

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by AT&T)	Docket No. 960847-TP
Communications of the Southern)	Docket No. 960980-TP
States, Inc., MCI)	
Telecommunications Corporation)	
and MCI Metro Access)	
Transmission Services, Inc. for)	
arbitration of certain terms and)	
conditions of a proposed)	
agreement with GTE Florida)	
Incorporated concerning)	
interconnection and resale under)	
the Telecommunications Act of)	
1996)	

PROCEEDINGS: PREHEARING CONFERENCE

BEFORE: COMMISSIONER J. TERRY DEASON
Prehearing Officer

DATE: Thursday, October 3, 1996

TIME: Commenced at 1:35 p.m.
Concluded at 2:07 p.m.

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

REPORTED BY: LISA GIROD JONES, RMR, RPR

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FPSC-RECORDS/REPORTING

1 APPEARANCES:

2 TRACY HATCH, Attorney, and MICHAEL W. TYE,
3 Attorney, AT&T Communications of the Southern States,
4 Inc., 101 North Monroe Street, Suite 700, Tallahassee,
5 Florida 32301; appearing on behalf of AT&T
6 Communications of the Southern States, Inc.

7 RICHARD D. MELSON, Attorney at Law, Hopping,
8 Green, Sams & Smith, 215 South Calhoun Street,
9 Tallahassee, Florida 32301; appearing on behalf of MCI
10 Telecommunications Corporation and MCI Metro Access
11 Transmission Services, Inc.

12 ANTHONY P. GILLMAN, Esquire, Post Office Box
13 110, FLTC0007, Tampa Florida 33601; appearing on behalf
14 of GTE Florida Incorporated.

15 DONNA CANZANO, MONICA M. BARONE, CHARLIE
16 PELLEGRINI, Staff Counsel, 2540 Shumard Oak Boulevard,
17 Tallahassee, Florida 32399-0863; appearing on behalf of
18 the Commission Staff.

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DEPOSITION

COMMISSIONER DEASON: Call the prehearing conference to order. Could we have the notice read, please?

MS. CANZANO: Pursuant to notice September 12th, 1996 a prehearing conference has been set for this time and this place in Docket Nos. 960847 and 960980.

COMMISSIONER DEASON: Take appearances.

MR. GILLMAN: Thank you, Commissioner Deason. On behalf of GTE Florida Incorporated, my name is Tony Gillman from Tampa, Florida. With me is Bev Menard.

MR. MELSON: Richard Melson of the law firm Hopping, Green, Sams & Smith P.A., Tallahassee, Florida, on behalf of MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. Appearing with me at the hearing will be Martha McMillin of MCI in Atlanta.

MR. HATCH: Tracy Hatch, 101 North Monroe Street, Suite 700, Tallahassee, Florida, appearing on behalf of AT&T. Also appearing with me is Michael W. Tye.

MS. CANZANO: I'm Donna Canzano. Appearing with me is Monica Barone and also appearing is Charlie Pellegrini, appearing on behalf of the Commission Staff.

1 COMMISSIONER DEASON: Do we have any
2 preliminary matters?

3 MS. CANZANO: We only have one pending motion
4 which we can address at any point, probably after we go
5 through the procedural order, and no other ones that I
6 am aware of.

7 COMMISSIONER DEASON: Is this GTE's motion to
8 dismiss?

9 MS. CANZANO: I'm sorry?

10 COMMISSIONER DEASON: Which motion were you
11 referring to, the motion to dismiss?

12 MS. CANZANO: Yes.

13 COMMISSIONER DEASON: Do parties have a
14 preference as to whether this motion is taken up at this
15 time or at the end of the prehearing conference?

16 MR. HATCH: Either is fine with us.

17 MR. GILLMAN: I guess either is fine with us.
18 If I had a -- asked for a preference, I would say we
19 address it the first thing before the -- before all the
20 commissioners prior to the hearing.

21 COMMISSIONER DEASON: Is your suggestion we
22 not even address it here today and that it just be taken
23 up as first order of business at the convening of the
24 hearing?

25 MR. GILLMAN: That would be my suggestion,

1 yes.

