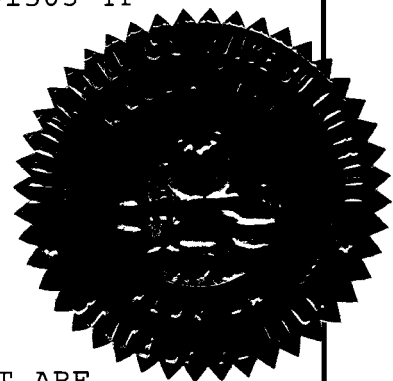


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 001503-TP

In the Matter of:

COST RECOVERY AND ALLOCATION  
ISSUES FOR NUMBER POOLING  
TRIALS IN FLORIDA.



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PROCEEDINGS:                   AGENDA CONFERENCE  
ITEM NO. 4

BEFORE:                         CHAIRMAN BRAULIO L. BAEZ  
COMMISSIONER J. TERRY DEASON  
COMMISSIONER RUDOLPH "RUDY" BRADLEY  
COMMISSIONER CHARLES M. DAVIDSON

DATE:                            Tuesday, August 17, 2004

PLACE:                          Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY:                   TRICIA DEMARTE, RPR  
Official FPSC Reporter  
(850) 413-6734

1 PARTICIPATING:

2                   PATTY CHRISTENSEN, ESQUIRE, and BOB CASEY,  
3 representing the Florida Public Service Commission Staff.

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

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2 CHAIRMAN BAEZ: Item 4. And, Ms. Christensen,  
3 Commissioner Deason actually off-line asked me a good question  
4 I just want to clear up. We are post-hearing on this; correct?

5 MS. CHRISTENSEN: Commissioner, that is correct.  
6 This is a post-hearing recommendation.

7 CHAIRMAN BAEZ: Okay. Thank you.

8 MR. CASEY: Commissioners, Item Number 4 is a  
9 post-hearing recommendation addressing state-mandated number  
10 pooling cost recovery. The Commission has approved a joint  
11 motion by all parties in this case which permitted the use of a  
12 Section 120.57(2) hearing in lieu of a full-blown evidentiary  
13 hearing.

14 Staff is recommending that, one, the state number  
15 pooling costs are outside the scope of the price cap scheme set  
16 forth in Section 364.051, Florida Statutes; two, the Commission  
17 has authority under federal and state law to approve recovery  
18 of state number pooling costs through an end user charge; and  
19 three, the manner by which the Commission allowed BellSouth and  
20 Sprint to recover the costs of state number pooling trials is  
21 consistent with FCC policy and decisions.

22 For purposes of administrative efficiency, staff  
23 recommends that Issue 2 addressing the PSC's authority can be  
24 taken up first. And staff is prepared to address any questions  
25 Commissioners may have.

1           CHAIRMAN BAEZ: Thank you. Commissioners, any  
2 problems with following the recommendation of staff to take up  
3 Issue 2 first as to the authority?

4           COMMISSIONER DEASON: That's fine with me.

5           CHAIRMAN BAEZ: Okay. We're all right.

6           COMMISSIONER BRADLEY: Well --

7           CHAIRMAN BAEZ: Very well. Commissioner Bradley, you  
8 had a question.

9           COMMISSIONER BRADLEY: Yes. We previously dealt with  
10 this issue. Staff, refresh my memory as to what the issues  
11 where then and what the outcome was just in a summary, short  
12 summary.

13           MS. CHRISTENSEN: Commissioners, you have dealt with  
14 this twice before in PAA orders. First on BellSouth's petition  
15 for cost recovery and then again on Sprint's petition for cost  
16 recovery. In both of those matters the Commission approved in  
17 part the requested cost recovery discounting certain labor  
18 costs that the Commission determined based on staff's  
19 recommendation were not appropriate to be included in the cost  
20 recovery. And in those decisions the Commission approved its  
21 authority and also approved the methodology of a one-time cost  
22 to be borne across the ratepayers of both of those customers --  
23 the customer base for both of those companies.

24           COMMISSIONER BRADLEY: So in summary, basically what  
25 you're saying is that this body ordered number pooling cost

1 recovery to occur.

2 MS. CHRISTENSEN: Correct. For those companies in  
3 part, yes, correct.

4 CHAIRMAN BAEZ: Right. Commissioner, just to  
5 clarify. There was approval of cost recovery or ordered cost  
6 recovery for appropriate portions of what the petitions  
7 contained.

