

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Arbitration Meeting

September 9, 2010

Jefferson City, Missouri

Volume 1

In the Matter of

Southwestern Bell Telephone Company)	
d/b/a AT&T Missouri's Petition)	
for Compulsory Arbitration of)	
Unresolved Issues For An)	File No.
Interconnection Agreement with)	IO-2011-0057
Global Crossing Local Services,)	
Inc and Global Crossing)	
Telemanagement Inc.)	

DANIEL JORDAN, Presiding
REGULATORY LAW JUDGE

REPORTED BY:
NANCY L. SILVA, CCR
TIGER COURT REPORTING, LLC

A P P E A R A N C E S

ROBERT GRYZMALA, Attorney at Law (via telephone)
1 AT&T Center, Room 3516
St. Louis, Missouri 63101
314.235.6060

FOR: Southwestern Bell Telephone Company
d/b/a AT&T MISSOURI

TIM JUDGE (via telephone)
101 West High Street
Jefferson City, Missouri 65109
573.638.0261

FOR: Area Manager - Regulatory of AT&T Services

MARK JOHNSON (via telephone)
LISA GILBREATH

Sonnenschein, Nath & Rosenthal
4520 Main Street, Suite 1100
Kansas City, Missouri 64111
816.460.2655

FOR: Global Crossing Local Services, Inc., and
Global Crossing Telemanagement, Inc.

TED PRICE, Attorney at Law (via telephone)
225 Kenneth Drive
Rochester, New York 14623
585.255.1401

FOR: Global Crossing Local Services, Inc.,
and Global Crossing Telemanagement, Inc.

WILLIAM VOIGHT

Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 63102
573.751.4140

FOR: Staff of the Missouri Public Service
Commission

1 JUDGE JORDAN: We'll go on the
2 record. The Commission is calling the case with
3 File No. IO-2011-0057, and this has to do with
4 AT&T's petition for arbitration of an
5 Interconnection agreement.

6 My name is Daniel Jordan. I'm a
7 regulatory law judge with the Missouri Public
8 Service Commission, and I've been assigned as
9 arbitrator to this case. We are on the record
10 today for this, the initial arbitration
11 meeting. I'll begin with entries of
12 appearance. Let's start with the Petitioner.

13 MR. GRYZMALA: Good morning, your
14 Honor. This is Bob Gryzmala -- for the reporter
15 that would be G-r-y-z-m-a-l-a -- appearing on
16 behalf of Southwestern Bell Telephone Company,
17 doing business as AT&T, Missouri at 1 AT&T
18 Center, Room 3516, St. Louis 63101. And we have
19 one of the folks from my company along with me.

20 Hi. My name's Tim Judge. I'm from
21 AT&T, and my place of business is 101 West High
22 Street, Jefferson City, Missouri.

23 JUDGE JORDAN: Okay. Is that
24 everybody --

25 MR. JOHNSON: For Global Crossing

1 Local Services and Global Crossing Telemanagement,
2 Mark Johnson and Lisa Gilbreath -- Gilbreath is
3 spelled G-i-l-b-r-e-a-t-h -- of the law firm
4 Sonnenschein, Nath & Rosenthal. Our address is 4520
5 Main Street, Suite 1100, Kansas, Missouri 64111.

6 And Mr. Price will also enter his
7 appearance.

8 MR. PRICE: This is Ted Price. I'm senior
9 counsel for Global Crossing Local Services and
10 Global Crossing Telemanagement, and my address is
11 225 Kenneth Drive, Rochester, New York 14623.

12 JUDGE JORDAN: Thank you. Anyone else for
13 Respondent?

14 MR. JOHNSON: No.

15 MR. PRICE: No.

16 JUDGE JORDAN: Okay. I want to also
17 introduce a member of the arbitrator's advisory staff
18 who is present at this meeting today also. Go ahead
19 and introduce, yourself please.

20 MR. VOIGHT: Good afternoon. It's Bill
21 Voight, and as the parties are aware, the arbitrator
22 has appointed myself, Myron Couch, and Colleen Dale
23 to be members of the arbitrator's advisory staff. Of
24 those three persons I am the only one present here
25 today.

1 JUDGE JORDAN: Okay. Here's what I want
2 to do today. I want to cover -- get a general idea
3 of what issues remain between the parties and talk
4 about the sort of procedure that we want to follow
5 for this arbitration.

6 As you know, legislation from Congress
7 set some time limits, and so does the Commission's
8 regulation. They are cramped time limits bordering
9 on the fantastical, but with seasoned counsel, I'm
10 confident we can accomplish what we need to
11 accomplish.

12 I'm going to start with getting a read of
13 what -- of the issues that remain between the
14 parties. I've read the statement attached to the
15 petition, and though I know that Respondent's
16 responsive pleading is not due until next week, I'd
17 like to ask Respondent whether those issues are still
18 in dispute between the parties.

19 MR. JOHNSON: Your Honor -- this is Mark
20 Johnson.

21 Yes, the issues as stated in the disputed
22 points list are still in dispute. I can tell you,
23 however, that we will not be adding any issues. In
24 fact, Mr. Price, on behalf of Global Crossing, in
25 discussions with his counterparts at AT&T, have had

1 input -- or did have input into the preparation of
2 the DPL prior to its filing, so we believe that it
3 states all of the issues that are before you for
4 decision.

5 And in response to a question that
6 Mr. Gryzmala raised to me yesterday via e-mail having
7 to do with whether Global Crossing would raise an
8 issue concerning porting, I just -- Bob, I'm sorry I
9 didn't respond to you, but the answer is, no, we're
10 not going to be raising that as an issue.

11 MR. Gryzmala: Okay. Thank you.

12 MR. JOHNSON: So the DPL does, we believe,
13 set forth accurately the issues that are in dispute.

14 JUDGE JORDAN: Mr. Gryzmala, did you have
15 anything to add to that?

16 MR. GRYZMALA: No, only, your Honor, that
17 as these types of matters go, I think Mark and I
18 would be very amenable to seeing if there are any
19 additional -- or any of these issues that can be
20 pulled off the table. I mean, that's what we believe
21 is appropriate for our business interests, if I can
22 say so. To the extent we can, it would make the task
23 easier.

24 So those decisions will go on, and I think
25 the rules contemplate that, but nothing specific at

1 this time, your Honor.

2 JUDGE JORDAN: Okay. Well, thank you for
3 that clarification, and I want to commend the parties
4 on narrowing the issues as much as they have to only
5 three points, as I read, attached in the schedule
6 attached to the petition.

7 MR. JOHNSON: I think there are six
8 issues.

9 MR. GRYZMALA: Let me go through them,
10 your Honor, very briefly, so as to elucidate since we
11 filed the petition.

12 JUDGE JORDAN: Sure.

13 MR. GRYZMALA: There is a void
14 compensation issue, which is Issue No. 1.

15 JUDGE JORDAN: Right.

16 MR. GRYZMALA: There is a dark fiber
17 issue, which really comes in two pieces, one having
18 to do with --

19 JUDGE JORDAN: Mr. Gryzmala, you've cut
20 out. Mr. Gryzmala?

21 MR. GRYZMALA: -- to do with a right to
22 reclaim after one year. I'll just put it that way.

23 JUDGE JORDAN: would you say that again.
24 The connection cut out briefly while you were
25 talking.

1 MR. GRYZMALA: The first issue is about a
2 void. That is the appropriate compensation for what
3 is called in our business Voice over Internet --
4 Interconnected Voice over Internet Protocol service.