2 COMMISSIONER DEASON: I don't have any
3 objection to that. In fact, if we were going to discuss
4 it today, my inclination would have been to defer this
5 entire matter to the full Commission, because I think it
6 is of a nature which should be decided by the full
7 Commission and not by a prehearing officer acting
8 alone. Unless I hear an objection from the parties,
9 that's what we'll do.

10 MR. MELSON: No objection.

11 MR. HATCH: No objection.

12 COMMISSIONER DEASON: Very well. Ms. Canzano,
13 you probably need to make a notation somewhere in the
14 prehearing order that this needs to be addressed early
15 on when the hearing is convened.

16 MS. CANZANO: I will do that.

17 COMMISSIONER DEASON: Any other preliminary
18 matters?

19 MR. GILLMAN: I don't know if they come into
20 the nature of preliminary matters. I have a list of
21 things to talk about regarding witness order and order
22 on cross and that sort of thing.

23 COMMISSIONER DEASON: If that has to do with
24 the order of witnesses, we'll address that in due time.
25 If it has to do with a concern about permissible

1 cross-examination by certain parties of certain
2 witnesses, we can go ahead and address that now.

3 MR. GILLMAN: Okay, I would just make the
4 motion that the order on cross-examination of the
5 witnesses be such that any friendly cross be taken
6 first. So the party with the adverse position to the
7 witness would cross-examine last.

8 COMMISSIONER DEASON: Well, let me express
9 this, it is my intent there is not only going to be
10 cross-examination of an adverse nature, and that
11 cross-examination of a witness with an identical or
12 similar position is not going to be allowed in this
13 proceeding. And therefore, the order will not make that
14 much difference. But, I am inclined to agree that
15 parties with -- parties that are more similarly situated
16 probably should ask their adverse questions first before
17 parties which are even -- that are more adversely
18 situated ask their questions, which would mean -- I mean
19 it's fairly obvious that there are basically two sides
20 to this, even though there are some differences of
21 opinion, minor differences of opinion between some
22 parties.

23 Is there any problem with that general
24 procedure, Mr. Melson?

25 MR. MELSON: No problem.

1 COMMISSIONER DEASON: Mr. Hatch?

2 MR. HATCH: No, sir.

3 COMMISSIONER DEASON: Staff?

4 MS. CANZANO: No, sir.

5 COMMISSIONER DEASON: Very well. Any other
6 preliminary matters?

7 MR. GILLMAN: Maybe just a matter of
8 logistics, Commissioner Deason. One of our exhibits in
9 the case is a videotape that we would propose to run, I
10 suspect, during the witness summation of his testimony.
11 We will have -- make arrangements for a TV and VCR to be
12 here, unless such facilities are available here in the
13 Commission.

14 COMMISSIONER DEASON: It would be incumbent
15 upon you to check with the clerk's office, and if such
16 facilities are not available, obviously you will have to
17 provide your own, assuming that this is permissible
18 procedure. Are the parties aware of this?

19 MR. HATCH: Yes.

20 COMMISSIONER DEASON: Any objection?

21 MR. HATCH: No, sir. We also have a
22 multi-media presentation to launch in this case, as well
23 as we did in BellSouth's.

24 MR. GILLMAN: I think all parties would still
25 have the opportunity to object to introduction of the

1 exhibit at the time of the hearing, just like any other
2 exhibit. I raise it just more for logistics so you're
3 not surprised at the hearing when we pull in this TV
4 camera, or television. And I'm sure the same is true
5 for AT&T.

6 COMMISSIONER DEASON: Very well. We
7 appreciate you putting us on notice to that effect. And
8 there's no objection to that general procedure, while I
9 agree that any type testimony is subject to an objection
10 at the time that it's given.

11 MS. CANZANO: Also, what about combining
12 direct and rebuttal in an effort to save some time?

13 MR. GILLMAN: We have no objection to that.

14 MR. MELSON: As in the last case, MCI prefers
15 them to be separate but has no objection if that will
16 help finish the hearing in time.