8 COMMISSIONER BRADLEY: Right.

9 CHAIRMAN BAEZ: Right.

10 COMMISSIONER DEASON: I have a question for staff.

11 CHAIRMAN BAEZ: Go ahead, Commissioner.

12 COMMISSIONER DEASON: I'm looking at Page 19 of the  
13 recommendation, and it's the second full paragraph where it's  
14 describing Public Counsel's position. And it states there that  
15 Public Counsel opines that the Florida Commission must provide  
16 number pooling cost recovery to the company. The FPSC is  
17 acting directly contrary to the FCC's intent by approving an  
18 end user charge. I'm trying to interpret that, the wording  
19 there. It's not Public Counsel's position that they think  
20 there has to be cost recovery, or does Public Counsel agree  
21 there has to be some mechanism of cost recovery, it's just that  
22 what was proposed is inappropriate? What is Public Counsel's  
23 position in that regard?

24 MS. CHRISTENSEN: Well, Commissioner, I think it's  
25 kind of a combination of both. I think their main position is

1 that the charge, the one-time end user charge, would be  
2 violative of 364.051 and that that could not be imposed under  
3 that statutory's construction that they have placed on it. In  
4 other words, that they would have to come in under the price  
5 cap scheme and petition under an extraordinary request for that  
6 price cap, and that it could not be done in the manner that it  
7 was approved. So that was the main issue. And I think that  
8 Mr. Casey addressed in Issue 3 was an additional argument that  
9 they had raised.

10 MR. CASEY: Yes. OPC believes that the end user  
11 charge was inappropriate according to the FCC, but I did quote  
12 a paragraph in an FCC order that says those were strictly  
13 guidelines. You could use the blueprint that the FCC set forth  
14 if you so choose. In this case because of our lack --

15 COMMISSIONER DEASON: And the FCC, basically their  
16 guideline was access charges?

17 MR. CASEY: Access charges, that's correct.

18 COMMISSIONER DEASON: And that's because it was  
19 competitively neutral; is that correct?

20 MR. CASEY: Yes, sir. And because of our lack of  
21 authority with the access charges here in the state of Florida,  
22 we chose to use an end user charge.

23 COMMISSIONER DEASON: Well, I guess that's a little  
24 bit of the difficulty I'm having, and I'm trying to understand  
25 what authority we have and what authority we don't have. So

1 you're saying that the FCC has the authority to give us the  
2 ability to impose a one-time surcharge, if you will, a line  
3 item, but they have enough authority to delegate to that that  
4 it meets the requirements of 364, but they don't have enough  
5 authority to delegate to us to do it in their preferred method,  
6 which is access charges.

7 MR. CASEY: I would have to defer to legal.

8 MS. CHRISTENSEN: I think I can refer the  
9 Commissioner to Page 16 of the recommendation where it talks  
10 about in a Footnote 38 that under Section 251(e)(2) of the Act  
11 there's a requirement that the cost of establishing  
12 telecommunications number administration arrangements and  
13 number portability shall be borne by all telecommunications  
14 carriers on a competitively neutral basis as determined by the  
15 Commission. So, in essence, what staff is recommending here is  
16 that what the FCC has done is delegated its statutory authority  
17 to this Commission to provide for thousand-block number pooling  
18 and along with that comes the obligation under the statute, the  
19 federal statute, to allow for cost recovery. And we have to  
20 provide that in a manner that's consistent with what the FCC  
21 determines is appropriate, and that's where Mr. Casey's point  
22 comes in that while the preferred methodology is through access  
23 charges, a one-time end user charge is not prohibited by the  
24 Commission.

25 COMMISSIONER DEASON: And I guess the problem that

1 I'm having is, if you agree with the argument that the FCC has  
2 the ability to grant us the authority to enable a cost recovery  
3 mechanism of some sort, if you take that argument that the FCC  
4 can enable this Commission to authorize some type of cost  
5 recovery mechanism, why is it that we're limited to a one-time  
6 user line item surcharge, or however you want to characterize  
7 it, as opposed to doing access charges, which is the FCC's  
8 preferred methodology?

9 MS. CHRISTENSEN: May I make a clarification,  
10 Commissioner?

11 COMMISSIONER DEASON: Sure. And if I'm  
12 mischaracterizing, please tell me where I'm wrong.

13 MS. CHRISTENSEN: Well, I'd like to make a  
14 clarification on the FCC's delegation. I think that is being  
15 made pursuant to statute authority. In other words, the  
16 statute, the federal statute allows the FCC for the states to  
17 perform a certain act regarding number pooling and that they  
18 can defer some of their authority to us and allow us to act  
19 under the federal statute. So with that clarification, let me  
20 try and answer your question.