5 JUDGE JORDAN: Okay.

6 MR. GRYZMALA: And that is the first
7 issue.

8 The second subject is something called
9 dark fiber which, you know, we can all work on as we
10 move along but, basically, your Honor, dark fiber's a
11 piece of naked copper strand.

12 JUDGE JORDAN: Uh-huh.

13 MR. GRYZMALA: And the issue has to do
14 with a sealic, a weather sealic -- has an opportunity
15 or an ability to obtain more than 25 percent, so
16 that's kind of a watchword, 25 percent.

17 JUDGE JORDAN: Uh-huh.

18 MR. GRYZMALA: And the other issue is, if
19 you don't use it within 12 months, then we have the
20 right to reclaim it. I'm being crude, but that's two
21 issues under dark fiber, which gives us three in
22 total.

23 Now, the No. 4 issue is what we call in
24 the business "routine network modifications." That
25 is Issue 3 on the DPL.

1 JUDGE JORDAN: Okay.

2 MR. GRYZMALA: There were issues, I
3 believe, that were litigated in a prior state -- in
4 Kansas, as a matter of fact-- but those issues were
5 not advanced by AT&T in its petition here. I think
6 there are two of them, so for whoever spoke up from
7 six, I think that's how we got from, like, six to
8 three.

9 MR. PRICE: Yeah. This is Ted Price. My
10 apologies. I had received a word version of the
11 DPL --

12 MR. GRYZMALA: Oh.

13 MR. PRICE: -- that I've modified that has
14 been given to our negotiator by AT&T's negotiator,
15 and that included six issues, and I see that the one
16 you submitted includes only three, so I don't
17 understand that, and obviously that means we're going
18 to have to go back and resubmit this.

19 I don't know what happened to the issues
20 with UNI combinations and commingling.

21 MR. GRYZMALA: Right. We can take that
22 offline but, I mean, my understanding was that we
23 were not proposing to advance an issue where there
24 was none, and Ted -- this is Bob Gryzmala -- it may
25 very well be -- my impression was that it was going

1 to be agreed-to language or that we were going to
2 withdraw our proposal, but please clarify that
3 through the negotiator, folks.

4 MR. PRICE: Yeah. Yeah. I mean, I
5 received a word version that I marked up, and those
6 issues were in that word version and somebody took
7 them out, so those issues need to go back.

8 I never heard anything about agreeing to
9 those. We -- we -- those are still in the dispute.

10 MR. GRYZMALA: Well, we didn't mean to
11 suggest that Global was agreeing to our language. I
12 mean, I think there's an answer here, but I
13 understand, Mark, and you obviously have the right to
14 resurrect those two items, you know, if there's been
15 a mistake made here.

16 MR. PRICE: I'm telling you right now for
17 the record that there has been a mistake made.

18 MR. GRYZMALA: Okay.

19 JUDGE JORDAN: Okay. I think we'll
20 probably be able to clear that up by the time we get
21 the responsive pleading, and certainly by the time we
22 get the statement of unresolved issues. Does anyone
23 object to that?

24 MR. JOHNSON: Your Honor, on behalf of
25 Global Crossing, no. We think that's the proper way

1 to do it.

2 MR. GRYZMALA: Same for AT&T, your Honor.

3 JUDGE JORDAN: All right. Well, I
4 appreciate the parties' efforts to clarify this and
5 to resolve the issues. And I think this is a good
6 time to remind the parties that the Public Service
7 Commission does offer mediation services as well, and
8 we can have one of the regulatory law judges assist
9 with the negotiation, if you think that would be
10 helpful -- probably not me because I'm the arbitrator
11 in the case, but I know Mr. Gryzmala has participated
12 in mediation of telecommunications issues, and I just
13 want to remind the parties that that is available,
14 too, as an alternative to help resolve these issues.

15 So having gotten some idea of what the
16 issues are -- and I understand that what the issues
17 are may still be at issue -- let's talk about the
18 kind of procedure that the parties envision. The
19 regulation specifically discusses discovery, and the
20 scope and the timing are a subject of this initial
21 arbitration meeting.

22 Do the parties want to say anything about
23 discovery and perhaps a schedule for that procedure?
24 I'll start with Petitioner.

25 MR. GRYZMALA: Judge, I wouldn't foreclose

1 discovery; on the other hand, at present I don't know
2 of any --

3 JUDGE JORDAN: Mr. Gryzmala --

4 MR. GRYZMALA: -- very, very limited.

5 we'd like the opportunity, obviously, because I know
6 too little about all of the issues to foreclose that
7 possibility. I would not think it'd be extensive, if
8 at all.

9 JUDGE JORDAN: Okay. And does Respondent
10 have anything to add to that?

11 MR. JOHNSON: Yes, your Honor. Thank
12 you.

13 I'm not sure that we intend to engage in
14 any discovery. I think that our position on that
15 would probably be the same as Mr. Gryzmala's. We
16 certainly want to reserve the right, but we don't
17 anticipate that there would be any need to engage in
18 any substantial discovery. I mean, for example, I
19 don't envision that there would be any depositions.

20 JUDGE JORDAN: Uh-huh.

21 MR. JOHNSON: It would be purely discovery
22 by interrogatory or data request, however you want to
23 refer to it.

24 JUDGE JORDAN: Right, and, yes, the
25 Commission's regulations do provide for data

1 requests, a somewhat less formal means of discovery.

2 As the date for the hearing grows closer,
3 of course, the time for discovery grows shorter, so
4 the parties wanting to reserve their right to
5 discovery is fine by me, but be mindful that time
6 limitations for responding may also need to be
7 altered.

8 Unless somebody has something to add to
9 that topic, I want to move on to the possibility of
10 prefile testimony.

11 Anything more in discovery?

12 (No response.)

13 JUDGE JORDAN: I'm not hearing anything,
14 so let's go on to prefile testimony.

15 MR. GRYZMALA: Well, Judge, can I offer
16 one thing? This is Bob Gryzmala.

17 JUDGE JORDAN: Please.

18 MR. GRYZMALA: I would only -- I would
19 only submit that it would be prudent if we would all
20 agree that to the extent discovery is issued at all,
21 the parties understand that it would be submitted in
22 a manner so that responses are due no later than the
23 hearing.

24 I don't know that this has happened before
25 in your docket, but it's very difficult to deal with

1 discovery requests when you're in a hearing room --

2 JUDGE JORDAN: Uh-huh.

3 MR. GRYZMALA: -- or after the hearing is
4 closed and it goes into briefing or whatever the
5 case. I mean, in an orderly manner discovery can
6 proceed, and we may not even need any here.

7 JUDGE JORDAN: Right.

8 MR. GRYZMALA: But if we do -- I mean, I
9 think the fuse for answering them or answering
10 discovery responses is pretty short, generally, and I
11 think people -- it says -- in fact, I think it says
12 the response normally will be required in five
13 working days; is that right?

