

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
Pre-Hearing Conference
September 29, 2015
Jefferson City, Missouri
Volume 1

Melody Sue Moss,)	
Complainant,)	File No. IC-2015-0286
)	
vs.)	
)	
Windstream Missouri, Inc.,)	
)	
Respondent.)	

KENNARD L. JONES, Presiding, via phone
SENIOR REGULATORY LAW JUDGE

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A P P E A R A N C E S

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FOR: Staff of the Missouri Public Service Commission

1 JUDGE JONES: This is Case Number
2 IC-2015-0286, Melody Sue Moss, M-e-l-o-d-y S-u-e
3 M-o-s-s, versus Windstream Missouri, Incorporated.
4 Ms. Moss has filed a complaint against the Company and
5 Windstream has responded.

6 My name is Kennard Jones, K-e-n-n-a-r-d.
7 I am the Regulatory Law Judge assigned to this case.
8 I'll note for the record that Ms. Moss is on the
9 phone. This is a telephone hearing that we're having.
10 And that Kendra Jones is here on behalf of Windstream
11 Missouri. And I will take an entry of appearance from
12 the Staff of the Commission.

13 MS. MUETH: Your Honor, for the Staff of
14 the Missouri Public Service Commission, this is Marcie
15 Mueth, M-u-e-t-h, and Cully Dale. Our staff --
16 technical staff that are also working on this case are
17 Myron Couch and John Van Eschen. Our address is PO
18 Box 360, Jefferson City, Missouri 65102.

19 JUDGE JONES: Okay. And Ms. Jones, you
20 have someone also from Windstream with you?

21 MS. JONES: Yes, Your Honor. We have
22 Steven Finley, who's our local operations manager
23 there in Missouri and James Lloyd, who's been working
24 this matter for legal.

25 JUDGE JONES: Okay. All right. Well,

1 let's start off with you, Ms. Moss. Can you just tell
2 us generally -- I understand that you have recently
3 submitted some additional information, but let's just
4 start from, you know, generally what your complaint
5 is.

6 MS. MOSS: Okay. In April of 2014 -- I
7 believe it is April because I am unable to find that
8 letter of acknowledgment of a telephone call to
9 Windstream. And it was my first report to Windstream
10 of -- and I reported this by telephone to
11 1-800-347-1991. I spoke to the customer service
12 people there and, slash, they call it also the
13 business office. I was also put to the technical
14 department of Windstream.

15 When I talked of such a matter as I'm
16 going to bring up, I spoke in -- on -- in April -- I
17 think it was April the 30th of 2014 and I told them
18 how I was receiving severe shocks. And it was to the
19 technical department at that point that I spoke that
20 part of the severe shock because I was told by people
21 in customer service that that is who I needed to speak
22 to with Windstream.

23 I do not recall the guy's name that I
24 spoke to. It was a man. And I told him, I said, I
25 have been talking on my telephone and I have been -- I

1 had been receiving shocks anyway over my telephone,
2 but it was kind of mild. So up until that point I did
3 not report it. Now, I didn't know what was causing
4 such shocks to me.

5 But this one day that -- I noticed things
6 were different and I was getting very severe shocks
7 and I told this man I felt as though I could die from
8 these shocks, I was up at my -- in my house and I was
9 over by my sink and I was wondering what could be
10 causing these shocks to me. Finally, I looked out my
11 front window of my house at 1736 County Road 418
12 Piedmont, Missouri and I noticed across the road there
13 was a green Weber barbecue grill leaning against a
14 utility pole. And I -- you know, subconsciously my
15 mind must have known that I had not seen that there
16 previously.

17 So I went out to investigate. I walked
18 across the road, because that's the utility pole that
19 this barbecue grill was leaning on. I walked over
20 there and I noticed that the -- the grill was there,
21 plus the box that goes to the telephone service. And
22 I wasn't even sure what that box was at this point,
23 but I noticed that that box was there and the wires
24 was -- it's a -- a thing was off and the wires were
25 sticking out of this box halfway up the utility

1 pole -- or it might not even be halfway, you know,
2 maybe three-quarters of the distance up the utility
3 pole.

4 So I thought this is weird. And I walked
5 around the subdivision and I started looking around at
6 the different telephone poles/utility poles, which
7 also has electricity running off of them. And I did
8 not notice any other boxes such as I just described
9 with the covers off.

10 So I went back and I did move that
11 barbecue grill because it was -- there was like a
12 metal pole going up to the box that has the exposed
13 wires on the utility pole. I moved that barbecue
14 grill. It was not my barbecue grill, but I thought
15 this is weird and I am getting shocked. Okay? So I
16 moved it.

17 I called the -- I called the electric
18 company and I called Windstream. And I was told by
19 the electric company, which I called first, that that
20 was probably the telephone line. So I called
21 Windstream.

22 And that is when I spoke to that man and
23 told him how I felt I could die. And he said, We can
24 have someone out there in four days. I said, That is
25 not soon enough. I said, I just told you I could die.

1 So he said, Well, maybe we can get -- get it, you
2 know, brought up on an emergency basis and he said
3 maybe two days. I said, That's not soon enough. I
4 said, Get someone out here today. And anyway, he
5 said, Well, ma'am, you know, we have to sit there and
6 talk to these people that's in your area and so on, so
7 forth.

8 Well, no one did come out that day and it
9 was either the next day or a day -- I think it was two
10 days later. I'm almost sure it was two days later
11 that someone showed up at my house. Now, there is one
12 conversation. Because Windstream, you know, they --
13 for their quality control, they monitor and tape
14 telephone conversations. So I want that as evidence.
15 I would like to -- if Windstream does not produce that
16 tape willingly, I would like that tape subpoenaed.

17 JUDGE JONES: Okay. This is Kennard
18 Jones. Ms. Moss, what you're doing is giving a
19 recitation of all of the facts you would otherwise
20 want to have in an evidentiary hearing. And I
21 appreciate that. It gives me a good idea of what's
22 going on. There's a customer service issue that you
23 have, it sounds like, and also a service issue.

24 As far as the conversation that you had,
25 when we go off the record, just have that discussion

1 with Windstream and see if you all can work that out.

2 MS. MOSS: Well --

3 JUDGE JONES: I do have a question for
4 you.

5 MS. MOSS: Okay.

6 JUDGE JONES: This shock that you were
7 talking about you were getting through your telephone
8 while you were using it --

9 MS. MOSS: Yes.

10 JUDGE JONES: -- does that still happen
11 today?

12 MS. MOSS: It happens sometimes. It's
13 according to how long I am on my telephone and it's
14 according to a lot of different factors. Just say,
15 for instance, there is an airplane in the airspace or
16 that there is a loud vehicle like -- I don't know,
17 it's like -- it's almost like these vehicles that have
18 like -- I don't want to say a muffler problem, but it
19 sounds like their muffler isn't on there. Maybe they
20 have glass packs. I don't know what they have
21 exactly, but it is usually a loud vehicle that will
22 cause -- if I'm on the telephone for -- for me to
23 start getting the shocks sooner.

