

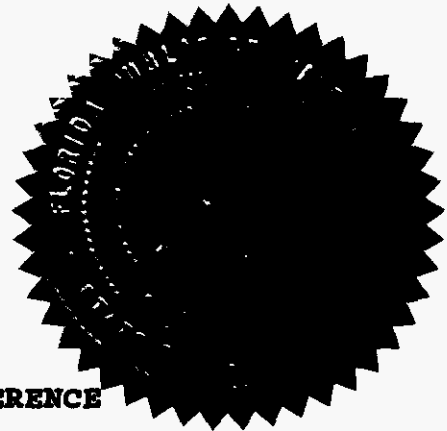
BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of

Comprehensive review of the
revenue requirements and rate
stabilization plan of SOUTHERN
BELL TELEPHONE AND TELEGRAPH
COMPANY.

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DOCKET NO. 920260-TL
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PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: CHAIRMAN SUSAN F. CLARK
Prehearing Officer

DATE: Monday, July 17, 1995

TIME: Commenced at 1:30 p.m.
Concluded at 2:05 p.m.

PLACE: Betty Easley Conference Center
Room 140
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: JOY KELLY, CSR, RPR
Chief, Bureau of Reporting
Official Commission Reporter

1 APPEARANCES:

2 J. PHILLIP CARVER, c/o Nancy H. Sims, Suite 400,
3 150 South Monroe Street, Tallahassee, Florida 32301, Telephone
4 No. (904) 222-1201, and NANCY B. WHITE, 4300 - 675 West
5 Peachtree Street, N.E., Atlanta, Georgia 30375, Telephone No.
6 (404) 529-6352, appearing on behalf of BellSouth
7 Telecommunications, Inc, d/b/a Southern Bell Telephone and
8 Telegraph Company.

9 MICHAEL W. TYE, AT&T Communications of the Southern
10 States, Inc., 106 East College Avenue, Suite 1410,
11 Tallahassee, Florida 32301, Telephone No. (904) 425-6360,
12 appearing on behalf of AT&T Communications of the Southern
13 States.

14 CINDY B. HALLOCK, 304 Palmero Avenue, Coral Gables,
15 Florida 33134, c/o Marilyn Lenard, Council of Florida AFL-CIO,
16 135 North Monroe Street, Tallahassee, Florida 32301, Telephone
17 No. (904) 224-6926, appearing on behalf of Communication
18 Workers of America, Locals 3121, 3122, 3107.

19 BENJAMIN H. DICKENS, JR., Blooston, Mordkofsky,
20 Jackson & Dickens, 2120 L. Street, N. W., Suite 300,
21 Washington, D. C. 20037-1527, Telephone No. (202) 828-5568,
22 appearing on behalf of Ad Hoc Telecommunications Users
23
24
25

1 APPEARANCES CONTINUED:

2 LAURA L. WILSON, Florida Cable Telecommunications
3 Association, Inc., 310 North Monroe Street, Tallahassee,
4 Florida 32301, Telephone No. (904) 681-1990, appearing on
5 behalf of Florida Cable Telecommunications Association, Inc.

6 VICKI GORDON KAUFMAN, McWhirter, Reeves, McGlothlin,
7 Davidson, Rief & Bakas, 315 South Calhoun Street, Suite 716,
8 Tallahassee, Florida 32301, Telephone No. (904) 222-2525,
9 appearing on behalf of Florida Interexchange Carriers
10 Association.

11 C. EVERETT BOYD, JR., Ervin, Varn, Jacobs, Odom &
12 Ervin, Post Office Drawer 1170, Tallahassee, Florida 32302,
13 Telephone No. (904) 224-9135, appearing on behalf of Florida
14 Mobile Communication Association, Inc.

15 RICHARD D. MELSON, Hopping Green Sams and Smith,
16 Post Office Box 6526, Tallahassee, Florida 32314, Telephone
17 No. (904) 222-7500, appearing on behalf of MCI
18 Telecommunications Corporation.