14 JUDGE JORDAN: I think that's as to data
15 requests.

16 MR. GRYZMALA: Yes, sir, so, I mean, if we
17 can agree that counsel would not issue -- the parties
18 shall not issue discovery unless such discovery is
19 intended to be answered within a time prior to the
20 hearing.

21 MR. JOHNSON: I don't have any problem
22 with that. I think that that -- that's only
23 sensible.

24 MR. GRYZMALA: Yes. That's all we would
25 have to say, your Honor, on that, if we could all

1 have that, you know, understanding.

2 JUDGE JORDAN: well, I think that's
3 prudent. I have watched hearings. I've never done a
4 hearing at the PSC where discovery continued through
5 a hearing, but I have seen it happen and --

6 MR. JOHNSON: It's not pretty.

7 JUDGE JORDAN: -- it strikes me as -- yes,
8 I strikes me as very awkward and not to say tardy and
9 untidy at the best, so I think that's prudent, and
10 I'd be amenable to putting out an order stating that,
11 if the parties would be like me to do so.

12 MR. GRYZMALA: Perfect. Thank you, your
13 Honor.

14 MR. JOHNSON: I would agree with that.

15 JUDGE JORDAN: Let's talk about prefile
16 testimony, because that's something the regulation
17 governing this procedure specifically mentions. Do
18 the parties intend to file prefile testimony? we'll
19 start with Petitioner again.

20 MR. GRYZMALA: AT&T would anticipate that,
21 your Honor.

22 JUDGE JORDAN: Okay.

23 MR. JOHNSON: On behalf of the Respondent,
24 we also anticipate filing prefile discipline.

25 JUDGE JORDAN: Okay. That can be very

1 helpful for advancing issues at hearing, so certainly
2 I have no problem with that; however, it does bring
3 up the issue of timing, and as we get into timing
4 issues, the matter starts to get more complicated.

5 I think that moves me into -- well, first,
6 if we're going to file prefile testimony, are the
7 parties considering rebuttal and surrebuttal?

8 MR. JOHNSON: Your Honor, on behalf of the
9 Respondent, I handled this -- a similar case -- well,
10 I guess you'd say same arbitration in Kansas, and we
11 did have both direct and rebuttal. We did not have
12 surrebuttal --

13 JUDGE JORDAN: Okay.

14 MR. JOHNSON: -- but I just wonder if
15 perhaps the -- you know, the right way to approach
16 the scheduling would be to, in essence -- and Bob and
17 I kind of talked about this yesterday -- is to work
18 our way backwards.

19 You know, the 270-day date -- and I know
20 that in your order you said that the -- you know, the
21 220 days -- you know, you have to file your final
22 report within 220 days of the initial demand for
23 negotiation.

24 JUDGE JORDAN: The draft report.

25 MR. JOHNSON: No, I believe, your Honor,

1 that's the final report. The draft report -- and we
2 have to work backwards from that.

3 JUDGE JORDAN: Okay.

4 MR. JOHNSON: And it would seem to me that
5 for scheduling purposes, you know, maybe a good
6 approach is to work from that 220-day period, which
7 is November 8, I think; isn't that right?

8 JUDGE JORDAN: Yes.

9 MR. JOHNSON: -- and then -- actually, I
10 did this last night. I worked my way backwards
11 through the calendar, and I have sort of a
12 comprehensive proposal to make on dates for various
13 milestones through the case that I think will allow
14 Bob and me to do what we're supposed to do and yet
15 present you with our filing with sufficient time for
16 you to work your way through them.

17 JUDGE JORDAN: Well, that sounds -- that
18 sounds good, and I appreciate your work on a time
19 line.

20 Here's what I have in mind: I'd like the
21 parties to submit a proposed procedural schedule to
22 me, and it sounds like something you could jointly
23 file pretty quickly. Am I correct about that?

24 MR. JOHNSON: I can get these dates to Bob
25 right after we finish.

1 JUDGE JORDAN: well, that's good. And
2 when would you anticipate filing a joint proposal
3 with me?

4 MR. JOHNSON: I hope we can do it early
5 next week.

6 JUDGE JORDAN: well, that sounds good to
7 me. Can you give me just a rough idea of what kind
8 of time line you're considering?

9 MR. JOHNSON: Sure. Knowing that you do
10 have some discretion on the -- for lack of a better
11 way of putting this -- the time line that's contained
12 within the regulation --

13 JUDGE JORDAN: Correct.

14 MR. JOHNSON: -- and not for the time line
15 that's prescribed in the federal act --

16 JUDGE JORDAN: Correct.

17 MR. JOHNSON: -- what I was thinking about
18 was telescoping some of the periods set forth in the
19 regulations. For example, this is sort of working
20 our way backwards.

21 JUDGE JORDAN: Yes.

22 MR. JOHNSON: With your 220-day deadline
23 being November 8, then what we would do is rather
24 than you have 15 days to consider our comments to
25 your draft report, that we give you ten days to do

1 that, and then, you know, basically what we would do
2 is this, you know, 220 days on November the 8th --

3 JUDGE JORDAN: Uh-huh.

4 MR. JOHNSON: -- comments on your draft
5 report being due by October 29.

6 JUDGE JORDAN: Uh-huh.

7 MR. JOHNSON: -- or -- yes. And that
8 gives you ten days to finalize your report.

9 JUDGE JORDAN: Uh-huh.

10 MR. JOHNSON: And then -- let's see. We
11 would have seven days after the hearing to brief the
12 case and then you would have ten days to prepare your
13 draft report, whereas in the rules, I think those
14 periods are set out -- is like ten days to brief and
15 you have fifteen days to prepare your draft report.

16 JUDGE JORDAN: Okay. And where, roughly,
17 are you looking at for the hearing date?

18 MR. JOHNSON: I was thinking, like, last
19 week September, first week of October.

20 JUDGE JORDAN: Uh-huh. Uh-huh. Let me
21 look at my calendar here. Last week of September,
22 first week of October? I was thinking something
23 similar.

24 MR. JOHNSON: Okay.

25 JUDGE JORDAN: Roughly speaking,

1 Mr. Gryzmala, without demanding a commitment from you
2 right here and now, is that about what you're
3 thinking?

4 MR. GRYZMALA: Yeah, let me just speak
5 to -- your Honor, I haven't seen Mark's, you know,
6 noodling and proposal --

7 JUDGE JORDAN: Right.

8 MR. GRYZMALA: -- but we'll look at it
9 real hard. Just listening to this, I can tell you --
10 and this is no news to Mark. I mean, he knows who
11 our witnesses are. He saw them in Kansas.

12 JUDGE JORDAN: Right.

13 MR. GRYZMALA: Ms. Folentez Nazolick will
14 probably submit testimony. I know that she has a
15 vacation scheduled already for the last week of
16 September. Let me -- let me be candid and offer
17 something maybe a little more direct.

18 JUDGE JORDAN: Let's hear it.

19 MR. GRYZMALA: You know, the problem
20 occurs because the act envisions a 270-day fuse in
21 order to resolve the case, 270 days after the request
22 for negotiation was already made. And the other --
23 the other constrict is -- or the other constricting
24 item is the Commission's rule requiring that your
25 Honor has to issue his final report 50 -- that's

1 5-0 -- days before the Commission makes a decision.