24 JUDGE JONES: Okay. Well --

25 MS. MOSS: But I do want to mention too

1 over and over I have called Windstream and asked them
2 to take the telephone wires outside of my house, to
3 un-- I want a new -- I want my box moved outside of my
4 home on -- at 1736 County Road 418 where I live in
5 Piedmont.

6 And -- and -- because that box for the
7 telephone that is outside on my -- on my house is
8 right next to an air conditioner unit, it is right
9 next to the electric lines feeding into my home, it is
10 right next to a stained glass window that also has
11 lead that leads into my home.

12 Now, I have finally gotten a heavy
13 plastic blind over this stained glass window, but I
14 have been telling Windstream over and over I want them
15 to move this box to a location of which I approve.
16 And they always -- here's one of their lame excuses,
17 well, ma'am, we don't go underneath your house.

18 And I say, Okay, you don't have to go
19 underneath my house. Once you disconnect those wires
20 there, I will pull those wires, which is crisscrossed
21 and there is pictures taken by Myron Couch and myself
22 of those telephone lines underneath my home here. And
23 I want them out of my crawl space.

24 And I said, I then want a location on the
25 outside of my house, this box to be moved because I

1 don't want it next to all these other electrical --
 2 electronic-type of apparatuses and where the
 3 electricity feeds into my home and the stained glass
 4 window and what have you. So I said, I want to go
 5 ahead and have the wires, instead of run underneath my
 6 crawl space, run along the outside foundation of my
 7 house.

8 And then, you know, the wires have to
 9 come in at some point for the little box that they
 10 have for hooking my telephone to -- with -- per what
 11 you buy when you get a telephone and you get that
 12 telephone line for speaking on my telephone.
 13 Because --

14 JUDGE JONES: Let me -- Ms. Moss, let me
 15 interrupt you.

16 MS. MOSS: Okay.

17 JUDGE JONES: Because like I said, the
 18 purpose of this meeting is to try to reach a
 19 resolution, not necessarily to make your case.

20 MS. MOSS: Okay.

21 JUDGE JONES: But I do hear something I
 22 would like to hear from -- well, Windstream, you hear
 23 her describing something that she wants done. Do you
 24 understand what she's wanting?

25 MS. JONES: Well, Your Honor, I'm not

1 sure I'm understanding everything that Ms. Moss is
2 asking for or wanting, but at one point she had said
3 that she wants the wiring that is currently in her
4 crawl space underneath her house transferred to
5 outside. And we have provided her with a quote for
6 that to be done.

7 Of course, it's the inside house wires
8 and that would be the responsibility of the customer.
9 But we have provided that quote. And when it was
10 provided, she didn't -- she didn't want to have to pay
11 that.

12 JUDGE JONES: Okay. I understand. So
13 that's an issue of contention between --

14 MS. MOSS: Excuse me, sir.

15 JUDGE JONES: Ms. Moss?

16 MS. MOSS: Yes.

17 JUDGE JONES: Okay. Yes?

18 MS. MOSS: Yes. This is Ms. Melody Moss.
19 At first I did not agree to having -- paying for what
20 Windstream put underneath my house in the first place.
21 At first I did not -- the first time I spoke to them.
22 But I have spoken to them on numerous occasions and
23 they would not give me fax numbers.

24 Now, yesterday I faxed this and I was
25 very specific in my fax once I got fax numbers and I

1 had the time to describe what I just said to you
2 myself. So I have repeatedly asked Windstream to move
3 this box. And these -- all these conversations should
4 be, once again, on tape.

5 JUDGE JONES: Well, that's something that
6 can be discussed --

7 MS. MOSS: Yes.

8 JUDGE JONES: -- when you all try to work
9 this out. It does sound like to me -- and I don't --
10 you know, that's something that's happening to you, a
11 shock of some sort. I don't -- I don't know. It
12 could be from your phone or it could be some -- I
13 don't know what it is. Those are factual matters that
14 will have to be worked out. But it does sound like --

15 MS. MOSS: I did buy a different phone
16 too.

17 JUDGE JONES: I'm sorry?

18 MS. MOSS: I did -- I have tried several
19 phones.

20 JUDGE JONES: Okay. Well, then that --
21 now, that's certainly relevant. But it sounds like
22 this is a problem that can be solved.

23 MS. MOSS: It can be, but --

24 JUDGE JONES: Well, no, listen, Ms. Moss.

25 MS. MOSS: Okay.

1 JUDGE JONES: It sounds like a problem
2 that can be solved amicably between you and the
3 Company with Staff's guidance and aid to some degree
4 and without having to go to an evidentiary hearing. I
5 will tell you this: If we do have to go to an
6 evidentiary hearing, however, it will be down in your
7 area.

8 MS. MOSS: Okay.

9 JUDGE JONES: I think you and I discussed
10 at some point, which led to us having this telephone
11 conference, that we would have an evidentiary hearing
12 at -- was it the courthouse with -- can't remember
13 what we talked about.

14 MS. MOSS: Well, I live in Reynolds
15 County.

16 JUDGE JONES: Do you live in Piedmont?

17 MS. MOSS: I live in Piedmont, but I live
18 in Reynolds County. I live in like the very outskirts
19 of Reynolds County.

20 JUDGE JONES: But Piedmont is in Reynolds
21 County?

22 MS. MOSS: Piedmont is -- some of
23 Piedmont is in Reynolds County. The biggest part of
24 Piedmont is in Wayne County.

25 JUDGE JONES: Which part do you live in?

1 MS. MOSS: I live in Reynolds County.

2 JUDGE JONES: Okay. Downtown there is a
3 building that will facilitate us having an evidentiary
4 hearing, if necessary, so you would have to travel
5 there to go to have a hearing --

6 MS. MOSS: Okay.

7 JUDGE JONES: -- if you all aren't able
8 to work something out. And have you had the benefit
9 of reading our Staff's report?

10 MS. MOSS: I have read it.

11 JUDGE JONES: Okay. Now, I don't -- it's
12 not -- I understand that you may have concerns with it
13 and I also understand that you tried to file
14 additional information recently.

15 MS. MOSS: Yes, I did.

16 JUDGE JONES: And you gave that to Staff?

17 MS. MOSS: Yes, I have.

18 JUDGE JONES: Now, I haven't seen that
19 information because it's not necessary for me to see
20 it at this point. If we go to an evidentiary hearing,
21 then perhaps it will be. I don't know if it's
22 relevant to your complaint or not.

23 Staff has been silent. Is there anything
24 you all would like to add, Ms. Mueth or Ms. Dale?

25 MS. MUETH: No, Your Honor.

1 JUDGE JONES: Okay. And I'll also note
2 for the record that Ms. Jones, although she's an
3 attorney, Kendra Jones, who is here on behalf of
4 Windstream is an attorney, she's not licensed in
5 Missouri. Which explains, by the way, the letter form
6 that you filed as a response.