17 COMMISSIONER DEASON: It is my intent --
18 Mr. Hatch, you wanted to add something?

19 MR. HATCH: It is AT&T's desire that they not
20 be combined. However, I'm not -- not being a betting
21 man, I'm not going to bet my farm on it.

22 COMMISSIONER DEASON: I didn't know you had a
23 farm.

24 MR. HATCH: In view of the last ruling.
25 Actually I'm trying to close on one tomorrow.

1 COMMISSIONER DEASON: Well congratulations.

2 MR. HATCH: Not a real farm, but it will be
3 fun.

4 COMMISSIONER DEASON: It is my inclination,
5 unless there's strenuous objection, to combine direct
6 and rebuttal in an effort to economize on time, which is
7 going to be at a premium during the course of this
8 hearing.

9 We also discussed a number of other procedural
10 type matters at the first prehearing. We discussed time
11 limits on witness summaries. We discussed whether there
12 would or would not be opening statements, and if there
13 were opening statements, time limits on those.

14 I'm inclined to treat this docket as we
15 treated the previous docket, that would be that there
16 would be no opening statements, and that there would be
17 a time limit on witness summaries of five minutes per
18 witness, with the latitude given to parties to request
19 from the chairman at the time of hearing additional
20 time, if it can be shown that there are extraordinary
21 circumstances associated with that witness's testimony.
22 And unless there's an objection to that, that's what
23 we're going to do in this docket.

24 Mr. Gillman?

25 MR. GILLMAN: No objection.

1 MR. MELSON: No objection.

2 MR. HATCH: No objection.

3 COMMISSIONER DEASON: Very well.

4 MS. CANZANO: And one other matter regarding
5 post-hearing briefs, in the BellSouth arbitration case
6 it was decided that for each position, though some
7 issues have subparts, each party would be allowed to
8 take 50 words to address every part of an issue. And I
9 believe we -- you extended the post-hearing brief itself
10 to be 100 -- was it 100 pages?

11 COMMISSIONER DEASON: 100 pages total,
12 post-hearing filing, and the word limit on position
13 statement would be 50 words for a single-part issue and
14 for an issue with multiple parts, it would be a total of
15 50 words per part. Doesn't mean that it has to be
16 limited to 50 words for each part, but for that issue,
17 if there were three parts, it would be a total of
18 150-word limit for the position on that entire issue.
19 And if that's agreeable with all parties, we'll go
20 forward with that same procedure here. Any objection,
21 Mr. Gillman?

22 MR. GILLMAN: No objection.

23 COMMISSIONER DEASON: Any objection by any
24 other party?

25 MR. HATCH: No, sir.

1 COMMISSIONER DEASON: Very well. And that is
2 a 100-page limit on the entire post-hearing filing.

3 Okay, any other preliminary matters?

4 MR. MELSON: Commissioner Deason, on the
5 post-hearing filing GTE filed attached to its petition
6 in this docket a document that was called a takings
7 paper. I'm not sure exactly what it was. It was a
8 number of pages of legal argument. Would it be my
9 understanding that to the extent they intend that to be
10 considered by the Commission as part of a post-hearing
11 filing, that that would be subject to this overall
12 100-page limit?

13 COMMISSIONER DEASON: Are you referring to the
14 legal position that was attached to the motion to
15 dismiss?

16 MR. MELSON: No, sir, I'm referring to a legal
17 position which was attached to their response to MCI's
18 petition.

19 COMMISSIONER DEASON: Mr. Gillman?

20 MR. GILLMAN: I'm not sure what he's asking.
21 What we did file, as required under the -- under the
22 procedural rule we were entitled to file a response to
23 their petition. As part of that response, we filed what
24 we refer to as a takings paper that deals with the legal
25 issues in response to their petition. If Mr. Melson is

1 asking that our 100-page limit must be -- you must
2 subtract the number of pages that are in that takings
3 report, which is part of our response, we would
4 strenuously object to that, just like we wouldn't expect
5 them to subtract from their 100 pages, the number of
6 pages that was part of their original petition.