21 COMMISSIONER DEASON: In fact, this Commission  
22 petitioned the FCC to grant that authority because we felt that  
23 there was cause for concern that needed to be addressed and  
24 addressed quickly, and we felt that we needed to do that to  
25 best serve the customers of Florida and that we were best



1 equipped to do it.

2 MS. CHRISTENSEN: Correct. And I think the point  
3 that I'm trying to, I guess, emphasize is this is all based on  
4 a federal statute, and part of our authority comes via that  
5 federal statute and the FCC's actions in this matter, just that  
6 point of clarification.

7 And I think regarding how we impose that charge is I  
8 think we have to act -- also on Page 16, refer to FERC v.  
9 Mississippi at 456 U.S. 742. And in that case, the Supreme  
10 Court recognized that when federal and state legislative  
11 directives are intertwined, as appears to be the case here,  
12 state agencies need to act in accordance with, if not at the  
13 direction of, Congress. And I guess what we're trying to say  
14 is we're going to have to act in accordance with what the  
15 Congress has enacted in this statute. We also have to try and  
16 act in accordance with our statute to the extent that there's  
17 not a conflict. And what we're saying is there seems to be a  
18 conflict in our authority to impose an access charge under  
19 state statutes, but we still have an avenue open to impose a  
20 one-time end user surcharge under our state statutes, and it  
21 does not conflict with the statutory authority.

22 CHAIRMAN BAEZ: Can I -- just a quick clarifying  
23 question. When you say "impose," that kind of causes me  
24 concern. What we're doing is we're authorizing cost recovery  
25 and it's at the company's -- and ostensibly a methodology and

1 we should do it, but it's at the company's discretion whether  
2 they ever recover or not.

3 MS. CHRISTENSEN: Absolutely, we permitting. And I  
4 apologize if I gave the wrong impression.

5 CHAIRMAN BAEZ: No, that's all right.

6 MS. CHRISTENSEN: But certainly this is at the  
7 company's request.

8 CHAIRMAN BAEZ: Okay. Thank you. I'm sorry,  
9 Commissioner, I interrupted you. Go ahead with your questions.

10 COMMISSIONER BRADLEY: Yes. We have authorized cost  
11 recovery, number pooling cost recovery. Are there any past  
12 precedents or is there a past precedent that might be  
13 applicable that we can use as a guiding light to help us with  
14 this decision?

15 MS. CHRISTENSEN: Commissioner, I'm sorry, I'm not  
16 aware of any. This is a unique circumstance with the  
17 thousand-block number pooling. I think that was an  
18 extraordinary circumstance where we were trying to obviously  
19 save as much of the area codes as we possibly could. So this  
20 is a unique circumstance, and I think that's one we discussed  
21 in Issue 1, is that this is extraordinary cost. This is not a  
22 normal situation that this Commission has addressed in the  
23 past. So I'm not aware of any, Commissioner.

24 MR. CASEY: I could add that the North Carolina  
25 Commission did approve an end user charge for their number

1 pooling cost recovery for state-mandated pooling.

2 COMMISSIONER DEASON: There were some states that  
3 denied it as well; is that correct?

4 MR. CASEY: Yes, sir.

5 CHAIRMAN BAEZ: Commissioners, any other questions?

6 COMMISSIONER DEASON: Well, I -- one other question.  
7 Does Public Counsel oppose any cost recovery or the methodology  
8 that is being proposed in this PAA order? I mean, would they  
9 object to a recovery through some other means?

10 MR. CASEY: Public Counsel would not object to  
11 recovering it through access charges. That statement has been  
12 made.

13 COMMISSIONER DEASON: And of course, it's staff's  
14 concern that we don't have the authority to do that.

15 CHAIRMAN BAEZ: And I guess I agree that that  
16 probably is a concern or at least I perceive it to be a  
17 concern. But now, going back to a question that I asked, is  
18 it -- to the extent that the company has the discretion whether  
19 to recover at all, what is the company's ability to use access  
20 charges regardless of whether we have the authority of -- maybe  
21 that's not even a fair question but --

22 MS. CHRISTENSEN: We have some concerns with the  
23 access charge statute. It's very limited in what is allowed to  
24 be recovered through access charges, particularly through our  
25 last legislative changes. So, I mean, it's very limited as to

1 how that can be increased. There's very specific increases  
2 that are regimented from the access --

3 CHAIRMAN BAEZ: So never mind that this Commission,  
4 at least based on your interpretation of the law, the state  
5 law, never mind the Commission may not have available to it the  
6 authority to authorize recovery through access charges even as  
7 a matter of discretion for the company, they wouldn't have that  
8 avenue either. Is that a fair reading of the statute?