19 FLOYD R. SELF, Messer, Vickers, Caparello, Madsen,
20 Goldman & Metz, P. O. Box 1876, Tallahassee, Florida
21 32302-1876, Telephone No. (904) 222-0720, appearing on behalf
22 of McCaw Communications of Florida, Inc.

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1 APPEARANCES CONTINUED:

2 **CHANTHINA BRYANT ABNEY**, 3100 Cumberland Circle,
3 Atlanta, Georgia 30339, Telephone No. (404) 859-8506, and
4 **C. EVERETT BOYD, JR.** Ervin, Varn, Jacobs, Odom & Ervin, P. O.
5 Drawer 1170, Tallahassee, Florida 32302, Telephone No. (904)
6 224-9135, appearing on behalf of **Sprint Communications Company**
7 **Limited Partnership.**

8 **CHARLES J. BECK**, Deputy Public Counsel, Office of
9 Public Counsel, 111 West Madison Street, Room 812,
10 Tallahassee, Florida 32399-1400, Telephone No. (904) 488-9330,
11 appearing on behalf of the **Citizens of the State of Florida.**

12 **ROBERT E. ELIAS, DONNA L. CANZANO** and **TRACY HATCH**
13 Florida Public Service Commission, Division of Legal
14 Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida
15 32399-0870, Telephone No. (904) 413-6199, appearing on behalf
16 of the **Commission Staff.**

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P R O C E E D I N G S

(Hearing convened at 1:40 p.m.)

CHAIRMAN CLARK: We'll call the prehearing to order. I don't know what to do. I'm in the wrong room. (Laughter) We'll read the notice.

MR. ELIAS: Notice issued by the Clerk of the Florida Public Service Commission on June 22nd, 1995, advises that a prehearing conference will be held in Docket No. 920260-TL, that is the comprehensive review of the revenue requirements and rate stabilization plan of Southern Bell Telephone and Telegraph Company today, Monday July 17th, 1995, at 1:30 p.m., Room 148 of the Betty Easley Conference Center, which is located at 4075 Esplanade Way in Tallahassee, Florida.

I will note we are in Room 140. At 1:30 it was announced that the sound system in Room 148 was not working properly. Everybody who was in the room at that time was advised of the change in room, and signs were posted on the door to advise anybody who might be coming late the location of the prehearing conference had moved.

CHAIRMAN CLARK: Thank you. We'll take appearances. Starting with you, Mr. Dickens.

MR. DICKENS: Thank you. Ben Dickens with the firm of Blooston, Mordofsky, Jackson & Dickens, Washington, D.C., representing the Ad Hoc Telecommunications Users Committee.

1 MS. HALLOCK: Cindy Hallock appearing for
2 Communication Workers of America 3121, 3122 and 3107.

3 MR. MELSON: Richard Melson of the law firm Hopping
4 Green Sams & Smith, PA, Post Office Box 6526, Tallahassee,
5 appearing on behalf of MCI Telecommunications Corporation.

6 MR. SELF: I'm Floyd Self of the Messer Vickers law
7 firm, P. O. Box 1876, Tallahassee, Florida, appearing on
8 behalf of McCaw Communications of Florida, Inc.

9 MR. BOYD: I'm Everett Boyd of the Ervin Varn law
10 firm, P. O. Box 1170, Tallahassee, Florida. I'm appearing on
11 behalf of the Florida Mobile Communications Association, and
12 also on behalf of Sprint Communications Company Limited
13 Partnership.

14 MR. TYE: I'm Michael W. Tye, 106 East College
15 Avenue, Suite 1410, Tallahassee, Florida 32301, appearing on
16 behalf of AT&T Communications of the Southern States, Inc.

17 MS. KAUFMAN: Vicki Gordon Kaufman of the law firm
18 of McWhirter, Reeves, McGlothlin, Davidson, Rief & Bakas, 117
19 South Gadsden, 32301, on behalf of the Florida Interexchange
20 Carriers Association.

21 MR. CARVER: Phillip Carver on behalf of Southern
22 Bell, 150 West Flagler Street, Suite 1910, Miami, Florida
23 33129.