7 COMMISSIONER DEASON: Mr. Melson.

8 MR. MELSON: That was not my intent. Just to
9 the extent that GTE intends to reiterate these arguments
10 in its post-hearing filing, that that would be included
11 in their page limit. They could not, for example,
12 attach this as an exhibit to their post-hearing filing
13 and have it not counted in the page limit is my only
14 point.

15 COMMISSIONER DEASON: Mr. Gillman.

16 MR. GILLMAN: We have no objection to that.
17 We would not attach it -- we would not try to extend the
18 100-page limit by attaching what is in that takings
19 report to our brief.

20 COMMISSIONER DEASON: Very well. But you'll
21 be free to argue whatever you wish in your brief,
22 subject to the 100-page maximum limitation.

23 Any other preliminary matters? Staff?

24 MS. CANZANO: None.

25 COMMISSIONER DEASON: I understand that -- and

1 we may get to this when we address the issues, but there
2 was a specific procedural issue concerning the
3 post-hearing procedure to be followed in this docket
4 that was addressed by all the parties, and their
5 positions are included in the prehearing order to that
6 effect. We do not have such submissions in this
7 docket. I think, though, it is the intent of the
8 Commission to have that listed in this docket, as it was
9 in the previous docket, as an issue. And so I guess I
10 need to ask GTE, are you familiar with the issue I'm
11 referring to, and if so, do you have a position you can
12 provide the Staff?

13 MR. GILLMAN: I am familiar with the issue. I
14 cannot provide you with a position today. I talked with
15 Ms. Canzano about filing something by the end of
16 business day tomorrow, and I think we can meet with
17 that.

18 COMMISSIONER DEASON: Very well. I would
19 assume that the other parties would have identical --
20 similar, if not identical, positions on the same issue
21 in this docket.

22 MR. MELSON: MCI's will be identical to what
23 it filed in the Bell case.

24 MR. HATCH: So will AT&T's.

25 COMMISSIONER DEASON: Very well. And

1 Ms. Canzano, as long as you are provided that by the
2 close of business on Friday that will be sufficient?

3 MS. CANZANO: That will be fine.

4 COMMISSIONER DEASON: Very well. We may then
5 proceed to the prehearing order.

6 Section 1 is the case background. Any changes
7 or corrections to that section? Section 2 addresses the
8 procedure for handling confidential information. And as
9 we discussed this morning, it is incumbent upon each
10 party who wishes to utilize such information to put the
11 Commission and other parties on notice to that effect.
12 And I just want to reiterate that that be done and that
13 the procedures described be followed at the hearing.

14 MR. MELSON: Commissioner Deason, I would ask
15 of GTE the same clarifying question I asked to BellSouth
16 this morning. It's my understanding that they intend to
17 submit their cost study notebook as an exhibit in this
18 proceeding. I would like to verify that that
19 understanding is correct.

20 MR. GILLMAN: That is correct. It will be
21 attached to Bert Steele's, BIS No. 1.

22 MS. CANZANO: And after the conclusion of this
23 prehearing conference, Staff would like to meet with the
24 parties, especially GTE, to figure out logistically --
25 coordinate the number of copies that will be necessary

1 for GTE to produce.

2 COMMISSIONER DEASON: Very well. Section 3
3 addresses prefiled testimony and exhibits, and Section 4
4 addresses the order of witnesses. Mr. Gillman.

5 MR. GILLMAN: We have submitted a list of our
6 witnesses, which number 15, in the order that we intend
7 to all call them, which doesn't correspond exactly to
8 the way the Staff has them listed. And we have put out
9 a list that we have shared with the Staff, as well as
10 the other parties, for inclusion in the report. We also
11 have some minor changes to some of the issue
12 designations, and other typos. These have also been
13 submitted to the Staff.

14 COMMISSIONER DEASON: Very well.

15 MS. CANZANO: Mr. Gillman, we would like to
16 just request a little bit of clarification on that
17 handout. For example, No. 6, what you filed as Albert
18 Wood, I see that Larry Hartshorn will be adopting the
19 Wood direct. You have that listed under GTE rebuttal,
20 so does that mean that Mr. Hartshorn's filing also
21 includes rebuttal testimony as well as direct
22 testimony?