2 Here's where I think the best place would
3 be. You may or may not decide it's palatable and the
4 advisory staff may not or they may. We would not at
5 all be -- we would not at all object, and we can see
6 benefit in extending the Commission's date for
7 decision into January.

8 There are arguments that the act
9 contemplates 270 days. Subject to Mark Johnson's
10 thought, I don't know that Global Crossing would care
11 if we took another month. AT&T can see advantage in
12 that.

13 As it is, the Commission, under the order
14 that you issued, your Honor, would have a matter
15 before it over the holiday. The statutory deadline
16 is the day after Christmas. Their decision would be
17 set at agenda, I gather, December 22. I don't know
18 their vacation plans.

19 I mean, I just think -- I want to be
20 creative here and come to the best resolution. If it
21 be, on the other hand, that there is definitive legal
22 thought at the Commission or its staff advisory group
23 that 270 cannot be extended, well, this just -- this
24 goes nowhere.

25 JUDGE JORDAN: well, I'll give you my

1 reflections on that because --

2 MR. GRYZMALA: Yeah, sure. I mean, we did
3 this -- I will say this, if I recall properly --
4 maybe Bill Voight can speak to this -- when we had
5 the Missouri Post-M2A arbitration five years ago, I
6 am almost certain that the hearing, and then Judge
7 Thompson's decision followed -- and the Commission's
8 approval of that decision -- followed 270 days. I
9 may be wrong, Bill, but I seem to remember that was
10 our distinct recollection.

11 JUDGE JORDAN: I don't find that out of
12 the realm of possibility at all indeed. FCC
13 decisions suggest that the FCC does not care at all
14 when the State commission makes its decision until
15 that 90th day afterwards, at which point it must take
16 jurisdiction over the matter. It must take up the
17 matter, I should say.

18 MR. GRYZMALA: Right.

19 JUDGE JORDAN: But I also have to tell
20 you: I don't take any comfort in that, because as we
21 all know, when an agency says one day does not bind
22 it the next, and the FCC may have said something
23 completely different yesterday, or it may say
24 something different on December 27, so I feel
25 obligated to hold to the 270th day as set forth in

1 United States statutes.

2 MR. GRYZMALA: Okay.

3 JUDGE JORDAN: So that's my feeling on
4 that.

5 MR. GRYZMALA: Okay.

6 JUDGE JORDAN: I -- I -- I certainly
7 understand the benefits of having more time, but I
8 just don't feel like we do, so that's -- that's
9 where -- that's my perspective.

10 MR. GRYZMALA: Okay. Having said that --

11 JUDGE JORDAN: Uh-huh.

12 MR. GRYZMALA: -- we'll look very hard at
13 Mark's proposal, Mr. Johnson's proposal. I just
14 wonder if there's any wiggle room with the 50 days
15 under the advance notice, that -- that is 50 days
16 before the Commission's decision, I gather, which
17 would be pegged for December 22.

18 JUDGE JORDAN: Right.

19 MR. GRYZMALA: Arbitrator report comes in
20 on November 8. Frankly, I mean, again, I'm just
21 trying to be creative here. If we were having an
22 arbitration with a dozen see lacks, a dozen, you
23 know, parties, as it was several years ago, with
24 issues aplenty --

25 JUDGE JORDAN: Uh-huh.

1 MR. GRYZMALA: -- 50 might be something
2 very much needed, and it may well have been. We have
3 a much more limited situation here, your Honor.

4 JUDGE JORDAN: You know, I see that.
5 Compared to the arbitration reports that I've looked
6 at so far, narrowing this to somewhere between three
7 and six issues is pretty darn good, I have to say.

8 MR. GRYZMALA: I agree.

9 JUDGE JORDAN: And the time limit in the
10 regulation is something over which I have a little
11 bit of discretion to modify, so I think if there's
12 flexibility, that's probably where it is, especially
13 given the parties' good work on narrowing the
14 issues. That's my perspective on that.

15 MR. GRYZMALA: Right. I think Mr. Johnson
16 and I have enough respect for the processees and the
17 personnel and the Commission we would not put that on
18 a short fuse; on the other hand, we can take
19 advantage that we don't, maybe, necessarily need to
20 accord 50 days for the issues on the plate.

21 JUDGE JORDAN: All right. Well --

22 MR. GRYZMALA: Do you have a sense as to
23 what you might think might be workable, your Honor,
24 or maybe the staff has a comment on that so Mark and
25 I could work backwards from the arbitrator's report?

1 JUDGE JORDAN: Does staff -- staff doesn't
2 really have anything to say on that?

3 MR. VOIGHT: (Shook head.)

4 JUDGE JORDAN: No?

5 Nor comment there?

6 MR. VOIGHT: (Shook head.)

7 MR. GRYZMALA: Okay.

8 JUDGE JORDAN: I am going to consider in
9 my mind -- I'm going to start with the time limits as
10 set out in the regulation. Since I've never done an
11 arbitrator's report, I don't have any experience
12 against which to measure it, so that's as far as I
13 can take you. I understand your idea about shrinking
14 the 50 days.

15 MR. GRYZMALA: Right.

16 JUDGE JORDAN: I think that's where our
17 flexibility lies, but I sure don't want to -- I'm
18 going to stay pretty close to that just because I
19 don't have any experience with which to back up any
20 estimate. That's -- that's -- that's my inadequacy,
21 I confess, my inexperience speaking.

22 MR. JOHNSON: Judge, to help in the
23 scheduling process, I wonder -- and again,
24 Mr. Gryzmala and I spoke about this yesterday --
25 we -- we can't envision, given the limited number of

1 issues and probably the limited number of witnesses,
2 there's going to be -- we can't envision that this
3 hearing is going to take more than a day.

4 JUDGE JORDAN: well, you know, you've
5 anticipated my next question, and I appreciate you
6 doing that.

7 Mr. Gryzmala, would you concur with that
8 estimate?

9 MR. GRYZMALA: Absolutely I would, sir.

10 JUDGE JORDAN: well, that's very good to
11 know.

12 MR. JOHNSON: And there is a possibility,
13 of course, you know, depending on the commissioner's
14 pleasure, and they can attend the arbitration hearing
15 and they can ask questions, but there is a
16 possibility of waiver of cross.

17 JUDGE JORDAN: Okay.

18 MR. JOHNSON: That's how we handled it in
19 Kansas.

20 JUDGE JORDAN: Okay.

21 MR. JOHNSON: But, you know, here we have
22 five commissioners instead of three in Kansas, so you
23 have five people who can ask questions even if the
24 parties don't want to ask any questions.

25 JUDGE JORDAN: Right.

1 MR. JOHNSON: So I think we probably -- I
2 think if there's one thing we can do today --

3 JUDGE JORDAN: Uh-huh.

4 MR. JOHNSON: -- is maybe at least target
5 some dates for hearing.

6 JUDGE JORDAN: Yes, and I hope to have
7 some kind of general framework, which you're helping
8 me with as to that, as to that matter, so let's talk
9 about -- well, we've already discussed the last week
10 of September and the first week of October for a
11 one-day hearing. Those, for me, are looking pretty
12 good.