7 MS. MOSS: Excuse me, sir. How does that
8 work, if she's not licensed here, that she can be in
9 this conversation?

10 JUDGE JONES: Well, she's not
11 representing the Company in -- as an attorney right
12 now. She's -- she's in the -- she's in the exact same
13 capacity as you are.

14 MS. MOSS: Okay.

15 JUDGE JONES: I will tell you, Ms. Jones,
16 that you all are going to have to file -- per our
17 rules, you're going to have to -- you're a corporation
18 and for all practical matters you haven't responded to
19 the complaint. I mean, you filed a letter that said
20 what it said, but it's not recognized as an answer
21 because it -- that can only be filed by an attorney on
22 behalf of a corporation. So that should be your first
23 order of business, but I don't think that that should
24 hinder the part that -- your all's ability to discuss
25 resolving Ms. Moss's concerns. Okay?

1 MS. JONES: Absolutely. This is Kendra
2 Jones. And we will get that taken care of, Your
3 Honor. We didn't realize that for a response to the
4 complaint that we needed an attorney in Missouri, but
5 we will note that and be sure to get this matter
6 resolved and we will definitely try to work this out
7 with Ms. Moss.

8 JUDGE JONES: Well, I mean if you're able
9 to work it out today, then -- and I probably shouldn't
10 say this, but I will venture and say that it may
11 abrogate the need for an attorney. May not need an
12 attorney if you're able to resolve it.

13 And I'll tell you this, Ms. Moss, for
14 your benefit because I understand that as a pro se
15 complainant, you may feel at a disadvantage dealing
16 with the Company and not having an attorney. That's a
17 legitimate concern because this is a contested case.
18 However, like I said I believe prior to going on the
19 record, the Staff of the Commission is neutral.

20 MS. MOSS: I -- I --

21 JUDGE JONES: And they're not going to --
22 they create a balance, I should say. And you may --
23 let me just say one more thing. And I know you're
24 wanting to say something and I'll ask you in a moment
25 what it is you wanted to say.

1 MS. MOSS: Thank you.

2 JUDGE JONES: What happens procedurally
3 in a lot of complaint cases is that an agreement is
4 reached between the complainant and the Company and
5 the complainant will usually simply dismiss their
6 complaint. It may -- you may be taken aback, I should
7 say, by the notion that you would dismiss your
8 complaint as you professing that you all have reached
9 a resolution, but don't. That's just a formality.
10 Because complaints can be dismissed before we actually
11 take evidence. And if you've reached a resolution,
12 then there's no need to take evidence and go further.

13 MS. MOSS: Is it -- okay.

14 JUDGE JONES: No, go ahead.

15 MS. MOSS: I'm sorry. Excuse me. Melody
16 Moss again speaking. You know, the main thing I'm
17 looking for here is integrity. I'm looking for things
18 to be handled honestly and up forth -- upright. I
19 am -- I have dealt with court systems in the past. I
20 have not always -- it's -- very rarely have -- has
21 justice been done. I want -- I do not want any more
22 tyrannical behavior because I expect people to deal
23 honestly, not be cruel and for things to be done just.

24 JUDGE JONES: Okay. Well, and in that
25 sense I will say just all of you all play nice.

1 MS. MOSS: Okay. That's fine. I can
2 play nice.

3 JUDGE JONES: All right. Let's see.
4 Windstream, is there anything else, Ms. Jones?

5 MS. JONES: No, Your Honor. This is
6 Kendra Jones and I don't think that we have anything
7 further to say in this pretrial hearing. I don't know
8 that there's a whole lot to say.

9 MS. MOSS: I have more to say.

10 JUDGE JONES: You have more to say?

11 MS. JONES: I will say that we, you know,
12 will do our best to work with Ms. Moss and try to
13 resolve her issues as we have been trying to over the
14 past few months.

15 JUDGE JONES: Okay. Ms. Moss?

16 MS. MOSS: I -- I'm -- Melody Moss
17 speaking. I do not see that they have tried to
18 accommodate me in any way since I made that first
19 telephone call in August of 2014. I have been
20 ignored, I have been hung up on by different
21 representatives of Windstream.

22 I did have -- I believe it was a
23 Mr. Finley, which is on the line today, as I recall
24 you saying. And if he's the same man I'm thinking he
25 is with Windstream out of Doniphan, Missouri, him and

1 one other guy is the one that came after my first
2 telephone call to Windstream reporting the shocks to
3 me and the severity of it and saying I could die. Him
4 and this other man did acknowledge that the -- the
5 wires were exposed on that utility pole, as I said,
6 and they recovered it.

7 I said I never touched that because I
8 would not know what to do, I wasn't even sure what it
9 was. But it -- I went out there when they came to my
10 house and they affirmed -- and that was in 2014. They
11 affirmed that they did cover the wires and -- on that
12 box and it was the telephone wires.

13 JUDGE JONES: Okay. What you are -- I
14 mean -- what you're talking about now, Ms. Moss, is
15 something that would be better said during an
16 evidentiary hearing.

17 MS. MOSS: Okay.

18 JUDGE JONES: And I understand that
19 you're compelled to share --

20 MS. MOSS: Yes, I am.

21 JUDGE JONES: -- your story right now.

22 MS. MOSS: Well, because I hear what that
23 other lady is saying. She's -- they're actually
24 saying they've been working with me on this and they
25 have not.

1 JUDGE JONES: Well, that --

2 MS. MOSS: And I don't appreciate that.
3 That's not honesty. That's not integrity. Now I just
4 got through saying I expect that.

5 JUDGE JONES: Okay. And it's not that
6 your words are in vein during this procedural schedule
7 because it can set -- or this pre-hearing conference,
8 I'm sorry, because it can set a certain tone, but I
9 may -- I might suggest that you approach the
10 discussion you're about to have with Windstream with a
11 clean slate and see if you all can start at square one
12 because you won't be able to hear each other if the
13 past is clouding your ability to hear.

14 MS. MOSS: I have -- I did receive one
15 response -- excuse me, this is Melody Moss speaking
16 again -- from Windstream. And it was acknowledging
17 that they would pay me \$3,000 to settle this case
18 without going for, you know, the evidence and the
19 hearing and so forth.

20 JUDGE JONES: Well, that's all well and
21 good too, but all of that you all discuss off the
22 record between your selves. Okay?

23 MS. MOSS: Okay. I'm very confused I
24 guess. I -- you know --

25 JUDGE JONES: That's because -- that's

1 because you're not familiar with the process, one.

2 MS. MOSS: No, I'm not.

3 JUDGE JONES: And two, I think maybe
4 you're thinking that if you don't say something today,
5 it's as if it wasn't said. That's not true. The
6 purpose of this pre-hearing conference is primarily
7 for you to understand what's going to happen going
8 forward and for you to -- you and the company and our
9 Staff to discuss the matter and see if you can come to
10 an agreement.

11 If you can't, then it will serve as an
12 opportunity for you all to figure out a date for an
13 evidentiary hearing, what has to happen before that
14 evidentiary hearing. And our Staff will be able to
15 guide you through that process.

