#### SUPREME COURT OF FLORIDA

Anthony Parks,		)	
	Appellant,	) ) )	Case No. SC02-1733
vs.		)	
Lila C. Jaber, Chairman, et al.		)	FILED THOMAS D. HALL
	Appellees.	)	NOV 1 8 2002
		)	CLERK, SUPREME COURT

## TRANSCRIPT OF RECORD IN THE MATTER OF:

Petition by BellSouth Telecommunications, Inc. for waiver of Rules 25-4.107, 25-4.108, and 25-4.113, F.A.C., which require provision of basic telecommunications service to certain locations and persons

#### DOCKET NO. 000028-TL

Mr. Anthony Parks
Post Office Box 812283
Boca Raton, Florida 33481-2283

Patricia A. Christensen, Esquire Christiana T. Moore, Esquire David E. Smith, Esquire Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0862

Stephanie G. Kolman, Esquire Adorno & Yoss, P.A. 2601 South Bayshore Drive Suite 1600 Miami, Florida 33133

**APPELLANT** 

ATTORNEYS FOR APPELLEES

DOCUMENT NUMBER - DATE

04973 JUNII 8

FPSC-COMMISSION CLERK

### SUPREME COURT OF FLORIDA

Anthony Parks,	)
Appellant,	) ) Case No. SC02-1733
vs.	)
	) Volume 2
Lila C. Jaber, Chairman, et al.	FILED THOMAS D. HALL
Appellees.	
	CLERK, SUPREME COURT

## TRANSCRIPT OF RECORD IN THE MATTER OF:

Petition by BellSouth Telecommunications, Inc. for waiver of Rules 25-4.107, 25-4.108, and 25-4.113, F.A.C., which require provision of basic telecommunications service to certain locations and persons

#### DOCKET NO. 000028-TL

Mr. Anthony Parks Post Office Box 812283 Boca Raton, Florida 33481-2283 Patricia A. Christensen, Esquire Christiana T. Moore, Esquire David E. Smith, Esquire Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0862

Stephanie G. Kolman, Esquire Adorno & Yoss, P.A. 2601 South Bayshore Drive Suite 1600 Miami, Florida 33133

**APPELLANT** 

ATTORNEYS FOR APPELLEES

# INDEX

Anthony Parks
vs.
Lila A. Jaber, Chairman, et al.
PSC Docket No. 000028-TL
Supreme Court Case No. SC02-1733

# **VOLUME 1**

Progress Docket
BellSouth Telecommunications, Inc.'s [BellSouth] request for confidential classification, filed January 10, 2000
Redacted version of BellSouth's Exhibit B to petition for rule waiver, filed January 10, 2000
BellSouth's petition for rule waiver, filed January 10, 2000
Letter dated January 14, 2000 requesting Nancy B. White be named qualified representative with attached affidavit, on behalf of BellSouth, filed January 18, 2000 32
Notice of petition for publication in January 28, 2000 Florida Administrative Weekly, filed January 19, 2000
Letter dated January 26, 2000 requesting Michael P. Goggin be named qualified representative with attached affidavit, on behalf of BellSouth, filed January 27, 2000 35
Order PSC-00-0214-PCO-TL authorizing qualified representative status to Nancy B. White, issued February 2, 2000
Order PSC-00-0222-PCO-TL authorizing qualified representative status to Michael P. Goggin, issued February 2, 2000
Letter dated February 24, 2000 to Commission's Division of Records and Reporting from Michael P. Goggin requesting request for confidential classification be treated as a claim, on behalf of BellSouth, filed February 24, 2000
Letter dated March 21, 2000 to Commission's Division of Records and Reporting from Nancy H. Sims clarifying petition, on behalf of BellSouth, filed March 21, 2000 . 42
Letter dated April 3, 2000 to Commission's Division of Records and Reporting from Nancy H. Sims agreeing to waive statutory deadline for Commission to address petition, on behalf of BellSouth, filed April 3, 2000

Memorandum from Commission's Divisions of Telecommunications, Legal Services, and Consumer Affairs to Division of Records and Reporting, filed April 6, 2000 46
PAA Order PSC-00-0902-PAA-TL approving petition for rule waiver, issued May 5, 2000
Objection to BellSouth's petition, on behalf of Anthony Parks, filed May 30, 2000 66
Memorandum dated November 2, 2000 from Commission's staff counsel to all parties of record and interested persons advising of November 15, 2000 issue identification meeting, filed November 2, 2000
Order PSC-00-2406-PCO-TP establishing procedure and on disputed issues, issued December 14, 2000
Letter dated December 27, 2000 requesting James Meza, III be named qualified representative with attached affidavit, on behalf of BellSouth, filed December 28, 2000
BellSouth's notice of intent to request specified confidential classification, filed January 10, 2001
BellSouth's request for specified confidential classification, filed January 31, 2001 86
Order PSC-01-0322-PCO-TL authorizing qualified representative status to James Meza, III, issued February 5, 2001
Notice of prehearing for publication in February 23, 2001 Florida Administrative Weekly, filed February 14, 2001
Notice of hearing for publication in March 9, 2001 Florida Administrative Weekly, filed February 28, 2001
Notice of Commission hearing for March 29, 2001 and prehearing for March 12, 2001 in Tallahassee, issued February 28, 2001
Commission staff's prehearing statement, filed February 28, 2001
Prehearing statement, on behalf of BellSouth, filed February 28, 2001
Transcript of prehearing conference held March 12, 2001 in Tallahassee, filed March 19, 2001
Prehearing Order PSC-01-0722-PHO-TL, issued March 23, 2001