13 MR. JOHNSON: Okay. Well, again -- this
14 is Mark Johnson.

15 Bob and I talked about this yesterday.
16 we -- we all have, including -- and I also spoke with
17 Mr. Price about this as well. We all have various
18 commitments that kind of constrain our availability.

19 JUDGE JORDAN: Sure.

20 MR. JOHNSON: Mr. Price is in New York,
21 and so he has to travel.

22 what we've kind of come down to is, it
23 would be best if we could agree on a couple of dates
24 that are in the middle of the week, strangely
25 enough.

1 JUDGE JORDAN: Huh. Huh. Huh. Okay.
2 Okay. Well, if you're asking me about my schedule,
3 it looks pretty good for that first full week of
4 October, the 5th, 6th, and the 7th. Pretty much I
5 can accommodate the parties. Let me put it that
6 way.

7 And Mr. Johnson, you'll be sending your
8 draft schedule to Mr. Gryzmala, but I can tell that
9 you --

10 MR. JOHNSON: For example, I'm out of the
11 box. I teach a course at the University of Kansas
12 Law School -- don't tell anybody in Jefferson City I
13 do that -- but that's on Tuesdays, so I'm out of the
14 box that day, but the 6th and the 7th work for me.

15 JUDGE JORDAN: Well, great.

16 MR. JOHNSON: So here's what I will do. I
17 will send my sort of proposed schedule to Bob, and he
18 and I will then talk, and I hope to be able to make a
19 joint proposal to you, an agreed proposal --

20 JUDGE JORDAN: Uh-huh. Uh-huh.

21 MR. JOHNSON: -- and that would include a
22 hearing date.

23 JUDGE JORDAN: Yes, that's -- that's what
24 I'm looking for. That's the thing that I want to
25 come out of these discussions today.

1 MR. GRYZMALA: May I ask, your Honor --
2 this is Bob Gryzmala.

3 JUDGE JORDAN: Yes.

4 MR. GRYZMALA: You know, Mark, you have a
5 little bit of advantage because you tried the similar
6 case in Kansas, and I wasn't there.

7 MR. JOHNSON: Right.

8 MR. GRYZMALA: I only heard tell, but my
9 understanding was -- and I'm not lobbying for a
10 similar course here, but just again, trying to come
11 to the best results.

12 I understand that the issues there were
13 presented on a combination of vehicles, that is, for,
14 you know, a couple of issues where testimony and
15 briefing for the Voice over Internet Protocol issue
16 was limited or exclusively the subject of briefing.
17 There was not a hearing where the witness took a
18 chair --

19 JUDGE JORDAN: Oh, golly.

20 MR. PRICE: -- in that hearing mode. Is
21 that -- is that right? I mean, are we looking at
22 something different in Missouri?

23 MR. JOHNSON: I don't think we are, Bob.
24 I think that what happened in Kansas was the parties
25 agreed that there were certain issues that were

1 simply legal in nature, a void compensation being one
2 of them --

3 MR. GRYZMALA: Okay.

4 MR. JOHNSON: -- and there was no
5 testimony provided on those issues.

6 MR. GRYZMALA: Okay.

7 MR. JOHNSON: There were a couple of
8 issues that -- which there were some factual
9 disagreements, and that did, because of their sort of
10 relatively obscurity, did require --

11 JUDGE JORDAN: Oh, he's cutting out too.
12 It's our -- it's our connection.

13 MR. JOHNSON: We did not have a hearing.
14 We stipulated the evidence -- pardon me -- the
15 pretrial testimony into evidence.

16 MR. GRYZMALA: I'm sorry. Mark, I lost
17 you for about 30 seconds.

18 JUDGE JORDAN: So did I, and I
19 occasionally lose Mr. Gryzmala too.

20 MR. JOHNSON: Okay.

21 MR. GRYZMALA: I'm just going to pick up.
22 Maybe that's better.

23 MR. JOHNSON: Well, Bob is correct. We
24 did have prefile testify on a few of the issues,
25 largely to explain the parties' positions to the

1 Commission.

2 we then stipulated the prefile testimony
3 into evidence, waived cross-examination, and the only
4 proceeding the -- we had before the Commission is
5 when the commissioners asked the lawyers to come in
6 to answer some questions that they had, so they were
7 not evidentiary issues. It was largely -- largely
8 asking questions about the applicable law.

9 JUDGE JORDAN: well, counsel has again
10 anticipated another issue I wanted to bring up, which
11 is the possibility of resolving some of these issues
12 without an evidentiary hearing. Now, let me throw in
13 my perspective as to that.

14 Following the contested case procedure
15 model, as this arbitration does, there will have to
16 be some evidentiary basis for applying any provision
17 of law, and that can come in a number of ways. An
18 evidentiary hearing is but one. There's also the
19 possibility of stipulations as well, stipulated
20 facts, and if the parties want to submit something --
21 an issue on stipulated facts, then the Commission can
22 simply decide that issue without an evidentiary
23 hearing.

24 other than that, we have a regulation on
25 summary determination, which is like summary

1 judgment. I'm very skeptical of its use in a
2 contested case context unless it's on stipulated
3 facts, so that's my perspective as to that but, yes,
4 I did want to bring up the idea of dispositive
5 motions, and maybe that's something that the parties
6 can work into their procedural schedule as well. Any
7 ideas on that?

8 MR. JOHNSON: Judge, this is Mark
9 Johnson.

10 Certainly I'll talk about that with
11 Mr. Gryzmala. I don't know that using the summary
12 judgment procedure is -- I -- I -- I say
13 "necessary" -- that may not be the right word -- but
14 we found in Kansas it was entirely satisfactory, at
15 least from a procedural point of view, for the
16 arbitrator.

17 JUDGE JORDAN: Uh-huh.

18 MR. JOHNSON: And Kansas follows a
19 somewhat similar procedure where there's a staff
20 attorney who's appointed as arbitrator.

21 JUDGE JORDAN: Uh-huh.

22 MR. JOHNSON: We submitted the case to him
23 on not stipulated testimony. You know, it was
24 testimony that we essentially stipulated as to its
25 admissibility.

1 JUDGE JORDAN: Uh-huh.

2 MR. JOHNSON: And then he relied on that,
3 you know, on testimony, on that testimony, to support
4 his determination of the issues that were more than
5 just, you know, legal in nature.

6 JUDGE JORDAN: Uh-huh.

7 MR. JOHNSON: For example, in the DPL that
8 was filed with the petitions here and, you know,
9 based on what Mr. Price has said, we'll probably be
10 adding a couple issues, but based solely on what you
11 have before you, it would be our feeling that Issue
12 No. 1, which is -- which goes to void compensation --
13 is a legal issue --

14 JUDGE JORDAN: Uh-huh.

15 MR. JOHNSON: -- and for which evidence is
16 probably not needed.

17 JUDGE JORDAN: well, yeah, and that's the
18 impression that I got from looking at that, and my
19 concern is the prospect of taking away someone's
20 right to hearing without their consent.