16 MS. MOSS: Okay. Thank you. Because so
17 far I'm -- I'm -- and I understand, you know, that --
18 and I'm sure a corporation works the same as the --
19 you know, a person when it comes to their rights and,
20 you know, that they -- they have the right to plead
21 the Fifth, you know, to deny things and so on, so
22 forth.

23 But I've been asking that, you know, they
24 speak honestly to me today. And I'm not -- so far --
25 I am trying to wipe the slate clean and start, you

1 know, on -- on equal footing and take care of this
2 today, but I cannot do that as long as they are not
3 going to admit and -- to certain things that I'm
4 talking about, because otherwise I do need the
5 evidence.

6 JUDGE JONES: Well, then that's -- if
7 you're unable to reach an agreement today, then we
8 will proceed towards an evidentiary hearing.

9 MS. MOSS: Okay.

10 JUDGE JONES: But, you know, maybe you
11 all will reach an agreement. We'll see. I'm going to
12 say this because I know, Ms. Moss, that if I ask you
13 if you have anything else to add, you're going to tell
14 me more of your story and it doesn't go into evidence
15 at this point.

16 MS. MOSS: Okay. I understand that.

17 JUDGE JONES: But I will --

18 MS. MOSS: I guess I'm giving a scenario,
19 because they're -- they're allocating on their end
20 that they've been trying to take care of me on this
21 matter. And I'm saying no, they have not.

22 JUDGE JONES: Okay. I understand that.
23 And it's all written down.

24 MS. MOSS: Okay.

25 JUDGE JONES: Okay. I'm going to ask

1 that Staff -- oh, while I have you on the phone,

2 Ms. Moss, do you have an e-mail address?

3 MS. MOSS: No, I do not.

4 JUDGE JONES: Okay. Well, because all
5 the parties are here, I'm simply going to ask Staff to
6 send me an e-mail and I think you all have an e-mail
7 address for Windstream; is that correct?

8 MS. MUETH: We have an e-mail address for
9 Mr. Lloyd and for Ms. Jones.

10 JUDGE JONES: And that was Ms. Mueth
11 speaking?

12 MS. MUETH: Yes. Sorry, Your Honor, this
13 is Marcie Mueth.

14 JUDGE JONES: Okay. What I'm going to
15 ask of Staff, Ms. Moss, is after this pre-hearing
16 conference -- it doesn't have to be immediately today,
17 but in the next couple of days, if not today, to send
18 me and the Company an e-mail just saying whether this
19 matter was resolved or not.

20 And if it's going to go to an evidentiary
21 hearing, I'm thinking maybe you all will have
22 discussed some general dates. If you haven't, then
23 that's something that I will -- I'll have to choose
24 because we have to pick certain days for hearings and
25 certain days we can't have hearings. But I will be

1 getting an e-mail from Staff, that you won't be
2 included on Ms. Moss because you don't have an e-mail
3 address, but I just want them to e-mail me rather than
4 having them file a pleading.

5 MS. MOSS: I would prefer something in
6 writing to me. Is that acceptable through the mail?

7 JUDGE JONES: Well, what I will do is
8 when Staff sends me that e-mail, I'll probably just
9 issue a notice mirroring what Staff has told me. And
10 then that -- and you'll get that notice in the mail.

11 MS. MOSS: All right.

12 JUDGE JONES: You've been getting the
13 other documents that I've issued, haven't you?

14 MS. MOSS: Well, I -- I have received
15 several different correspondences and yesterday I did
16 speak to a Claudia with Windstream and then Chris,
17 which is a supervisor.

18 JUDGE JONES: Well, now, Ms. Moss, you do
19 realize that you're going to start talking about your
20 experience with Windstream?

21 MS. MOSS: Yes, I do.

22 JUDGE JONES: Okay. I know it's
23 difficult.

24 MS. MOSS: It is. Well, I -- so far --
25 you know what? It's been trying to get a fax to sit

1 there and an address to even correspond to Windstream.
2 They have withheld that from me in the past so --

3 JUDGE JONES: That's public information.
4 I have that information here.

5 MS. MOSS: It might be public, but I
6 don't have a computer. I've told them this.

7 JUDGE JONES: Well, you all can exchange
8 this information. Do you have it now?

9 MS. MOSS: I finally got it.

10 JUDGE JONES: Okay.

11 MS. MOSS: And I think there was one
12 other day I was given --

13 JUDGE JONES: So that's not a problem
14 anymore. Right?

15 MS. MOSS: It's not, but it was in the
16 past. This has been going on since 2014.

17 JUDGE JONES: I understand it's been
18 going on for a year, Ms. Moss. When I said I know
19 it's difficult, I mean it's difficult for you not to
20 want to share -- not to share your story.

21 MS. MOSS: Yeah, it is difficult to not
22 share.

23 JUDGE JONES: This isn't the forum for
24 that. We'll have an evidentiary hearing for that.

25 MS. MOSS: I'm trying not to.

1 JUDGE JONES: Okay.

2 MS. MOSS: So how do we arrive at some
3 kind of maybe agreement today? Because --

4 JUDGE JONES: You will talk amongst
5 yourselves. I won't be a part of that conversation.

6 MS. MOSS: You won't be a part of it.

7 JUDGE JONES: Right. In fact, I can't be
8 a part of that conversation.

9 MS. MOSS: Is it going to be court
10 reported then or not?

11 JUDGE JONES: No, that won't be. And it
12 cannot be recorded because then it will become part of
13 the record.

14 MS. MOSS: Right.

15 JUDGE JONES: Myself as being one of the
16 decision makers in the case, can't be privy to
17 settlement matters.

18 MS. MOSS: Okay.

19 JUDGE JONES: Okay.

20 MS. MOSS: So it's not -- after you get
21 off the phone, Judge Jones. Right?

22 JUDGE JONES: Right.

23 MS. MOSS: Then I will no longer be
24 recorded nor will Windstream, but we could try to come
25 to some kind of agreement over this telephone call

1 today is what you're telling me --

2 JUDGE JONES: Correct.

3 MS. MOSS: -- and not have to go to an
4 evidentiary hearing --

5 JUDGE JONES: Exactly.

6 MS. MOSS: -- in front of you.

7 JUDGE JONES: And our Staff will also be
8 on the phone with you all.

9 MS. MOSS: Okay.

10 JUDGE JONES: Okay?

11 MS. MOSS: Okay. So is -- your Staff
12 with the Public Commission are actually supposed to be
13 on my side; is that correct?

14 JUDGE JONES: No. They're not on
15 anyone's side.

16 MS. MOSS: They're just listening.

17 JUDGE JONES: They're neutral. They will
18 help facilitate the process. They'll ask -- answer
19 any questions you may have about the process and to
20 help -- well, I don't know that they'll help settle
21 the matter, but they are objective, they're not for or
22 against you or for or against Windstream.

