

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

In re: Petition by Winstar)	DOCKET NO. 96-979-TP
Wireless of Florida, Inc., for)	ORDER NO.
arbitration of certain terms and)	PSC-97-0059-PHO-TP
conditions of a proposed)	ISSUED: January 16, 1997
agreement with GTE Florida,)	
Incorporated, concerning resale)	
and interconnection pursuant to)	
47 USC Section 252(B) of the)	
Telecommunications Act of 1966.)	

PROCEEDINGS: ARBITRATION HEARING

BEFORE: CHAIRMAN JULIA JOHNSON
 COMMISSIONER DIANE K. KIESLING
 COMMISSIONER JOE GARCIA

DATE: Thursday, January 23, 1997

TIME: Commenced at 10:30 a.m.

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

REPORTED BY: RAY D. CONVERY, Court Reporter
 (904) 224-0728

BUREAU OF REPORTING
RECEIVED 1-30-97

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

MARTHA CARTER BROWN, Florida Public Service Commission, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0863, Telephone No. (904) 413-6199, appeared on behalf of the Commission Staff.

ANTHONY P. GILLMAN, One Tampa City Center, 201 North Franklin Street, Tampa, Florida, appeared on behalf of GTE Florida, Incorporated.

RICHARD M. RINDLER, Swidler & Berlin, 3000 K Street Northwest, Washington, D.C., appeared on behalf of WinStar Wireless of Florida, Inc.

P R O C E E D I N G S

1
2 COMMISSIONER KIESLING: Call the hearing to
3 order.

4 Is there a notice to be read?

5 MS. CARTER BROWN: Yes, Commissioner. By notice
6 issued January 3rd, 1997, this time and place was set for a
7 hearing in Docket No. 960979-TP, petition by WinStar
8 Wireless of Florida, Inc., for arbitration of certain terms
9 and conditions of a proposed agreement with GTE Florida,
10 Incorporated, concerning resale and interconnection
11 pursuant to 47 USC Section 252 (B) of the
12 Telecommunications Act of 1996. The purpose of the hearing
13 is set out in the notice.

14 COMMISSIONER KIESLING: all right. And I'll take
15 appearances.

16 MR. GILLMAN: Yes. Thank you, Commissioner
17 Kiesling. On behalf of GTE Florida, Incorporated --

18 COMMISSIONER KIESLING: Your mike isn't on or
19 something. Is the light on? No, it's not.

20 MS. KELLY: It's on. You just have to get a
21 little closer.

22 MR. GILLMAN: On behalf of GTE Florida,
23 Incorporated, my name's Tony Gillman, One Tampa City
24 Center, 201 North Franklin Street, Tampa, Florida.

25 COMMISSIONER KIESLING: Okay.

1 MR. RINDLER: Madam Chairman, I'm Richard
2 COMMISSIONER KIESLING: There's something wrong
3 with the system. It is not all

4 MR. RINDLER: Richard Rindler with Swidler &
5 Berlin, 3000 K Street Northwest, Washington, D.C.,
6 representing Winstar Wireless of Florida, Inc.

7 MS. CARTER BROWN: Martha Carter Brown
8 representing the Florida Public Service Commission staff.

9 COMMISSIONER KIESLING: All right. And I'd like
10 to indicate to the parties that Chairman Johnson, who is
11 assigned to this panel, is tied up operating on a telephone
12 call with a representative, and since we all know that the
13 matter has been resolved, I'm going ahead in her absence so
14 that we don't have to all just sit and wait, and no one has
15 an objection to that, do they, because we have a quorum?

16 MR. RINDLER: No objection.

17 MR. GILLMAN: No objection.

18 COMMISSIONER KIESLING: Okay. Then I guess there
19 must be some preliminary matters that someone needs to tell
20 us about.

21 MR. RINDLER: Commissioner, we have had fruitful
22 discussions at last, and I'm happy to say that we can
23 withdraw the final two issues that were open for the
24 arbitration petition that Winstar had filed.

25 COMMISSIONER KIESLING: Okay. And what do you

1 anticipate having your negotiated agreement to us for
2 approval?

3 MR. GILLMAN: There is presently agreement that
4 would -- both parties would be relying on that's already
5 submitted which is being -- probably submitted three weeks
6 or so ago, and so it's pending approval now.

7 COMMISSIONER KIESLING: Okay. And you're just
8 going to update it as to these other issues?

9 MR. RINDLER: To the extent that's necessary.

10 MR. GILLMAN: Yes.

11 COMMISSIONER KIESLING: Okay. Then, having
12 withdrawn your request for arbitration, there is no further
13 need for this proceeding.

14 MR. GILLMAN: Thank you.

15 MR. RINDLER: Thank you, Commissioner.

16 COMMISSIONER KIESLING: Thank you.

17 MS. CARTER BROWN: Commissioner, can you hold on
18 for just one second?

19 COMMISSIONER KIESLING: Yes.

20 MS. CARTER BROWN: My staff requests that we
21 receive a confirmation either way regarding the pending
22 negotiated agreement. If they are going to revise it, if
23 they are going to update it, could they let us know? Our
24 review of it will necessitate that information because, if
25 we have to review it again, we would like to know that.

1 MR. RINDLER: We'll undertake to do that as soon
2 as possible, probably in the next 24, 48 hours.

3 MS. CARTER BROWN: Thank you.

4 COMMISSIONER KIESLING: Okay. So that's
5 resolved?

6 MS. CARTER BROWN: Yes.

7 (Chairman Johnson joins the proceeding.)

8 COMMISSIONER KIESLING: All right. Then, Chairman
9 Johnson, since you're now here, would you like to adjourn
10 the proceedings?

11 CHAIRMAN JOHNSON: Acknowledge the withdrawal,
12 proceedings adjourned.

13 (Concluded at 10:35 a.m.)

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF LEON)

I, RAY D. CONVERY, Court Reporter at Tallahassee, Florida, do hereby certify as follows:

THAT I correctly reported in shorthand the foregoing proceedings at the time and place stated in the caption hereof;

THAT I later reduced the shorthand notes to typewriting, or under my supervision, and that the foregoing pages 3 through 6 represent a true, correct, and complete transcript of said proceedings;

And I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Dated this 29th day of January, 1997.


RAY D. CONVERY
Court Reporter