23 MR. GILLMAN: I believe this is correct. In
24 his rebuttal he adopted Wood's direct testimony, as well
25 as provided additional rebuttal testimony.

1 MS. CANZANO: Is that -- what about other
2 witnesses listed, like Mr. Cantrell? Perhaps it would
3 be better if you meet with us afterwards, we could
4 discuss that, so that way it's clear for the prehearing
5 order.

6 MR. GILLMAN: There were a couple, I know,
7 that did not have substantive rebuttal and they just
8 adopted the testimony.

9 MS. CANZANO: Excuse me. We could straighten
10 that out afterwards.

11 COMMISSIONER DEASON: Very well.

12 MR. MELSON: Commissioner Deason, the
13 prehearing order does not list MCI's rebuttal
14 witnesses. Our rebuttal was due and was filed after the
15 date for filing prehearing statements. Each of the MCI
16 witnesses listed in the order of witnesses also has
17 rebuttal. In addition to that, we have filed a piece of
18 rebuttal testimony from Steve Inkellis, I-N-K-E-L-L-I-S,
19 who did not offer direct testimony in the docket.

20 And with regard to order of witnesses,
21 Mr. Wood, Don J. Wood, has filed testimony in this
22 proceeding on behalf of both AT&T and MCI. I've talked
23 with AT&T, and it would be our proposal that he only go
24 on the stand once and that he do it at the time MCI's
25 case is being presented. What I would like to do is

1 read you MCI's proposed order for its six witnesses.

2 COMMISSIONER DEASON: Very well.

3 MR. MELSON: Don Price would remain number
4 one. Sarah Goodfriend, who appears on the top of Page
5 7, would be number two. Paul Powers would be number
6 three.

7 MR. GILLMAN: I'm sorry, who?

8 MR. MELSON: Paul Powers. Timothy deCamp
9 would be number four. Don Wood would be number five,
10 appearing on behalf of both AT&T and MCI. And then
11 Mr. Inkellis would be number six.

12 COMMISSIONER DEASON: It is your intent that
13 Mr. Wood would take the stand only one time?

14 MR. MELSON: That's correct.

15 COMMISSIONER DEASON: And that he would take
16 the stand during AT&T's presentation or MCI's
17 presentation?

18 MR. MELSON: During MCI's presentation. And
19 in that regard, Mr. Wood is also testifying that week in
20 Oregon, which is just about as far away as you can get.
21 We would like to ask permission, if need be, to take him
22 out of order on the 16th. The 16th is the only day -- I
23 believe he's testifying in Oregon either on the 14th or
24 the morning of the 15th, and he needs to try to get from
25 there to here. So if GTE has no objection.

1 MR. GILLMAN: No, Commissioner Deason, that
2 will be fine. We have a similar --

3 COMMISSIONER DEASON: Before you get to yours,
4 let me -- I need to clarify something. Mr. Wood is
5 available during the 14th and 15th?

6 MR. MELSON: No. Only on the 16th.

7 COMMISSIONER DEASON: Oh, he's available only
8 on the 16th?

9 MR. MELSON: Yes, sir.

10 COMMISSIONER DEASON: Mr. Gillman?

11 MR. GILLMAN: As luck would have it, our
12 Hatfield witness, Dr. Duncan, is also available only on
13 the 16th. I have no problems with doing both of those
14 witnesses on the 16th. I would request that Mr. Wood go
15 before Mr. Duncan. And maybe the way you do it is just
16 to take those two witnesses right first in the morning.

17 MR. MELSON: That's fine with me.

18 COMMISSIONER DEASON: I'm sorry, your witness
19 is who?

20 MR. GILLMAN: Dr. Duncan.

21 COMMISSIONER DEASON: Gregory B.?

22 MR. GILLMAN: Gregory Duncan. And I think
23 he's testifying -- has to go back to California. So
24 they'll maybe be on the same plane.