23 MS. MOSS: So they can give me some kind
24 of advice; is that --

25 JUDGE JONES: They're not going to -- the

1 Staff -- the Staff -- there's technical staff, in
2 other words, people who are more familiar with this
3 subject matter with telephone use and you being
4 shocked and wires running in different places. There
5 are people who are on the phone from technical staff
6 and if you ask a technical question, they may be able
7 to respond. The attorneys for Staff however, will not
8 give you legal advice.

9 MS. MOSS: Sure. Yeah. I understand
10 that.

11 JUDGE JONES: Okay. All right. Is that
12 what you were asking though?

13 MS. MOSS: Yeah. Because I won-- I
14 wondered, you know -- so I can ask the technical
15 staff -- and is it technical staff with Windstream
16 that I'm asking this of or --

17 JUDGE JONES: You can ask either. It's a
18 conversation that you all are going to have to try to
19 reach a resolution.

20 MS. MOSS: Okay. So who -- what other
21 technical staff is there?

22 JUDGE JONES: For who?

23 MS. MOSS: That I can ask questions. Is
24 it all the technical staff that works for Windstream
25 or --

1 JUDGE JONES: Well, there's one person
2 from Windstream and I believe you mentioned his name,
3 and there are two people on the phone for the Staff of
4 the Commission.

5 MS. MOSS: Okay. Okay. For Staff
6 Commission. Okay. I got it now.

7 JUDGE JONES: Right.

8 MS. MOSS: All right.

9 JUDGE JONES: I'm sure once you all get
10 talking, you'll know who's who.

11 MS. MOSS: Well, I think Myron Couch
12 is --

13 JUDGE JONES: Myron Couch is on the
14 phone, yes.

15 MS. MOSS: -- is for the Public
16 Commission.

17 JUDGE JONES: Right. And John Van Eschen
18 is also on the phone for the Commission.

19 MS. MOSS: John Van Eschen. How do you
20 spell his last name, please?

21 JUDGE JONES: John?

22 MR. VAN ESCHEN: V-a-n, capital
23 E-s-c-h-e-n.

24 MS. MOSS: E-s-c-h-e-n?
25 V-a-n-e-s-c-h-e-n?

1 MR. VAN ESCHEN: Yeah. It's two words,
2 Van Eschen.

3 MS. MOSS: Okay. Capital E then. Thank
4 you.

5 JUDGE JONES: Okay. So it sounds like
6 you all are ready to go ahead and have this
7 conversation.

8 MS. MOSS: Sir, and I appreciate
9 everything, Mr. Jones -- Judge Jones, sir, that you
10 have been very patient with me since I do tend to be
11 very ignorant of the whole pre-hearing process and so
12 on and so forth. And -- and, you know part of the
13 reason I do speak also is because of -- is when things
14 are said, it evokes an emotional response from me.

15 JUDGE JONES: Okay. Well, that's human.
16 So --

17 MS. MOSS: Yes.

18 JUDGE JONES: Good luck and you all, like
19 I said earlier, play nice.

20 MS. MOSS: Thank you very much.

21 JUDGE JONES: All right. With that then,
22 we will go off the record.

23 (Off the record.)
24
25

CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this matter was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Tracy T. Taylor

Tracy Thorpe Taylor, CCR



<p>A</p> <p>aback 17:6</p> <p>ability 15:24 20:13 31:8</p> <p>able 14:7 16:8 16:12 20:12 21:14 28:6</p> <p>abrogate 16:11</p> <p>Absolutely 16:1</p> <p>acceptable 24:6</p> <p>accommodate 18:18</p> <p>acknowledge 19:4</p> <p>acknowledging 20:16</p> <p>acknowledgm... 4:8</p> <p>action 31:11,15</p> <p>add 14:24 22:13</p> <p>additional 4:3 14:14</p> <p>address 3:17 23:2,7,8 24:3 25:1</p> <p>admit 22:3</p> <p>advice 27:24 28:8</p> <p>affirmed 19:10 19:11</p> <p>agree 11:19</p> <p>agreement 17:3 21:10 22:7,11 26:3,25</p> <p>ahead 10:5 17:14 30:6</p> <p>aid 13:3</p> <p>air 9:8</p> <p>airplane 8:15</p> <p>airspace 8:15</p> <p>all's 15:24</p> <p>allogating 22:19</p> <p>amicably 13:2</p> <p>answer 15:20</p>	<p>27:18</p> <p>anymore 25:14</p> <p>anyone's 27:15</p> <p>anyway 5:1 7:4</p> <p>apparatuses 10:2</p> <p>appearance 3:11</p> <p>appearing 31:6</p> <p>appreciate 7:21 20:2 30:8</p> <p>approach 20:9</p> <p>approve 9:15</p> <p>April 4:6,7,16 4:17</p> <p>area 7:6 13:7</p> <p>arrive 26:2</p> <p>asked 9:1 12:2</p> <p>asking 11:2 21:23 28:12,16</p> <p>assigned 3:7</p> <p>Assistant 2:2</p> <p>attorney 15:3,4 15:11,21 16:4 16:11,12,16 31:13</p> <p>attorneys 28:7</p> <p>August 18:19</p> <p>B</p> <p>back 6:10</p> <p>balance 16:22</p> <p>barbecue 5:13 5:19 6:11,13 6:14</p> <p>basis 7:2</p> <p>behalf 3:10 15:3 15:22</p> <p>behavior 17:22</p> <p>believe 4:7 16:18 18:22 29:2</p> <p>benefit 14:8 16:14</p> <p>best 18:12 31:8</p> <p>better 19:15</p>	<p>biggest 13:23</p> <p>blind 9:13</p> <p>box 2:3 3:18 5:21,22,23,25 6:12 9:3,6,15 9:25 10:9 12:3 19:12</p> <p>boxes 6:8</p> <p>bring 4:16</p> <p>brought 7:2</p> <p>building 14:3</p> <p>business 4:13 15:23</p> <p>buy 10:11 12:15</p> <p>C</p> <p>C 2:1</p> <p>call 4:8,12 18:19 19:2 26:25</p> <p>called 6:17,17 6:18,19,20 9:1</p> <p>capacity 15:13</p> <p>capital 29:22 30:3</p> <p>care 16:2 22:1 22:20</p> <p>case 3:1,7,16 10:19 16:17 20:17 26:16</p> <p>cases 17:3</p> <p>cause 8:22</p> <p>causing 5:3,10</p> <p>CCR 1:23 31:4 31:18</p> <p>certain 20:8 22:3 23:24,25</p> <p>certainly 12:21</p> <p>CERTIFICATE 31:2</p> <p>certify 31:5</p> <p>choose 23:23</p> <p>Chris 24:16</p> <p>City 1:8 2:4 3:18</p> <p>Claudia 24:16</p>	<p>clean 20:11 21:25</p> <p>clouding 20:13</p> <p>COLLEEN 2:2</p> <p>come 7:8 10:9 21:9 26:24</p> <p>comes 21:19</p> <p>Commission 1:1 2:5 3:12,14 16:19 27:12 29:4,6,16,18</p> <p>company 3:4 6:18,19 13:3 15:11 16:16 17:4 21:8 23:18</p> <p>compelled 19:19</p> <p>complainant 1:14 16:15 17:4,5</p> <p>complaint 3:4 4:4 14:22 15:19 16:4 17:3,6,8</p> <p>complaints 17:10</p> <p>computer 25:6</p> <p>concern 16:17</p> <p>concerns 14:12 15:25</p> <p>conditioner 9:8</p> <p>conference 1:6 13:11 20:7 21:6 23:16</p> <p>confused 20:23</p> <p>contention 11:13</p> <p>contested 16:17</p> <p>control 7:13</p> <p>conversation 7:12,24 15:9 26:5,8 28:18 30:7</p> <p>conversations</p>	<p>7:14 12:3</p> <p>corporation 15:17,22 21:18</p> <p>correct 23:7 27:2,13</p> <p>correspond 25:1</p> <p>corresponden... 24:15</p> <p>Couch 3:17 9:21 29:11,13</p> <p>counsel 2:2,2 31:10,13</p> <p>County 5:11 9:4 13:15,18,19,21 13:23,24 14:1</p> <p>couple 23:17</p> <p>course 11:7</p> <p>court 1:24 17:19 26:9</p> <p>courthouse 13:12</p> <p>cover 19:11</p> <p>covers 6:9</p> <p>crawlspace 9:23 10:6 11:4</p> <p>create 16:22</p> <p>crisscrossed 9:20</p> <p>cruel 17:23</p> <p>Cully 3:15</p> <p>currently 11:3</p> <p>customer 4:11 4:21 7:22 11:8</p> <p>D</p> <p>Dale 2:2 3:15 14:24</p> <p>date 21:12</p> <p>dates 23:22</p> <p>day 5:5 7:8,9,9 25:12</p> <p>days 6:24 7:3,10 7:10 23:17,24 23:25</p>
---	---	--	--	--