9 MS. CHRISTENSEN: I think that would be fair to say.  
10 And I think they are limited in how much they can change their  
11 access rates under the statute. And certainly the changes that  
12 are allowed under the statute are more akin to the, I think,  
13 the access charge rebalancing dockets and the flow-through from  
14 that. So there's not a whole lot of discretion for anyone  
15 regarding access charges in Florida. The idea is to be  
16 bringing those down.

17 CHAIRMAN BAEZ: Commissioner Deason.

18 COMMISSIONER DEASON: Just a quick follow-up. Can't  
19 that same argument be made that in a price cap regime that we  
20 don't have the authority to do what you're proposing? I mean,  
21 that's Public Counsel's argument, isn't it not? Surely I'm  
22 oversimplifying it, but that is their argument, isn't it?

23 MS. CHRISTENSEN: Essentially, Commissioner, that's  
24 the argument that they put forth. And staff's recommendation  
25 to the Commissioners was that this would fall outside of what

1 was contemplated under the price cap scheme.

2 COMMISSIONER DAVIDSON: Move staff on all issues.

3 CHAIRMAN BAEZ: There is a motion. Is there a  
4 second?

5 COMMISSIONER BRADLEY: Well, I did have a question.

6 COMMISSIONER DEASON: I guess it was the "all issues"  
7 that got me there. I need to go back and look at what issues  
8 are what.

9 CHAIRMAN BAEZ: And, Commissioner Davidson, if I can  
10 make a suggestion. I think we had started off approaching the  
11 authority question on Issue 2. I don't know if that means --

12 COMMISSIONER DAVIDSON: No. I mean, I'm comfortable  
13 with staff's rec. I understand sort of the issues at play  
14 here. I think staff has done a sound job analyzing them, and I  
15 think our access regime in this state is somewhat limited. My  
16 own view reading the federal act, FCC decisions, the state act,  
17 and relevant precedent is that we have the authority to do  
18 this. Number pooling imposes a real cost upon the industry.  
19 They're seeking their sort of actual costs back. There's not  
20 sort of a cost-plus scenario where they're getting a rate of  
21 return on this. And my view is, is that staff has got it right  
22 on all points. So my motion was to approve staff on all  
23 aspects, including the authority.

24 CHAIRMAN BAEZ: And I'll tell you, I'm comfortable  
25 with your motion personally. I'm just wondering, you know,

1 Commissioner, have you had time to entertain that?

2 COMMISSIONER DEASON: If I may, I know that we kind  
3 of left the question mode, but there's a note here and it's a  
4 question I need to ask if I have your permission to do that.

5 CHAIRMAN BAEZ: The motion hasn't been seconded.

6 COMMISSIONER BRADLEY: I also have a question.

7 CHAIRMAN BAEZ: We'll leave it on the table for a  
8 moment.

9 COMMISSIONER BRADLEY: And I think the motion will  
10 carry eventually.

11 CHAIRMAN BAEZ: Commissioner Deason, ask your  
12 question.

13 COMMISSIONER DEASON: On Page 21 of the  
14 recommendation it's referring to an FCC order at the top of the  
15 page, and then further it says, "The order further states."  
16 And it's talking about that the costs incurred by the carriers  
17 to implement thousand-block pooling are intrastate costs, and I  
18 guess the FCC has determined that these are intrastate costs.  
19 So how do they have the ability to delegate to the Commission  
20 to recover intrastate costs? It's almost like they're washing  
21 their hands of it saying, it's not our jurisdiction, it's  
22 somebody else's. So then if it's an intrastate cost, it's  
23 whatever law that applies in 364, Florida Statute, which gives  
24 us the ability to either allow cost recovery or not. So how  
25 does that mesh with the argument that we're getting authority

1 from the FCC to do this and the FCC says they are intrastate  
2 costs?

