UNIDENTIFIED SPEAKER: How about September 1st,
5 or --

6 MR. CASEY: What is that, is that a Friday?

7 UNIDENTIFIED SPEAKER: Yes.

8 MR. HATCH: I cannot make it that day, because
9 I'm gone from the 26th through Labor Day.

10 MR. CASEY: I'm sorry, I didn't hear you.

11 UNIDENTIFIED SPEAKER: September the 8th he
12 said.

13 MR. CASEY: Because of Labor Day weekend? When
14 is Labor Day?

15 UNIDENTIFIED SPEAKER: Labor Day is the 7th.

16 MR. CASEY: The 7th.

17 MR. HATCH: But I'll be in Alaska that whole
18 time, which will make it problematic.

19 UNIDENTIFIED SPEAKER: Three weeks.

20 (Simultaneous conversation.)

21 MR. CASEY: So you would suggest the 8th, is
22 that it, Tracy?

23 MR. HATCH: What's that?

24 MR. CASEY: Are you suggesting the 8th?

25 MR. HATCH: Yes, that would be my preference.

1 The 25th is okay with me. If that doesn't work,
2 and you want to push it further, then for my benefit the
3 8th would be better.

4 MR. CASEY: Anybody have any objections to the
5 8th?

6 MS. COWDERY: Okay.

7 MR. CASEY: Let's make it the 8th.

8 MS. BEARD: September 8th.

9 MR. CASEY: September 8th.

10 MR. HATCH: I don't think anybody is burning to
11 have these in place real soon.

12 MS. COWDERY: Thank you. No further comments?

13 MR. CASEY: Nothing else? Thank you for
14 participating. Thank everybody on the phone. Take care
15 now.

16 UNIDENTIFIED SPEAKER: All right. Thank you.

17 MR. CASEY: Take care now.

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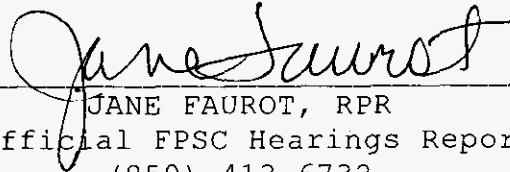
COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I transcribed said proceeding from digital recording and this transcript constitutes a true transcription of said recording to the best of my ability.

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

DATED THIS 31st day of August, 2009.



JANE FAUROT, RPR
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