21 MR. JOHNSON: well, we wouldn't -- I'm not
22 proposing that -- you know, I'm moving that this
23 issue be taken off the table from a factual point of
24 view. I would only propose to do that if AT&T also
25 agreed with it.

1 JUDGE JORDAN: You know, in that case, if
2 we have an agreement to waive hearing, then that's
3 fine.

4 MR. JOHNSON: Right. Absolutely. That's
5 one question that is a live question, whether the
6 parties can agree that we can dispense the prefile
7 testimony and simply brief this issue, that issue, or
8 the other, and void is a good candidate, your Honor,
9 that we'll have to take on.

10 JUDGE JORDAN: Well, that sounds
11 promising. I just want the parties to bear in mind
12 that anything -- any facts that they want to apply
13 this law to, any factual basis has to be in the
14 record.

15 I would need an evidentiary basis to apply
16 any facts that the parties are asserting. If it goes
17 through a motion, then if I see something in a
18 motion, an assertion of fact, an allegation, I'll
19 want a citation to the record, something in the
20 record.

21 You know, I just wanted to alert the
22 parties to that, because that's what we have to do.
23 If you want a decision from the Public Service
24 Commission, then you have to give us an evidentiary
25 basis for it, so that's my only caution on that.

1 Anything else the parties want to add on
2 that issue?

3 (No response.)

4 JUDGE JORDAN: I'm not hearing anything.
5 Of course, maybe the line's gone out again.

6 MR. JOHNSON: No, we're here.

7 JUDGE JORDAN: Okay. Then I think, you
8 know, that's about all I had to discuss.

9 what else would the parties like to
10 discuss today?

11 MR. GRYZMALA: Just one point, your
12 Honor. Maybe we can just sort of hold this -- we may
13 not need it, and I don't want to predict the
14 outcome. Let's say under a hypothetical scenario the
15 parties brief a legal issue of Issue 1, which is
16 void --

17 JUDGE JORDAN: Uh-huh.

18 MR. GRYZMALA: -- we submit prefile on the
19 remainder --

20 JUDGE JORDAN: Uh-huh.

21 MR. GRYZMALA: -- and we waive cross. The
22 question becomes: Because this is, you know, a time
23 we're all looking at, you know, schedules,
24 pocketbooks, and what have you, do people get on a
25 plane and come to a hearing?

1 JUDGE JORDAN: Right.

2 MR. GRYZMALA: Now, in today's world, if
3 Mark and I both agree to waive cross, there's no
4 reason for anybody to get on a plane --

5 JUDGE JORDAN: Uh-huh.

6 MR. GRYZMALA: -- you know, or staff to
7 have to expend resources of that kind but, on the
8 other hand, I mean, in all candor, it has been
9 expressed to us from time to time that we need to set
10 a hearing date nevertheless because the judge -- or
11 I'm sorry -- a commissioner or more than one
12 commissioner may have a question, so I just only
13 entertain that we may have a hearing at the end of
14 the day, we may feel as parties that we want to have
15 a live hearing, but in the event we don't, I think we
16 all should be mindful that's kind of been the
17 traditional position we've heard through the years.

18 I don't know if the commissioners would
19 wanted a hearing even if the parties don't. You know
20 what I mean?

21 JUDGE JORDAN: Well, Mr. Gryzmala, I think
22 you raise a -- the critical issue there is whether a
23 commissioner or arbitrator or the arbitrator's
24 advisory staff feels the need to be in the same
25 room --

1 MR. GRYZMALA: Right.

2 JUDGE JORDAN: -- with one of the
3 witnesses.

4 MR. GRYZMALA: Right.

5 JUDGE JORDAN: I'm not led to the process
6 of an evidentiary hearing. If the parties feel that
7 they can get a decision from the Commission without
8 an evidentiary hearing --

9 MR. GRYZMALA: Right.

10 JUDGE JORDAN: -- but that all comes to --
11 we're not the only players.

12 MR. GRYZMALA: Right. I --

13 JUDGE JORDAN: We're not the only
14 players. I tell you what that leads me to. That
15 leads me to the possibility of some kind of
16 dispositive motions, kind of submission on stipulated
17 exhibits, perhaps stipulated facts.

18 If you do that, my sense is that it will
19 have to be very complete, and you'll want to aim
20 pretty high; that is, make it so that
21 commissioners -- even commissioners -- will not
22 have -- will not feel the need for anyone to take the
23 stand.

24 MR. GRYZMALA: Okay. That's just a -- I
25 just thought I'd bring it up, your Honor.

1 JUDGE JORDAN: I think that's a very good
2 point. I'm glad you raised it.

3 MR. GRYZMALA: Sometimes it happens where
4 there's no hearing and no one comes on a plane, and
5 sometimes, you know, there will be a question, you
6 know, that, you know, we need to have folks there
7 for, you know.

8 JUDGE JORDAN: And sometimes nobody wants
9 a hearing except a commissioner.

10 MR. GRYZMALA: That's right. That's
11 exactly right.

12 JUDGE JORDAN: But if the commissioner
13 wants a hearing, the commissioner gets a hearing.

14 MR. GRYZMALA: That's exactly right, your
15 Honor.

16 JUDGE JORDAN: All right. What else would
17 the parties like to raise with me right now?

18 MR. GRYZMALA: I don't believe -- Tim,
19 Judge, unless you have anything, I don't believe AT&T
20 would.

21 MR. JOHNSON: I don't have anything, Bob.

22 MR. GRYZMALA: Okay. Nothing from AT&T,
23 your Honor, but I would have a comment to the parties
24 before we close.

25 JUDGE JORDAN: Feel free.

1 MR. GRZYMALA: I would just invite Mark
2 and Ted to join me on my conference bridge so we can
3 clear up a couple of items immediately after the
4 call, if I can convey that information, but otherwise
5 that's all I have for this particular procedural
6 prehearing conference, your Honor.

7 JUDGE JORDAN: Well, I think that's
8 constructive. I appreciate the parties' continued
9 communication. I just have a feeling it's going to
10 make life that much easier for the arbitrator and
11 ultimately the Commission.

12 Mr. Johnson, anything else you feel you
13 need to add today?

14 MR. JOHNSON: No.

15 JUDGE JORDAN: Okay. Then what I'll do is
16 I will -- when I get off this line I'll head straight
17 to my office and start drafting an order that will
18 set forth the matters that we have discussed,
19 including what we discussed about the due date of
20 discovery, prefile testimony, and also the filing of
21 a joint proposed schedule, and so that's what I'm
22 going to do.

23 One last chance to add anything before we
24 go off the record and I hang up.

25 MR. GRZYMALA: Oh. Don't hang up, please,

1 your Honor. I just want to give the call-in
2 information if Mark and Ted are available.