deal 17:22	24:8	explains 15:5	20:19 21:22	guess 20:24
dealing 16:15	E-s-c-h-e-n	exposed 6:12	30:12	22:18
dealt 17:19	29:23,24	19:5	forum 25:23	guidance 13:3
decision 26:16	earlier 30:19	F	forward 21:8	guide 21:15
definitely 16:6	either 7:9 28:17	facilitate 14:3	foundation 10:6	guy 19:1
degree 13:3	electric 6:17,19	27:18	four 6:24	guy's 4:23
deny 21:21	9:9	fact 26:7	front 5:11 27:6	H
department	electrical 10:1	factors 8:14	further 17:12	halfway 5:25 6:1
4:14,19	electricity 6:7	facts 7:19	18:7 31:12	handled 17:18
describe 12:1	10:3	factual 12:13	G	happen 8:10
described 6:8	electronic-type	familiar 21:1	general 23:22	21:7,13
describing 10:23	10:2	28:2	generally 4:2,4	happening
die 5:7 6:23,25	emergency 7:2	far 7:24 21:17	getting 5:6 6:15	12:10
19:3	emotional 30:14	21:24 24:24	8:7,23 24:1,12	happens 8:12
different 5:6 6:6	employed 31:10	fax 11:23,25,25	give 11:23 27:23	17:2
8:14 12:15	31:13	24:25	28:8	hear 10:21,22,22
18:20 24:15	employee 31:13	faxed 11:24	given 25:12	19:22 20:12,13
28:4	entry 3:11	feeding 9:9	gives 7:21	hearing 3:9 7:20
difficult 24:23	equal 22:1	feeds 10:3	giving 7:18	13:4,6,11 14:4
25:19,19,21	Eschen 3:17	feel 16:15	22:18	14:5,20 18:7
direction 31:9	29:17,19,22	felt 5:7 6:23	glass 8:20 9:10	19:16 20:19
disadvantage	30:1,2	Fifth 21:21	9:13 10:3	21:13,14 22:8
16:15	evidence 7:14	figure 21:12	go 7:25 9:17,18	23:21 25:24
disconnect 9:19	17:11,12 20:18	file 1:13 14:13	10:4 13:4,5	27:4
discuss 15:24	22:5,14	15:16 24:4	14:5,20 17:12	hearings 23:24
20:21 21:9	evidentiary 7:20	filed 3:4 15:6,19	17:14 22:14	23:25
discussed 12:6	13:4,6,11 14:3	15:21	23:20 27:3	heavy 9:12
13:9 23:22	14:20 19:16	finally 5:10 9:12	30:6,22	help 27:18,20,20
discussion 7:25	21:13,14 22:8	25:9	goes 5:21	hinder 15:24
20:10	23:20 25:24	financially 31:14	going 4:16 6:12	home 9:4,9,11
dismiss 17:5,7	27:4	find 4:7	7:22 15:16,17	9:22 10:3
dismissed 17:10	evokes 30:14	fine 18:1	16:18,21 20:18	honestly 17:18
distance 6:2	exact 15:12	Finley 3:22	21:7,7 22:3,11	17:23 21:24
documents	exactly 8:21	18:23	22:13,25 23:5	honesty 20:3
24:13	27:5	first 4:9 6:19	23:14,20 24:19	Honor 3:13,21
doing 7:18	exchange 25:7	11:19,20,21,21	25:16,18 26:9	10:25 14:25
Doniphan 18:25	excuse 11:14	15:22 18:18	27:25 28:18	16:3 18:5
Downtown 14:2	15:7 17:15	19:1	good 7:21 20:21	23:12
duly 31:6	20:15	footing 22:1	30:18	hooking 10:10
E	excuses 9:16	foregoing 31:6	gotten 9:12	house 5:8,11
E 2:1,1 30:3	expect 17:22	form 15:5	green 5:13	7:11 9:2,7,17
e-mail 23:2,6,6,8	20:4	formality 17:9	grill 5:13,19,20	9:19,25 10:7
23:18 24:1,2,3	experience	forth 7:7 17:18	6:11,14,14	11:4,7,20
	24:20			