24 MS. WHITE: Nancy White on behalf of Southern Bell,
25 675 West Peachtree Street, Atlanta, Georgia 30375.

1 MR. ELIAS: I'm Robert V. Elias and with me are
2 Donna Canzano and Tracy Hatch appearing on behalf of the
3 Commission Staff.

4 MS. WILSON: Laura Wilson appearing on behalf of the
5 Florida Cable Telecommunications Association, 310 North
6 Monroe, Tallahassee, Florida 32301.

7 MR. BECK: Charlie Beck, Office of the Public
8 Counsel, 111 West Madison Street, Room 812, Tallahassee,
9 appearing on behalf of the Florida citizens.

10 CHAIRMAN CLARK: Chan, are you not going to enter an
11 appearance on behalf of Sprint Communications?

12 MS. ABNEY: No. Everett Boyd will be handling that.

13 CHAIRMAN CLARK: I'm sorry. Did you indicate that,
14 Mr. Boyd, that you were also representing Sprint?

15 MR. BOYD: Yes, I did.

16 CHAIRMAN CLARK: I'm sorry. Okay. Anyone hear
17 from -- is it DOD?

18 MR. ELIAS: Yes. I would note that by letter dated
19 July 10th, Mr. Nyce asked to be excused from the prehearing
20 and the hearing in this matter, recognizing that that would
21 obviously eliminate his ability to cross examine witnesses and
22 that if he was excused, that would be subject to the
23 objections of any party that felt like his presence was
24 required at either of these proceedings.

25 CHAIRMAN CLARK: But he intends to brief --

1 MR. ELIAS: Yes.

2 CHAIRMAN CLARK: -- file a posthearing brief, as I
3 understand it. Is there any objection to that? Then we'll
4 excuse his appearance at the prehearing and at the hearing.

5 Are there any other preliminary matters I should
6 take up at this time?

7 MR. ELIAS: There are, by my count, four pending
8 motions, and I do not believe that any are ready to be
9 resolved today, with the possible exception of FIXCA's request
10 for leave to file their prehearing statement one day out of
11 time.

12 CHAIRMAN CLARK: All right. FIXCA, it's already
13 been filed.

14 MS. KAUFMAN: Yes, ma'am.

15 CHAIRMAN CLARK: I guess -- is there any objection
16 to allowing FIXCA to file their prehearing statement late?
17 Without objection we'll accept it.

18 MS. WHITE: Southern Bell had filed two motions
19 concerning the CWA, a motion to strike portions of the
20 prehearing statement, and a motion for protective order. And
21 it's my understanding that both of those motions have been
22 settled to our satisfaction.

23 CHAIRMAN CLARK: Tell me, what's the first motion?

24 MS. WHITE: The motion for protective order had to
25 do with Mr. Lacher's deposition as well as the deposition of

1 someone most familiar with Southern Bell's proposal, as well
2 as somebody most familiar with CWA's proposal, and that's been
3 taken care of. And motion to strike portions of the
4 prehearing statement, it's my understanding that the CWA has
5 agreed to strike Mr. Krukles and Mr. Dorado as witnesses, and
6 that their exhibit list on the Prehearing Order will be
7 limited to those documents previously produced in this
8 proceeding that are relevant to this hearing.

9 MS. HALLOCK: Relevant to the 25 million, including
10 those things that come out of this settlement.

11 MR. CARVER: The only other pending motion is
12 Southern Bell's motion to dismiss the petition of CWA. And my
13 understanding is that they object to your ruling on that today
14 because they have not had the opportunity to respond yet to
15 our motion. So I would just propose that after they file the
16 response, that you rule on it. If you would like to hear
17 argument on it today, I can do that also.

18 CHAIRMAN CLARK: No. I think we'll let them file
19 their response and take it up at the beginning of the hearing.
20 Is that appropriate, Mr. Elias?

21 MR. ELIAS: I do believe so, yes.

22 CHAIRMAN CLARK: Okay.

23 MR. SELF: Chairman Clark, with respect to McCaw's
24 motion to compel discovery and sanctions, we've worked that
25 out with Southern Bell, so I'll be withdrawing that motion.