3 MR. JOHNSON: Sure. I am.

4 JUDGE JORDAN: Should I leave this
5 connection open then?

6 MR. GRYZMALA: Yes, just for a moment or
7 so, your Honor, if you would.

8 JUDGE JORDAN: I don't mind at all.

9 MR. GRYZMALA: Okay. Mark, Ted, does your
10 time permit just for about five minutes, maybe?

11 MR. JOHNSON: Sure.

12 MR. GRYZMALA: Okay. The telephone number
13 would be 469.227.9331.

14 Tim, if you could join, we'd appreciate
15 it.

16 MR. PRICE: Okay. We'll call you in a
17 minute.

18 MR. GRYZMALA: Judge, that's all. We
19 don't need a line open any longer here at AT&T.

20 JUDGE JORDAN: All right. Does anybody
21 else need this line open?

22 MR. JOHNSON: No.

23 JUDGE JORDAN: Okay. Then I believe I'm
24 done at this end.

25 Thank you very much for your help in this

1 matter and the thought you put into it so far. With
2 that we will go off the record.

3 MR. GRYZMALA: Okay.

4 MR. JOHNSON: Thank you, Judge.

5 JUDGE JORDAN: Thank you, counselors.

6 MR. GRYZMALA: Thank you.

7 JUDGE JORDAN: I'm going to hang up now.

8 Have a good day.

9 (The hearing concluded.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Nancy L. Silva, CCR, within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing hearing was duly sworn by me; that the testimony of said witness 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 hearing 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.

Nancy L. Silva, CCR

<hr/> 1 1 1:8,25 2:2 3:17 7:14 33:12 35:15 101 2:6 3:21 1100 2:11 4:5 12 8:19 14623 2:17 4:11 15 18:24 <hr/> 2 2 2:25 2010 1:6 22 21:17 23:17 220 16:21,22 19:2 220-day 17:6 18:22 225 2:16 4:11 25 8:15,16 27 22:24 270 20:21 21:9,23 22:8 270-day 16:19 20:20 270th 22:25 29 19:5 <hr/> 3 3 3:25 8:25 30 30:17 314.235.6060 2:3 3516 2:2 3:18 360 2:21 <hr/> 4 4 8:23 4520 2:11 4:4 469.227.9331 40:13 <hr/> 5 50 20:25 23:14,15 24:1,20	25:14 5-0 21:1 573.638.0261 2:7 573.751.4140 2:22 585.255.1401 2:17 5th 28:4 <hr/> 6 63101 2:3 3:18 63102 2:22 64111 2:12 4:5 65109 2:7 6th 28:4,14 <hr/> 7 7th 28:4,14 <hr/> 8 8 17:7 18:23 23:20 816.460.2655 2:12 8th 19:2 <hr/> 9 9 1:6 90th 22:15 <hr/> A ability 8:15 42:7 able 10:20 28:18 Absolutely 26:9 34:4 accommodate 28:5 accomplish 5:10,11 accord 24:20 accurately 6:13 act 18:15 20:20 21:8	action 42:10,15 actually 17:9 add 6:15 12:10 13:8 35:1 39:13,23 adding 5:23 33:10 additional 6:19 address 4:4,10 admissibility 32:25 advance 9:23 23:15 advanced 9:5 advancing 16:1 advantage 21:11 24:19 29:5 advisory 4:17,23 21:4,22 36:24 afternoon 4:20 afterwards 22:15 against 25:12 agency 22:21 agenda 21:17 ago 22:5 23:23 agreed 28:19 29:25 33:25 agreed-to 10:1 agreeing 10:8,11 agreement 1:13 3:5 34:2 ahead 4:18 aim 37:19 alert 34:21 allegation	34:18 allow 17:13 already 20:15,22 27:9 altered 13:7 alternative 11:14 am 4:24 17:23 22:6 25:8 40:3 42:8,11 amenable 6:18 15:10 answer 6:9 10:12 31:6 answered 14:19 answering 14:9 anticipate 12:17 15:20,24 18:2 anticipated 26:5 31:10 anybody 28:12 36:4 40:20 anyone 4:12 10:22 37:22 anything 6:15 10:8 11:22 12:10 13:11,13 25:2 34:12 35:1,4 38:19,21 39:12,23 aplenty 23:24 apologies 9:10 appearance 3:12 4:7 appearing 3:15 appears 42:4 applicable 31:8 apply 34:12,15 applying 31:16
---	--	---	---

appointed 4:22 32:20 appreciate 11:4 17:18 26:5 39:8 40:14 approach 16:15 17:6 appropriate 6:21 8:2 approval 22:8 arbitration 1:5,12 3:4,10 5:5 11:21 16:10 22:5 23:22 24:5 26:14 31:15 arbitrator 3:9 4:21 11:10 23:19 32:16,20 36:23 39:10 arbitrator's 4:17,23 24:25 25:11 36:23 Area 2:8 arguments 21:8 asserting 34:16 assertion 34:18 assigned 3:8 assist 11:8 AT&T 1:11 2:2,4,8 3:17,21 5:25 9:5 11:2 15:20 21:11 33:24 38:19,22 40:19 AT&T's 3:4 9:14 attached 5:14 7:5,6 attend 26:14 attorney 2:2,16 32:20 42:12	availability 27:18 available 11:13 40:2 aware 4:21 away 33:19 awkward 15:8 <hr/> B <hr/> backwards 16:18 17:2,10 18:20 24:25 based 33:9,10 basically 8:10 19:1 basis 31:16 34:13,15,25 bear 34:11 becomes 35:22 begin 3:11 behalf 3:16 5:24 10:24 15:23 16:8 believe 6:2,12,20 9:3 16:25 38:18,19 40:23 Bell 1:11 2:4 3:16 benefit 21:6 benefits 23:7 best 15:9 21:2,20 27:23 29:11 42:7 better 18:10 30:22 Bill 4:20 22:4,9 bind 22:21 bit 24:11 29:5 Bob 3:14 6:8 9:24 13:16 16:16 17:14,24 27:15 28:17 29:2,23 30:23 38:21	bordering 5:8 box 2:21 28:11,14 bridge 39:2 brief 19:11,14 34:7 35:15 briefing 14:4 29:15,16 briefly 7:10,24 bring 16:2 31:10 32:4 37:25 business 3:17,21 6:21 8:3,24 <hr/> C <hr/> calendar 17:11 19:21 call-in 40:1 candid 20:16 candidate 34:8 candor 36:8 care 21:10 22:13 case 3:2,9 11:11 14:5 16:9 17:13 19:12 20:21 29:6 31:14 32:2,22 34:1 caution 34:25 CCR 1:23 42:2,18 Center 2:2 3:18 certain 22:6 29:25 certainly 10:21 12:16 16:1 23:6 32:10 CERTIFICATE 42:1 certify 42:3 chair 29:18 chance 39:23	Christmas 21:16 citation 34:19 City 1:7 2:7,12,22 3:22 28:12 clarification 7:3 clarify 10:2 11:4 clear 10:20 39:3 close 25:18 38:24 closed 14:4 closer 13:2 colleen 4:22 combination 29:13 combinations 9:20 comes 7:17 23:19 37:10 38:4 comfort 22:20 commend 7:3 comment 24:24 25:5 38:23 comments 18:24 19:4 commingling 9:20 commission 1:1 2:21,23 3:2,8 11:7 21:1,13,22 22:14 24:17 31:1,4,21 34:24 37:7 39:11 commissioner 36:11,12,23 38:9,12,13 commissioners 26:22 31:5 36:18 37:21 commissioner's s 26:13 Commission's 5:7 12:25
--	--	---	--