25 COMMISSIONER DEASON: Well, I'm going to

1 inform the parties, as I did this morning, we will make
2 that notation in the prehearing order. I am sure that
3 the Commission will make every endeavor to accommodate
4 that. However, that is the chairman's call. She will
5 be conducting this hearing. It is her responsibility to
6 get this hearing concluded in the time period allotted.
7 And I'm sure that she will try to accommodate you, but
8 it's going to be her call, and so you may need to
9 reiterate that request to her specifically at the time
10 of the hearing.

11 MR. GILLMAN: Thank you.

12 MS. CANZANO: Also, Staff would like to have a
13 written documentation with the changes of the
14 witnesses. I believe Mr. Melson has one also, and I was
15 handed one by GTE.

16 COMMISSIONER DEASON: Ms. Canzano, you need
17 what?

18 MS. CANZANO: Just -- Mr. Melson had prepared
19 a list of witnesses and what pieces of testimony had
20 been filed by those witnesses, and I would -- Staff
21 would like to receive a copy of that, and we have
22 received one from GTE.

23 COMMISSIONER DEASON: So you have one from MCI
24 and GTE?

25 MS. CANZANO: Yes, and also from all of the

1 parties Staff would like to have the issues associated
2 with each witness, and we would like that provided to
3 Staff as well.

4 COMMISSIONER DEASON: By close of business
5 Friday?

6 MS. CANZANO: Yes.

7 COMMISSIONER DEASON: Any objection?

8 MR. MELSON: No.

9 MR. GILLMAN: No objections.

10 COMMISSIONER DEASON: Very well, any other
11 matters concerning the order of witnesses?

12 MR. HATCH: Yes, sir, with respect to AT&T's
13 order, the order that's set forth in the prehearing
14 draft is not what we would prefer. Let me go ahead and
15 read off the list of how we would want it.

16 In addition, I would make one notation, as we
17 are going to substitute testimony of Mr. Carroll, and
18 Mr. Shurter, who is already a witness in this
19 proceeding, will adopt the testimony of Mr. Carroll. So
20 you're going to get one less witness from us.

21 The order of witnesses that we would propose
22 for AT&T is Mr. Cresse first, Mr. Gillan, Mr. Shurter,
23 Mr. Crafton, Dr. Kaserman, Mr. Wood is already taken
24 care of, Mr. Guedel, Mr. Sather and Mr. Lerma.

25 MS. CANZANO: And Staff just wants to clarify

1 that Mr. Shurter will also be adopting Mr. Carroll's
2 testimony?

3 MR. HATCH: That's correct.

4 MS. CANZANO: Thank you.

5 COMMISSIONER DEASON: That's not in lieu of
6 his prefiled; that's in addition to?

7 MR. HATCH: That's correct. Mr. Shurter will
8 be doing both his own as prefiled, plus he's going to
9 take on the task of Mr. Carroll's testimony as well.

10 COMMISSIONER DEASON: Okay, any other matters
11 concerning order of witnesses?

12 Section 5 addresses basic positions. Changes
13 and corrections to those positions?

14 MR. GILLMAN: Commissioner Deason, I really
15 haven't had the chance -- we're not changing our
16 positions. I haven't had a chance to compare it to what
17 was actually filed. If it's all right, if we find any
18 sort of typos and that sort of thing, we will submit
19 those by the end of the day tomorrow, if that's okay.

20 COMMISSIONER DEASON: Yes. And I would
21 encourage all parties to make a similar review, and if
22 there are typographical or minor clerical type errors
23 that need to be corrected, please notify Staff and they
24 will incorporate those changes.

25 Mr. Melson?

1 MR. MELSON: The only change MCI has is on
2 Issue 5 on Page 19. The witness identified for that
3 issue should be Mr. Inkellis rather than Mr. Price.

4 MS. CANZANO: I'm sorry, I didn't hear that.

5 MR. MELSON: Issue 5, top of page 19, the
6 witness for that issue will be Mr. Inkellis rather than
7 Mr. Price.

8 COMMISSIONER DEASON: Are you indicating then
9 you have no changes to any of the other issues?

10 MR. MELSON: That's correct.

11 COMMISSIONER DEASON: Section 6 addresses
12 specific issues. I'll simply ask the parties the same
13 thing I just asked Mr. Melson. If there are changes or
14 corrections of a substantive nature to any of the
15 issues, please put me on notice now and we'll discuss
16 those.