1 CHAIRMAN CLARK: Any other preliminary matters?

2 MR. ELIAS: None that I'm aware of.

3 MS. HALLOCK: There is one more matter, the issue of
4 the deposition of Mr. Knowles, which we are now trying to work
5 out logistically. And, I believe, I have spoken to some of
6 the parties that this could be done by phone conference on the
7 24th in the afternoon in Miami. The only question remains
8 whether somebody from the Public -- from Staff will be able to
9 appear either by phone or in person.

10 MR. ELIAS: One way or the other we will be there.

11 MS. HALLOCK: Okay. So I guess we've resolved that.

12 CHAIRMAN CLARK: So that matter is solved.

13 Mr. Elias, how do you propose we proceed now?

14 MR. ELIAS: I would suggest that we follow the draft
15 Prehearing Order section by section.

16 CHAIRMAN CLARK: Okay.

17 MR. ELIAS: Taking comments of the parties.

18 CHAIRMAN CLARK: Are there any changes to the case
19 background and procedure for handling of confidential
20 information? How about Section 3 and 4 of the prefiled
21 testimony and exhibits and also the order of witnesses?

22 MR. SELF: Chairman Clark, with respect to Kurt
23 Maass, who is McCaw's witness in this proceeding, he needs to
24 return to Seattle Monday night. I don't have a specific point
25 at which I would prefer for him to appear here, but I would at

1 least either like to move him up to after perhaps Mr. Stanley,
2 or otherwise just have us be flexible to call him up perhaps
3 earlier in the day so he can make his plane out of here that
4 night. It's a long plane ride for him.

5 CHAIRMAN CLARK: Are there any other witnesses that
6 are going to have scheduling problems? Is there an objection
7 to moving Mr. Maass up if necessary? Is this the 31st?

8 MR. ELIAS: Yes.

9 CHAIRMAN CLARK: Okay. We'll leave him where he is.
10 What time is his plane out?

11 MR. SELF: I don't know. Usually in the past it's
12 been 4 or 5 o'clock, but I can find out specifically.

13 CHAIRMAN CLARK: I would suggest, Mr. Self, that you
14 bring that up again at the beginning of the hearing, and we
15 will leave him scheduled in the order shown currently.

16 MR. SELF: Thank you.

17 CHAIRMAN CLARK: Anything else on the witness order?
18 Any changes to basic positions?

19 MS. HALLOCK: Just in the way that CWA might be
20 clearer, "Believes its proposal --"

21 CHAIRMAN CLARK: Go ahead and make your comment.

22 MS. HALLOCK: Page 7, bottom of the page, "CWA
23 believes its \$25 million refund proposal should be adopted."

24 CHAIRMAN CLARK: Any changes to Issue 1?

25 MS. KAUFMAN: Chairman Clark, FIXCA, on the draft

1 has taken no position at this time, but we would like to
2 provide our position for incorporation into the prehearing
3 statement. We'd like to provide it in writing.

4 CHAIRMAN CLARK: Do we need to set a deadline for
5 any changes to the Prehearing Order?

6 MR. ELIAS: I think that would help in the orderly
7 and timely issuance of the Prehearing Order, if we could have
8 everybody's changes, say, by Thursday of this week.

9 CHAIRMAN CLARK: Okay. Then we'll know any changes
10 to the Prehearing Order must be made by Thursday, the 20th of
11 July, by close of business.

12 MR. ELIAS: And preferably on diskette.

13 CHAIRMAN CLARK: Okay. Issue 1, FIXCA will be
14 providing their position.

15 Any changes to the issue or positions on Issue 2?
16 Any changes to the issue or positions on Issue 3?

17 MS. KAUFMAN: FIXCA will provide its position on
18 that issue also.

19 CHAIRMAN CLARK: Okay. FCTA, are you taking a
20 position on 3?

21 MS. WILSON: We're able to say no position period.

22 CHAIRMAN CLARK: So it should be changed to "no
23 position."

24 MS. WILSON: Yes. It's --

25 CHAIRMAN CLARK: Oh, I'm sorry. I see, you're

1 right. Issue 4.