3 MS. CHRISTENSEN: Let me attempt to answer your  
4 question, Commissioner. And I think that goes back to where  
5 we're actually getting our authority from, and I think the  
6 actual authority to delegate to the states for number pooling  
7 is found in Section 251(e)(2) of the Act. So that's an act of  
8 Congress. So what we're trying to do here is implement both  
9 the federal statute as well as our state statutes and come to a  
10 result that's consistent with both. And I think that is what  
11 staff has recommended today.

12 COMMISSIONER DAVIDSON: It's a good question. I view  
13 it as, unfortunately, it's one of those intrastate costs that's  
14 imposed by a federal mandate. It's basically as a result of  
15 the federal structure that we probably are having to deal with  
16 as cost.

17 CHAIRMAN BAEZ: And just for my clarification, do you  
18 mean to say that that has the effect much beyond just  
19 delegation but that somehow we're subject not -- that we're  
20 subject to that federal statute even beyond any delegation,  
21 beyond an act of delegation?

22 MS. CHRISTENSEN: I think that those costs would have  
23 to be recovered beyond whether or not the FCC had delegated to  
24 the states or not.

25 COMMISSIONER BRADLEY: So it's staff's opinion that

1 there should be cost recovery.

2 MS. CHRISTENSEN: Correct.

3 COMMISSIONER BRADLEY: Okay. And we have a motion on  
4 the floor, but I just need to get some things straight in my  
5 mind. And I'm trying to get my hands around what OPC's  
6 objection to or what OPC's argument is as it relates to this.  
7 Is it OPC's opinion in your interpretation that the companies  
8 under the old rate of return system recover their cost plus a  
9 profit?

10 MS. CHRISTENSEN: Correct.

11 COMMISSIONER BRADLEY: And under the new regulation  
12 system the companies get a certain price and they make their  
13 profits by cutting costs?

14 MS. CHRISTENSEN: Correct.

15 COMMISSIONER BRADLEY: So basically OPC's position is  
16 that there should not be cost recovery?

17 MS. CHRISTENSEN: Correct, Commissioner. My  
18 understanding of their argument is that this is already being  
19 recovered through the profits that they have made over the last  
20 years and that it's an ordinary cost of business that would  
21 have been absorbed through the price of service.

22 COMMISSIONER BRADLEY: And staff disagrees with that;  
23 correct?

24 MS. CHRISTENSEN: Correct.

25 COMMISSIONER BRADLEY: Okay. Well, I'll second the



1 motion.

2 COMMISSIONER DEASON: And one other comment.

3 CHAIRMAN BAEZ: Go ahead, Commissioner. And I guess  
4 I just kind of need --

5 COMMISSIONER BRADLEY: I'll withdraw my second then.

6 COMMISSIONER DEASON: -- to get it off my chest. I  
7 need to get it off my chest a little bit is that -- and I think  
8 staff has described it accurately at the bottom of Page 21 when  
9 they quote the FCC as saying, "We believe that the entire  
10 nation should not be required to bear the costs incurred for  
11 the benefit of a particular state." That's the FCC's position  
12 but I think that is totally wrong.

13 The costs that were incurred by Florida companies to  
14 conserve these numbers is not a state-specific cost. Numbers  
15 are a national resource. And it just so happened that Florida  
16 found itself being a growth state, of being one of the states  
17 that could do something that would be effective that could help  
18 stem the rapid proliferation of the need for new area codes,  
19 and that we found ourself in a situation that there was an  
20 obvious problem that we needed to do something about it. And  
21 by us acting, we were acting in the national interest to save  
22 telephone numbers, not in Florida's interest. Sure, it  
23 benefitted Florida customers, but it was -- we were trying to  
24 conserve numbers on a national basis and Florida was in the  
25 position to have some significant impact in that regard. But

1 the FCC refused to allow recovery on a national basis because I  
2 contend that if every number that is saved in Florida is also a  
3 number that is saved in Montana or Idaho or New York or  
4 California. These are national numbers. But the FCC in their  
5 wisdom decided that, no, they were not going to aggregate these  
6 costs on a national basis and allow recovery on a national  
7 basis, and I think that's where the failing is in this entire  
8 matter. I feel better having said that.