19:10 human 30:15 hung 18:20	13:16,20,25 14:2,7,11,16 14:18 15:1,2,3 15:10,15,15 16:1,2,8,21 17:2,14,24 18:3,4,5,6,10 18:11,15 19:13 19:18,21 20:1 20:5,20,25 21:3 22:6,10 22:17,22,25 23:4,9,10,14 24:7,12,18,22 25:3,7,10,13 25:17,23 26:1 26:4,7,11,15 26:19,21,22 27:2,5,7,10,14 27:17,25 28:11 28:17,22 29:1 29:7,9,13,17 29:21 30:5,9 30:15,18,21	25:17,23 26:1 26:4,7,11,15 26:19,21,22 27:2,5,7,10,14 27:17,25 28:11 28:17,22 29:1 29:7,9,13,17 29:21 30:5,9 30:15,18,21 justice 17:21	legal 3:24 28:8 legitimate 16:17 let's 4:1,3 18:3 letter 4:8 15:5 15:19 licensed 15:4,8 line 6:20 10:12 18:23 lines 9:9,22 listen 12:24 listening 27:16 little 10:9 live 9:4 13:14,16 13:17,17,18,25 14:1 LLC 1:24 Lloyd 3:23 23:9 local 3:22 location 9:15,24 long 8:13 22:2 longer 26:23 looked 5:10 looking 6:5 17:17,17 lot 8:14 17:3 18:8 loud 8:16,21 luck 30:18	2:2 Marcie 3:14 23:13 matter 3:24 4:15 16:5 21:9 22:21 23:19 27:21 28:3 31:6,11 matters 12:13 15:18 26:17 mean 15:19 16:8 19:14 25:19 meeting 10:18 Melody 1:13 3:2 11:18 17:15 18:16 20:15 mention 8:25 mentioned 29:2 metal 6:12 mild 5:2 mind 5:15 mirroring 24:9 Missouri 1:2,8 1:16 2:4,5 3:3 3:11,14,18,23 5:12 15:5 16:4 18:25 31:5 moment 16:24 monitor 7:13 months 18:14 Moss 1:13 3:2,4 3:8 4:1,6 7:18 8:2,5,9,12,25 10:14,16,20 11:1,14,15,16 11:18,18 12:7 12:15,18,23,24 12:25 13:8,14 13:17,22 14:1 14:6,10,15,17 15:7,14 16:7 16:13,20 17:1 17:13,15,16 18:1,9,12,15
I IC-2015-0286 1:13 3:2 idea 7:21 ignorant 30:11 ignored 18:20 immediately 23:16 included 24:2 Incorporated 3:3 information 4:3 14:14,19 25:3 25:4,8 inside 11:7 instance 8:15 integrity 17:17 20:3 interested 31:15 interrupt 10:15 investigate 5:17 issue 7:22,23 11:13 24:9 issued 24:13 issues 18:13	Judge 1:20 3:1,7 3:19,25 7:17 8:3,6,10,24 10:14,17,21 11:12,15,17 12:5,8,17,20 12:24 13:1,9 13:16,20,25 14:2,7,11,16 14:18 15:1,10 15:15 16:8,21 17:2,14,24 18:3,10,15 19:13,18,21 20:1,5,20,25 21:3 22:6,10 22:17,22,25 23:4,10,14 24:7,12,18,22 25:3,7,10,13	K K-e-n-n-a-r-d 3:6 Kendra 3:10 15:3 16:1 18:6 Kennard 1:20 3:6 7:17 kind 5:2 26:3,25 27:23 know 4:4 5:3,14 6:1 7:2,5,12 8:16,20 10:8 12:10,11,13 14:21 16:23 17:16 18:7,11 19:8 20:18,24 21:17,19,20,21 21:23 22:1,10 22:12 24:22,25 25:18 27:20 28:14 29:10 30:12 known 5:15	M M 2:2 M-e-l-o-d-y 3:2 M-o-s-s 3:3 M-u-e-t-h 3:15 ma'am 7:5 9:17 Madison 2:3 mail 24:6,10 main 17:16 makers 26:16 man 4:24 5:7 6:22 18:24 19:4 manager 3:22 MARCELLA	
J James 3:23 Jefferson 1:8 2:4 3:18 John 3:17 29:17 29:19,21 Jones 1:20 3:1,6 3:10,19,19,21 3:25 7:17,18 8:3,6,10,24 10:14,17,21,25 11:12,15,17 12:5,8,17,20 12:24 13:1,9		L L 1:20 lady 19:23 lame 9:16 Law 1:20 3:7 lead 9:11 leads 9:11 leaning 5:13,19 led 13:10		

18:16,16 19:14 19:17,20,22 20:2,14,15,23 21:2,16 22:9 22:12,16,18,24 23:2,3,15 24:2 24:5,11,14,18 24:21,24 25:5 25:9,11,15,18 25:21,25 26:2 26:6,9,14,18 26:20,23 27:3 27:6,9,11,16 27:23 28:9,13 28:20,23 29:5 29:8,11,15,19 29:24 30:3,8 30:17,20 Moss's 15:25 move 6:10 9:15 12:2 moved 6:13,16 9:3,25 Mueth 2:2 3:13 3:15 14:24,25 23:8,10,12,13 muffler 8:18,19 Myron 3:17 9:21 29:11,13	27:17 never 19:7 new 9:3 nice 17:25 18:2 30:19 note 3:8 15:1 16:5 notice 6:8 24:9 24:10 noticed 5:5,12 5:20,23 notion 17:7 Number 3:1 numbers 11:23 11:25 numerous 11:22	21:12 order 15:23 outcome 31:15 outside 9:2,3,7 9:25 10:6 11:5 outskirts 13:18	PO 2:3 3:17 point 4:19 5:2 5:22 10:9 11:2 13:10 14:20 22:15 pole 5:14,18 6:1 6:3,12,13 19:5 poles 6:6 poles/utility 6:6 practical 15:18 pre-hearing 1:6 20:7 21:6 23:15 30:11 prefer 24:5 Presiding 1:20 pretrial 18:7 previously 5:16 primarily 21:6 prior 16:18 privy 26:16 pro 16:14 probably 6:20 16:9 24:8 problem 8:18 12:22 13:1 25:13 procedural 20:6 procedurally 17:2 proceed 22:8 PROCEEDIN... 1:5 process 21:1,15 27:18,19 30:11 produce 7:15 professing 17:8 provided 11:5,9 11:10 public 1:1 2:5 3:14 25:3,5 27:12 29:15 pull 9:20 purpose 10:18 21:6	put 4:13 11:20
Q				
quality 7:13 question 8:3 28:6 questions 27:19 28:23 quote 11:5,9				
R				
R 2:1 rarely 17:20 reach 10:18 22:7 22:11 28:19 reached 17:4,8 17:11 read 14:10 reading 14:9 ready 30:6 realize 16:3 24:19 reason 30:13 recall 4:23 18:23 receive 20:14 received 24:14 receiving 4:18 5:1 recitation 7:19 recognized 15:20 record 3:8 7:25 15:2 16:19 20:22 26:13 30:22,23 recorded 26:12 26:24 recovered 19:6 reduced 31:9 Regulatory 1:20 3:7 related 31:10 relative 31:12 relevant 12:21				