2 MR. ELIAS: I believe this could be stipulated.

3 (Laughter)

4 MS. KAUFMAN: That's probably true.

5 CHAIRMAN CLARK: Does it even have to be an issue?

6 MR. ELIAS: I would say no. That in the absence of
7 a directive to close the docket it would remain open as a
8 matter of --

9 CHAIRMAN CLARK: Let's delete Issue 4. Issue 5. I
10 have Issue 5, 6 and 7 and then 8. Issue 4 is being deleted.

11 MR. ELIAS: Issues 5 through 8 were proposed in the
12 prehearing statements of various parties after the Issues ID
13 Conference was held early in June.

14 MS. WHITE: Southern Bell would strongly object to
15 the additions of these issues. I would think at the very
16 least that they are included in the Issues 1 through 4,
17 particularly 1 and 2, and I don't see anything that they add.
18 Plus, at this late date, with the hearing two weeks from
19 today -- I think it's just too late to be adding them. I
20 don't think it would be very fair to any of the parties.

21 CHAIRMAN CLARK: With respect to the Department of
22 Defense, is that the federal agencies.

23 MR. ELIAS: Federal executive agencies.

24 CHAIRMAN CLARK: It seems to me that these don't
25 have to be issues, that they can be their positions with

1 respect to how \$25 million should be distributed, I guess.
2 And isn't there already an issue or somebody's position on PBX
3 and DID besides FEA's.

4 MS. WHITE: Yes. Some parties have taken that
5 position in answer to Issue 1, really d), "Any other plan
6 deemed appropriate by the Commission." And I would believe
7 that both 5 and 6 definitely go with 1d and 7 and 8 -- excuse
8 me, 5, 6 and 8 go with 1d, and 7 goes to 1a, which is Southern
9 Bell's proposal to write one to adopt.

10 CHAIRMAN CLARK: Let me deal with Issues 5 and 6.
11 It seems to me that I'm going to strike them as issues. But
12 I'd like you to work with DOD and recast them as positions on
13 issues that are already there.

14 Ad Hoc? You have Issues 7 and 8 and it seems to me
15 the issues can be incorporated into your positions on the
16 other issues.

17 MR. DICKENS: We'd be glad to do that.

18 CHAIRMAN CLARK: Then we'll strike Issues 7 and 8
19 then. Are there any changes to the exhibit list?

20 MR. DICKENS: Madam Chairman, I have one thing to
21 mention of a housekeeping nature.

22 We mentioned in Doug Metcalf's testimony that he
23 might be filing a supplemental exhibit based on some discovery
24 we're taking of Southern Bell this week. He has not yet
25 examined the Southern Bell cost studies although Ms. White and

1 I are working to arrange that. Do you want to assign an
2 exhibit number now?

3 CHAIRMAN CLARK: My initial reaction is to not
4 assign an exhibit number to it, but that when Mr. Metcalf
5 takes the stand, indicate that you had an agreement that he
6 would file a supplementary exhibit and we'll identify it at
7 that time assuming you can agree.

8 MS. WHITE: Hopefully Mr. Dickens and I will agree
9 to something and will have seen the exhibit before the
10 hearing.

11 MR. DICKENS: We're going to work with Southern Bell
12 on how to handle the proprietary information but we're not
13 looking for their permission to file a supplemental exhibit.

14 MS. WHITE: That's not what I'm asking for. Just in
15 connection with the proprietary agreement that we're signing.

16 CHAIRMAN CLARK: When do you propose to have the
17 exhibit ready?

18 MR. DICKENS: We're trying to review the information
19 this Wednesday, is that right?

20 MS. WHITE: That's right.

21 MR. DICKENS: So Thursday or Friday we would have it
22 prepared and filed.

23 MS. WHITE: Of this week.

24 CHAIRMAN CLARK: Is there any objection to
25 allowing --

1 MR. ELIAS: Not from us.

2 CHAIRMAN CLARK: -- a supplementary exhibit to
3 Mr. Metcalf's prefiled testimony to be filed no later than
4 Friday at 5 o'clock. To be identified at the hearing.