9 CHAIRMAN BAEZ: I feel better having you said that,  
10 actually.

11 Commissioner Bradley, there was a motion.

12 COMMISSIONER BRADLEY: After having listened to  
13 Commissioner Deason's --

14 CHAIRMAN BAEZ: Do you feel better too?

15 COMMISSIONER BRADLEY: -- rationale, I feel much  
16 better. I still will second the motion.

17 CHAIRMAN BAEZ: There's a motion and second to move  
18 staff on all issues. All those in favor say, "aye."

19 COMMISSIONER BRADLEY: Aye.

20 CHAIRMAN BAEZ: Aye.

21 COMMISSIONER DAVIDSON: Aye.

22 COMMISSIONER DEASON: No.

23 CHAIRMAN BAEZ: All those opposed, "nay."

24 COMMISSIONER DEASON: Nay.

25 CHAIRMAN BAEZ: Thank you, Commissioner.

1           COMMISSIONER DEASON: I have a problem with the  
2 concept that the FCC by their authority can grant this  
3 Commission to enable cost recovery, and I agree there should be  
4 cost recovery, but I don't think -- if they give us the ability  
5 to implement cost recovery, it should be with the authority by  
6 the FCC that we can implement it by their approved or their  
7 preferred methodology, which is access charges, regardless of  
8 what our state-specific law says. I think that to say that we  
9 don't have the ability to do it by access charges, that that  
10 ignores the fact that this is probably also, at least in the  
11 Public Counsel's mind and I think there's some credence to  
12 their argument, that it runs afoul of the price cap regulation  
13 as well.

14           So if the FCC gives us the authority to do it at all,  
15 they must give us the authority to do it in their preferred  
16 methodology which preempts Florida statutes in terms of access  
17 charges and that we should have the ability to do it on an  
18 access charge basis.

19           COMMISSIONER BRADLEY: And I don't have any  
20 objections to what Commissioner Deason has just stated. But my  
21 rationale is that staff has analyzed this issue, and we in the  
22 past voted to allow cost recovery as it relates to number  
23 pooling and I'm just trying to be consistent.

24           COMMISSIONER DEASON: And I'm not finding fault. I  
25 think staff has done an excellent job in their analysis. They

1 have laid out the issues very well, and they have presented all  
2 of the arguments and they have come to a conclusion. And I  
3 don't fault them for that conclusion. I come to a different  
4 conclusion.

5 CHAIRMAN BAEZ: Since we may -- and this by no means  
6 implies that any other Commissioner should pipe up unless they  
7 feel it, but here's my situation with that. Although I think  
8 you make some valid arguments, I see this as analogous to the  
9 ETC issue. I mean, we can't go ahead and say that the FCC has  
10 delegated authority to us and then pick and choose when we're  
11 going to follow state statutes to make -- to have as a basis  
12 for a decision. I think here was a partial opportunity for us  
13 to carry out both our responsibilities, and that's why I think  
14 that the opportunity for us or the ability for us to address  
15 this issue was available to us in state statutes.

16 It may not be pretty. It may not even be fair. I  
17 mean, I agree with you on that. But whereas, on the ETC, this  
18 Commission voted -- on the ETC certification, this Commission  
19 voted that it had no authority because despite a responsibility  
20 that was passed down to the state commissions on the part of  
21 the FCC, we could not honor that responsibility because state  
22 statute kept us from it. And I see this as a very similar  
23 situation except that the state statute left half an opening.  
24 And I think that this decision, at least in my opinion, is --  
25 although only half satisfying is just that. We had to

1 discharge our responsibility in the only way that was available  
2 to us. That's my rationale for this decision anyhow.

3 COMMISSIONER BRADLEY: And right. And not to prolong  
4 this discussion, but the FCC has --

5 CHAIRMAN BAEZ: Sure.

6 COMMISSIONER BRADLEY: Well, I respect the FCC and  
7 what their statutory mission is. But also I respect the fact  
8 that the Florida Legislature is a very wise group, and it  
9 renders decisions in its opinion that are specifically good for  
10 the state of Florida. By all means, I respect what  
11 Commissioner Deason had to say. And maybe what we need to do  
12 is to spread those comments across the record so that in the  
13 future we can keep those issues alive and have a continued  
14 discussion and maybe move in that direction.

15 CHAIRMAN BAEZ: Thank you, Commissioners.

16 Commissioners, I see that staff on Item 4 --

17 COMMISSIONER DEASON: 3.

18 CHAIRMAN BAEZ: -- 3, I'm sorry, is back. So I think  
19 we might be able to get this out of the way.

20 Thank you, staff, for your assistance.

21 (Agenda Item Number 4 concluded.)

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STATE OF FLORIDA        )  
                                  :                    CERTIFICATE OF REPORTER  
COUNTY OF LEON        )

I, TRICIA DeMARTE, RPR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

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' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 23rd DAY OF AUGUST, 2004.

Tricia DeMarte  
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