17 MR. GILLMAN: None from GTE at this time.

18 MR. HATCH: I don't believe there are,
19 Commissioner Deason.

20 COMMISSIONER DEASON: Staff have any questions
21 of the parties concerning their positions on any of the
22 issues?

23 MS. CANZANO: Not on any of the positions of
24 the parties, but, again, Staff would like to add the
25 issue, to be consistent with all the other arbitration

1 dockets: Should the agreement be approved pursuant to
2 Section 252(e) of the Telecommunications Act of 1996?

3 COMMISSIONER DEASON: As I understand it, this
4 is basically a legal issue?

5 MS. CANZANO: Yes, it is.

6 COMMISSIONER DEASON: Are there any objections
7 to the addition of this legal issue as just described by
8 Staff?

9 MR. GILLMAN: No objection.

10 MR. MELSON: No objection.

11 COMMISSIONER DEASON: Staff, that will simply
12 be added as the last issue?

13 MS. CANZANO: Excuse me, the second to the
14 last issue, because the last issue will be: What are
15 the appropriate post-hearing procedures?

16 COMMISSIONER DEASON: Very well. Section 7
17 addresses the exhibit list. Changes or corrections to
18 that list?

19 MR. MELSON: Yes. Again, MCI's rebuttal
20 testimony was due after the date of the prehearing
21 statement. For Mr. Price on Page 51, there is an
22 Exhibit DGP-5, and I don't have Mr. Price's testimony
23 with me to give you a title on it right now. I can give
24 that to Staff.

25 COMMISSIONER DEASON: Very well.

1 MR. MELSON: Similarly, on Mr. Wood, on the
2 top of Page 52, there is now an Exhibit DJW-4, which is
3 model documentation for Hatfield 2.2.2.

4 MR. HATCH: In addition to that, I would only
5 note that since Mr. Wood is going to be on the stand
6 only once, it will be kind of awkward with two sets of
7 direct and two sets of rebuttal, but all of those will
8 have to be consolidated at some point just as a
9 notation. There will be separate pieces of testimony,
10 but it's pretty much the same, just there is some
11 duplication in some of his exhibits, I believe.

12 COMMISSIONER DEASON: I assume you'll address
13 that when he takes the stand?

14 MR. MELSON: We'll work that out with AT&T.

15 MR. GILLMAN: GTE has some minor changes that
16 have been provided to the Staff.

17 COMMISSIONER DEASON: Very well. Section 8
18 addresses proposed stipulations. Do the parties have a
19 stipulation they wish to propose in this docket?

20 MR. HATCH: Sadly, no, at this point.

21 COMMISSIONER DEASON: You can always do that
22 at anytime before the hearing.

23 MR. MELSON: It worked this morning.

24 COMMISSIONER DEASON: Section 9, pending
25 motions. The only motion, I take it, is the one that's

1 going to be deferred for consideration at the beginning
2 of the hearing?

3 MS. CANZANO: That's correct.

4 COMMISSIONER DEASON: No discovery disputes?

5 MS. CANZANO: We're happy to report, none that
6 I'm aware of.

7 COMMISSIONER DEASON: Parties are to be
8 congratulated.

9 MR. GILLMAN: There are some objections that
10 are outstanding on both sides, and we will work to
11 resolve those.

12 COMMISSIONER DEASON: Very well. That's good
13 news.

14 MR. HATCH: I think the important part is
15 nobody has tried to compel anybody yet.

16 COMMISSIONER DEASON: Anything else to be
17 brought before the prehearing officer?

18 All I can say is, if the hearing goes as
19 smoothly as the prehearing conference, we'll get it done
20 in three days.

21 Hearing nothing else, the prehearing
22 conference is adjourned. Thank you all.

23 MS. CANZANO: Thank you.

24 MR. GILLMAN: Thank you.

25 (Hearing concluded at 2:07 p.m.)

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I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Lisa Girod Jones

Lisa Girod Jones, RPR, RMR

10/4/96

Date