5 MR. DICKENS: Madam Chairman, I'd appreciate if you
6 would make that ruling contingent on our being able to review
7 the documents that form the basis of the exhibit this week.

8 CHAIRMAN CLARK: I would assume if you run into any
9 problems about meeting the 5 o'clock deadline you'll let me
10 know.

11 MS. WHITE: Sure. Sure.

12 MR. ELIAS: On the first page of the exhibit list,
13 CWA has listed three exhibits which typically are not
14 identified as exhibits. Those would be Mr. Knowles'
15 testimony, all pleadings filed by CWA and any other pleadings
16 filed in this docket.

17 CHAIRMAN CLARK: Documents produced in discovery in
18 this proceeding. What documents are you intending to include?

19 MS. HALLOCK: I'm not prepared at this time. We
20 haven't finished our review, but I would assume that all
21 discovery will be marked.

22 CHAIRMAN CLARK: No.

23 MS. HALLOCK: If that is not the case, I can be more
24 clear but I do not have that answer right now.

25 CHAIRMAN CLARK: Let me be clear about something.

1 It seems to me that all of the exhibits identified
2 should be exhibits that are attached to prefiled testimony; is
3 that correct? Is that what it is?

4 MS. WHITE: That's correct.

5 CHAIRMAN CLARK: But you don't have discovery
6 documents attached to the prefiled testimony.

7 MS. HALLOCK: To ours, no.

8 CHAIRMAN CLARK: Nor do you have all pleadings filed
9 by the Communication Workers of America?

10 MS. HALLOCK: Attached to our direct testimony?

11 CHAIRMAN CLARK: Yeah.

12 MS. HALLOCK: No.

13 CHAIRMAN CLARK: Do you have any other pleadings
14 filed in this docket?

15 MS. HALLOCK: Yes, in this docket.

16 CHAIRMAN CLARK: Why do they need to be exhibits?

17 MS. HALLOCK: We just want the availability should
18 we refer to those or to use them during the hearing. If you
19 would like something more than --

20 CHAIRMAN CLARK: I don't see them as being evidence
21 and the type of thing that is typically an exhibit in a
22 proceeding. All of the pleadings will be part of the record.
23 Am I in error on that?

24 MR. ELIAS: That's my understanding of the way it
25 works.

1 CHAIRMAN CLARK: So there's no reason to have the
2 pleadings as an exhibit, and that ought to save you some time
3 and effort. And we don't typically take all discovery and
4 make them exhibits, only those that can be shown to be
5 relevant and are necessary to presenting your case.

6 MS. HALLOCK: Okay. I can give you an answer
7 Thursday.

8 CHAIRMAN CLARK: I'm going to strike Exhibits 3 and
9 4 as being unnecessary and not properly evidentiary exhibits.
10 With respect to 1, it would seem to me that you need to file
11 an exhibit no later than 5:00 Friday.

12 MS. HALLOCK: Okay.

13 CHAIRMAN CLARK: Those pieces of evidence that
14 relate to the direct testimony. Okay?

15 MR. ELIAS: FMCA has listed two exhibits. The first
16 is an order to be entered in another docket that has not even
17 been considered by the Commission. And the earliest possibly
18 it will be considered at tomorrow's agenda conference.

19 The second document is described as "all or portions
20 of Staff's recommendation" in that same docket, which is
21 940235-TL, and as brilliant, well thought out, factually
22 unassailable as it might be, for the purposes of this
23 proceeding I do not believe it's probative of any matter that
24 is at issue and would ask that it be --

25 CHAIRMAN CLARK: They are not properly exhibits?

1 MR. ELIAS: I do not believe so.

2 MR. BOYD: Well, I will withdraw the Exhibit 2,
3 Staff's recommendation. As to the order, of course, first of
4 all, when we did the prehearing statement we were not aware of
5 what the exact time period would be, and indeed, an order may
6 be issued before this case goes to agenda. In effect, what
7 we'd be asking is for the Commission to take official
8 recognition of that order, if it is entered prior to the
9 hearing in this case, or even after the hearing.