14:22 remember 13:12 repeatedly 12:2 report 4:9 5:3 14:9 reported 1:23 4:10 26:10 REPORTER 31:2 reporting 1:24 19:2 representatives 18:21 representing 15:11 resolution 10:19 17:9,11 28:19 resolve 16:12 18:13 resolved 16:6 23:19 resolving 15:25 respond 28:7 responded 3:5 15:18 Respondent 1:17 response 15:6 16:3 20:15 30:14 responsibility 11:8 Reynolds 13:14 13:18,19,20,23 14:1 right 3:25 9:8,8 9:10 15:11 18:3 19:21 21:20 24:11 25:14 26:7,14 26:21,22 28:11 29:7,8,17 30:21 rights 21:19	road 5:11,12,18 9:4 rules 15:17 run 10:5,6 running 6:7 28:4 <hr/> S S 2:1 S-u-e 3:2 saying 18:24 19:3,23,24 20:4 22:21 23:18 scenario 22:18 schedule 20:6 se 16:14 see 8:1 14:19 18:3,17 20:11 21:9 22:11 seen 5:15 14:18 selves 20:22 send 23:6,17 sends 24:8 SENIOR 1:20 sense 17:25 September 1:7 Serious 2:2 serve 21:11 service 1:1 2:5 3:14 4:11,21 5:21 7:22,23 set 20:7,8 settle 20:17 27:20 settlement 26:17 severe 4:18,20 5:6 severity 19:3 share 19:19 25:20,20,22 shock 4:20 8:6 12:11 shocked 6:15	28:4 shocks 4:18 5:1 5:4,6,8,10 8:23 19:2 showed 7:11 side 27:13,15 silent 14:23 simply 17:5 23:5 sink 5:9 sir 11:14 15:7 30:8,9 sit 7:5 24:25 slash 4:12 slate 20:11 21:25 solved 12:22 13:2 soon 6:25 7:3 sooner 8:23 sorry 12:17 17:15 20:8 23:12 sort 12:11 sound 12:9,14 sounds 7:23 8:19 12:21 13:1 30:5 speak 4:21 21:24 24:16 30:13 speaking 10:12 17:16 18:17 20:15 23:11 specific 11:25 spell 29:20 spoke 4:11,16,19 4:24 6:22 11:21 spoken 11:22 square 20:11 staff 2:2,5 3:12 3:13,15,16 14:16,23 16:19 21:9,14 23:1,5 23:15 24:1,8,9 27:7,11 28:1,1	28:1,5,7,15,15 28:21,24 29:3 29:5 Staff's 13:3 14:9 stained 9:10,13 10:3 start 4:1,4 8:23 20:11 21:25 24:19 started 6:5 State 1:2 31:5 Steven 3:22 sticking 5:25 story 19:21 22:14 25:20 Street 2:3 subconsciously 5:14 subdivision 6:5 subject 28:3 submitted 4:3 subpoenaed 7:16 Sue 1:13 3:2 suggest 20:9 Suite 2:3 supervisor 24:17 supposed 27:12 sure 5:22 7:10 11:1 16:5 19:8 21:18 28:9 29:9 sworn 31:7 systems 17:19 <hr/> T take 3:11 9:2 17:11,12 22:1 22:20 taken 9:21 16:2 17:6 31:8,12 talk 7:6 26:4 talked 4:15 13:13	talking 4:25 8:7 19:14 22:4 24:19 29:10 tape 7:13,16,16 12:4 Taylor 1:23 31:4 31:18 technical 3:16 4:13,19 28:1,5 28:6,14,15,21 28:24 telephone 3:9 4:8,10,25 5:1 5:21 6:6,20 7:14 8:7,13,22 9:2,7,22 10:10 10:11,12,12 13:10 18:19 19:2,12 26:25 28:3 tell 4:1 13:5 15:15 16:13 22:13 telling 9:14 27:1 tend 30:10 testimony 31:6,7 Thank 17:1 21:16 30:3,20 thereto 31:14 thing 5:24 16:23 17:16 things 5:5 17:17 17:23 21:21 22:3 30:13 think 4:17 7:9 13:9 15:23 18:6 21:3 23:6 25:11 29:11 thinking 18:24 21:4 23:21 Thorpe 31:4,18 thought 6:4,14 three-quarters 6:2
--	--	--	---	---

TIGER 1:24	understanding	We'll 22:11	28:24	7
time 11:21 12:1	11:1	25:24	writing 24:6	
today 7:4 8:11	unit 9:8	we're 3:9	written 22:23	8
16:9 18:23	upright 17:18	Weber 5:13		800 2:3
21:4,24 22:2,7	use 28:3	weird 6:4,15	X	
23:16,17 26:3	usually 8:21	went 5:17 6:10	Y	9
27:1	17:5	19:9	Yeah 25:21 28:9	939 1:23 31:4
told 4:17,20,24	utility 5:14,18	willingly 7:16	28:13 30:1	
5:7 6:18,23,25	5:25 6:2,13	window 5:11	year 25:18	
24:9 25:6	19:5	9:10,13 10:4	yesterday 11:24	
tone 20:8	V	Windstream	24:15	
touched 19:7	V-a-n 29:22	1:16 3:3,5,10	Z	
Tracy 1:23 31:4	V-a-n-e-s-c-h-...	3:20 4:9,9,14	0	
31:18	29:25	4:22 6:18,21	1	
TRANSCRIPT	Van 3:17 29:17	7:12,15 8:1 9:1	1 1:9	
1:5	29:19,22 30:1	9:14 10:22	1-800-347-1991	
transferred 11:4	30:2	11:20 12:2	4:11	
travel 14:4	vehicle 8:16,21	15:4 18:4,21	1736 5:11 9:4	
tried 12:18	vehicles 8:17	18:25 19:2	2	
14:13 18:17	vein 20:6	20:10,16 23:7	200 2:3	
true 21:5	venture 16:10	24:16,20 25:1	2014 4:6,17	
try 10:18 12:8	versus 3:3	26:24 27:22	18:19 19:10	
16:6 18:12	Volume 1:9	28:15,24 29:2	25:16	
26:24 28:18	vs 1:15	wipe 21:25	2015 1:7	
trying 18:13	W	wires 5:23,24	29 1:7	
21:25 22:20	walked 5:17,19	6:13 9:2,19,20	3	
24:25 25:25	6:4	10:5,8 11:7	3,000 20:17	
two 7:3,9,10	want 7:14,20	19:5,11,12	30th 4:17	
21:3 29:3 30:1	8:18,25 9:3,3	28:4	360 2:3 3:18	
typewriting 31:9	9:14,23,24	wiring 11:3	4	
tyrannical 17:22	10:1,4 11:10	withheld 25:2	418 5:11 9:4	
U	17:21,21 24:3	witnesses 31:7	5	
un-- 9:3	25:20	won-- 28:13	573.751.4140	
unable 4:7 22:7	wanted 16:25	wondered 28:14	2:4	
underneath 9:17	wanting 10:24	wondering 5:9	6	
9:19,22 10:5	11:2 16:24	words 20:6 28:2	65102 3:18	
11:4,20	wants 10:23	30:1	65102-0360 2:4	
understand 4:2	11:3	work 8:1 12:8		
10:24 11:12	wasn't 5:22 19:8	14:8 15:8 16:6		
14:12,13 16:14	21:5	16:9 18:12		
19:18 21:7,17	way 15:5 18:18	worked 12:14		
22:16,22 25:17	Wayne 13:24	working 3:16,23		
28:9		19:24		
		works 21:18		