Order PSC-01-0723-CFO-TL granting request for specified confidential classification of Document No. 01474-01 (cross-reference Documents Nos. 00354-00 and 00427-01) and setting forth conditions for inspection of document, issued March 23, 2001	44
Order PSC-01-1026-PCO-TL modifying hearing and brief filing dates, issued April 26, 2001	51
Notice of hearing for publication in May 25, 2001 Florida Administrative Weekly, filed May 16, 2001	54
Notice of rescheduled Commission hearing for June 15, 2001 in Tallahassee, issued June 5, 2001	55
Memorandum from Commission's Division of Legal Services to Division of Records and Reporting with attached facsimiles from Anthony Parks and James Meza, III, filed June 12, 2001	5 <i>7</i>
Order PSC-01-1284-PCO-TL granting continuance, issued June 12, 2001 10	64
Memorandum from Commission's Division of Legal Services to Division of Records and Reporting with attached letter with attachment from Anthony Parks, filed July 6, 2001	66
Order PSC-01-1522-PCO-TL modifying hearing and brief filing dates and fourth order modifying order establishing procedure, issued July 23, 2001	69
Motion for reconsideration, on behalf of BellSouth, filed August 1, 2001	72
Order PSC-01-1771-PCO-TL on BellSouth's motion and fifth order modifying order establishing procedure, issued August 30, 2001	<i>7</i> 6
Notice of hearing for publication in January 18, 2002 Florida Administrative Weekly, filed January 9, 2002	<i>7</i> 9
Notice of Commission hearing for February 4, 2002 in Tallahassee, issued January 14, 2002	81
Memorandum from Commission's Office of the General Counsel to Division of the Commission Clerk and Administrative Services with attached motion to continue from Anthony Parks, filed February 1, 2002	84
Order PSC-02-0158-PCO-TL denying motion for continuance, issued February 1, 2002	ឧឧ

Response to second motion to continue, on behalf of BellSouth, filed February 4, 2002
VOLUME 2
Memorandum from Commission's Office of the General Counsel to Division of the Commission Clerk and Administrative Services with attached renewed motion to continue from Anthony Parks, filed February 4, 2002
Post-hearing brief of BellSouth, filed March 4, 2002 [redacted]
BellSouth's notice of intent to request specified confidential classification, filed March 4, 2002
BellSouth's opposed motion for extension of time, filed March 6, 2002
Memorandum from Commission's Office of the General Counsel to Division of the Commission Clerk and Administrative Services with attached note and motion for extension of time to file brief from Anthony Parks, filed March 7, 2002
Order PSC-02-0325-PCO-TL granting in part and denying in part motion for extension of time to file brief, issued March 13, 2002
Memorandum from Commission's Office of the General Counsel to Division of the Commission Clerk and Administrative Services with attached original interim brief from Anthony Parks, filed March 19, 2002
BellSouth's request for specified confidential classification, filed March 22, 2002 245
Redacted version of page six of post-hearing brief, on behalf of BellSouth, filed March 22, 2002
Order PSC-02-0597-CFO-TL granting request for specified confidential classification of Document No. 02506-02 (cross-reference Document No. 03380-02), issued May 1, 2002
Memorandum from Commission's Division of Competitive Markets and Enforcement and Office of the General Counsel to Division of the Commission Clerk and Administrative Services, filed May 30, 2002
Order PSC-02-0874-FOF-TL granting BellSouth's waiver request for Rules 25-4.107, 25-4.108, and 25-4.113, Florida Administrative Code, with conditions, issued June 28, 2002
Memorandum from Commission's Office of the General Counsel to Division of the Commission Clerk and Administrative Services with attached letter and a copy of an appeal of the Public Service Commission's Order of June 28, 2002 from Anthony Parks, filed July 31, 2002

Memorandum from Commission's Office of the General Counsel to Division of	
the Commission Clerk and Administrative Services with attached original letter and	
copy of an appeal of the Public Service Commission's Order of June 28, 2002 from	
Anthony Parks, filed August 13, 2002	326
Notice of disposition of petition for waiver of Rules 25-4.107, 25-4.108, and	
25-4.113 for publication in August 30, 2002 Florida Administrative Weekly,	
filed August 21, 2002	330
Certificate of Director, Division of the Commission Clerk and Administrative	
Services	331

### **HEARING TRANSCRIPT AND EXHIBIT**

Transcript of hearing held February 4, 2002, pages 1 through 70 (reference court reporter's original page numbers)

Hearing Exhibit No. 2

# DOCUMENTS SUBMITTED IN SEALED ENVELOPE MARKED "CONFIDENTIAL"

Exhibit B to petition for rule waiver (information containing, among other things, customer-specific and business information), on behalf of BellSouth, filed January 10, 2000

Exhibit NHS/PKS-1 to direct panel testimony of Nancy H. Sims and Patricia K. Shields, on behalf of BellSouth, filed January 10, 2001 and January 31, 2001

Hearing Exhibit No. 1, filed February 4, 2002 (corrected version of Exhibit NHS/PKS-1 to direct panel testimony of Nancy H. Sims and Patricia K. Shields)

Post-hearing brief, on behalf of BellSouth, filed March 4, 2002

Page six of post-hearing brief, on behalf of BellSouth, filed March 22, 2002