10 So whether it is identified as an exhibit or not, I
11 wanted to make sure that we would preserve that.

12 CHAIRMAN CLARK: I think you can make a motion that
13 we take official recognition of the order --

14 MR. BOYD: That would be fine.

15 CHAIRMAN CLARK: -- at the hearing, or if it's not
16 ready, say it's your intention to ask that when it is made
17 available that we take official recognition in this docket.
18 I'm not sure how you could take official recognition of
19 something that doesn't exist.

20 MR. BOYD: Well, I'm not sure you can either.

21 CHAIRMAN CLARK: I think you can ask for official
22 recognition at any time in a proceeding.

23 MR. BOYD: That's my understanding. And I just
24 wanted to put folks on notice we were trying to go that route.

25 CHAIRMAN CLARK: Anything else on the exhibit list?

1 And we don't have any proposed stipulations.

2 We've dealt with all pending motions except the
3 motion to dismiss proposal of CWA. We'll take that up at the
4 beginning of the hearing. I assume that will give the
5 necessary amount of time for the Communication Workers to
6 respond.

7 MR. ELIAS: Yes.

8 CHAIRMAN CLARK: Is there anything else we need to
9 take up at this time?

10 MR. ELIAS: Not that I'm aware of.

11 CHAIRMAN CLARK: Thank you very much. This
12 prehearing is adjourned.

13 MS. WHITE: Excuse me.

14 CHAIRMAN CLARK: Just a minute. Let's go back on
15 the record.

16 MS. WHITE: I apologize, and this may not even be an
17 issue to bring up here, but presently this case is only
18 scheduled to go to hearing for one day, and we have seven
19 witnesses on direct and two on rebuttal. And, I guess, I
20 don't know if it's going to be able to be completed in one
21 day, and I guess I was looking for some kind of idea of
22 whether we would have to come back for another day sometime in
23 the future, or would the Commission be inclined to push
24 through until whatever time it took to get finished. Just
25 some idea of what your thinking might be on that.

1 MR. ELIAS: I have looked at the calendar, and as
2 those of you that practice regularly before the Commission
3 know it's pretty full for the next year. (Laughter)

4 These rate reductions are scheduled to be
5 implemented effective 10-1-95, and if we have to continue the
6 hearing because we're not concluded, I'm not so sure that
7 we'll find a day available to be able to continue with the
8 briefing decision schedule in time to effect that change.

9 My recommendation to the Commission would be that we
10 do everything we can to conclude this hearing in one day.

11 CHAIRMAN CLARK: I think for one thing, you better
12 tell all of the Commissioners (laughter) that we have one day
13 and how many witnesses we have, and that the next day is an
14 agenda day. So they need to be made aware of the fact that
15 it's a full day. The only thing -- the only possibility may
16 be that we take it up after the agenda the next day if we're
17 going too late that night. But I think we better be prepared
18 to get it done in one day. As I say, please make sure -- I
19 think maybe we better tell them today.

20 MR. ELIAS: You best believe that based on what you
21 just said, that my next 20 minutes are spoken for.

22 CHAIRMAN CLARK: Is there anything else to be taken
23 up? Thank you very much. This prehearing is adjourned.

24 (Thereupon, the hearing concluded at 2:05 p.m.)

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

CERTIFICATE OF REPORTERS

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

6 DO HEREBY CERTIFY that the Prehearing Conference in
7 Docket No. 920260-TL was heard by the Prehearing Officer at
8 the time and place herein stated; it is further.

9 CERTIFIED that I stenographically reported the said
10 proceedings; that the same has been transcribed under our
11 direct supervision; and that this transcript, consisting of 21
12 pages, constitutes a true transcription of our notes of said
13 proceeding.

14 DATED this 19th day of July, 1995.

15 
16 _____
17 JOY KELLY, CSR, RPR
18 Chief, Bureau of Reporting
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