20:24 21:6 22:7 23:16 commitment 20:1 commitments 27:18 communication 39:9 company 1:11 2:4 3:16,19 Compared 24:5 compensation 7:14 8:2 30:1 33:12 complete 37:19 completely 22:23 complicated 16:4 comprehensive 17:12 Compulsory 1:12 concern 33:19 concerning 6:8 concluded 41:9 concur 26:7 conference 39:2,6 confess 25:21 confident 5:10 Congress 5:6 connection 7:24 30:12 40:5 consent 33:20 consider 18:24 25:8 considering 16:7 18:8 constrain 27:18 constrict 20:23 constricting 20:23	constructive 39:8 contained 18:11 contemplate 6:25 contemplates 21:9 contested 31:14 32:2 context 32:2 continued 15:4 39:8 convey 39:4 copper 8:11 correct 17:23 18:13,16 30:23 Couch 4:22 counsel 4:9 5:9 14:17 31:9 42:9,12 counselors 41:5 counterparts 5:25 couple 27:23 29:14 30:7 33:10 39:3 course 13:3 26:13 28:11 29:10 35:5 COURT 1:24 cover 5:2 cramped 5:8 creative 21:20 23:21 critical 36:22 cross 26:16 35:21 36:3 cross- examination 31:3 Crossing 1:13,14 2:13,18 3:25 4:1,9,10 5:24 6:7 10:25 21:10	crude 8:20 cut 7:19,24 cutting 30:11 <hr/> D <hr/> d/b/a 1:11 2:4 Dale 4:22 Daniel 1:19 3:6 dark 7:16 8:9,10,21 darn 24:7 data 12:22,25 14:14 date 13:2 16:19 19:17 21:6 28:22 36:10 39:19 dates 17:12,24 27:5,23 day 21:16 22:15,21,25 26:3 28:14 36:14 41:8 days 14:13 16:21,22 18:24,25 19:2,8,11,12 ,14,15 20:21 21:1,9 22:8 23:14,15 24:20 25:14 deadline 18:22 21:15 deal 13:25 December 21:17 22:24 23:17 decide 21:3 31:22 decision 6:4 21:1,7,16 22:7,8,14 23:16 34:23 37:7 decisions 6:24 22:13 definitive 21:21	demand 16:22 demanding 20:1 depending 26:13 depositions 12:19 determination 31:25 33:4 different 22:23,24 29:22 difficult 13:25 direct 16:11 20:17 direction 42:8 disagreements 30:9 discipline 15:24 discovery 11:19,23 12:1,14,18,2 1 13:1,3,5,11, 20 14:1,5,10,18 15:4 39:20 discretion 18:10 24:11 discuss 35:8,10 discussed 27:9 39:18,19 discusses 11:19 discussions 5:25 28:25 dispense 34:6 dispositive 32:4 37:16 dispute 5:18,22 6:13 10:9 disputed 5:21 distinct 22:10 docket 13:25
--	---	---	---

done 15:3 25:10 40:24 dozen 23:22 DPL 6:2,12 8:25 9:11 33:7 draft 16:24 17:1 18:25 19:4,13,15 28:8 drafting 39:17 Drive 2:16 4:11 due 5:16 13:22 19:5 39:19 duly 42:5 <hr/> E early 18:4 easier 6:23 39:10 efforts 11:4 else 4:12 35:1,9 38:16 39:12 40:21 elucidate 7:10 e-mail 6:6 employed 42:9,13 employee 42:12 engage 12:13,17 enter 4:6 entertain 36:13 entirely 32:14 entries 3:11 envision 11:18 12:19 25:25 26:2 envisions 20:20 especially 24:12 essence 16:16	essentially 32:24 estimate 25:20 26:8 event 36:15 everybody 3:24 evidence 30:14,15 31:3 33:15 evidentiary 31:7,12,16,1 8,22 34:15,24 37:6,8 exactly 38:11,14 example 12:18 18:19 28:10 33:7 except 38:9 exclusively 29:16 exhibits 37:17 expend 36:7 experience 25:11,19 explain 30:25 expressed 36:9 extended 21:23 extending 21:6 extensive 12:7 extent 6:22 13:20 <hr/> F fact 5:24 9:4 14:11 34:18 facts 31:20,21 32:3 34:12,16 37:17 factual 30:8 33:23 34:13 fantastical	5:9 FCC 22:12,13,22 federal 18:15 feel 22:24 23:8 36:14 37:6,22 38:25 39:12 feeling 23:3 33:11 39:9 feels 36:24 fiber 7:16 8:9,21 fiber's 8:10 fifteen 19:15 file 1:12 3:3 15:18 16:6,21 17:23 filed 7:11 33:8 filing 6:2 15:24 17:15 18:2 39:20 final 16:21 17:1 20:25 finalize 19:8 financially 42:13 fine 13:5 34:3 finish 17:25 firm 4:3 first 8:1,6 16:5 19:19,22 27:10 28:3 five 14:12 22:5 26:22,23 40:10 flexibility 24:12 25:17 Folentez 20:13 folks 3:19 10:3 38:6 foreclose 11:25 12:6 foregoing	42:4 formal 13:1 forth 6:13 18:18 22:25 39:18 framework 27:7 Frankly 23:20 free 38:25 full 28:3 fuse 14:9 20:20 24:18 <hr/> G gather 21:17 23:16 general 5:2 27:7 generally 14:10 gets 38:13 getting 5:12 Gilbreath 4:2 G-i-l-b-r-e-a-t-h 4:3 GILBREATH 2:10 given 9:14 24:13 25:25 gives 8:21 19:8 glad 38:2 Global 1:13,14 2:13,18 3:25 4:1,9,10 5:24 6:7 10:11,25 21:10 golly 29:19 gone 35:5 gotten 11:15 governing 15:17 great 28:15 group 21:22 grows 13:2,3 Gryzmala 3:14 6:6,11,14
---	---	--	--

7:19,20 9:24 11:11 12:3 13:16 20:1 25:24 26:7 28:8 29:2 30:19 32:11 36:21 G-r-y-z-m-a-l-a 3:15 GRYZMALA 2:2 3:13 6:16 7:9,13,16,21 8:1,6,13,18 9:2,12,21 10:10,18 11:2,25 12:4 13:15,18 14:3,8,16,24 15:12,20 20:4,8,13,19 22:2,18 23:2,5,10,12,19 24:1,8,15,22 25:7,15 26:9 29:1,4,8 30:3,6,16,21 35:11,18,21 36:2,6 37:1,4,9,12,24 38:3,10,14,18,22 39:1,25 40:6,9,12,18 41:3,6 Gryzmala's 12:15 guess 16:10 <hr/> H <hr/> hand 12:1 21:21 24:18 36:8 handled 16:9 26:18 hang 39:24,25 41:7 happen 15:5 happened 9:19 13:24 29:24 happens 38:3 hard 20:9 23:12 haven't 20:5 having 6:6	7:17 11:15 23:7,10,21 head 25:3,6 39:16 hear 20:18 heard 10:8 29:8 36:17 hearing 13:2,13,23 14:1,3,20 15:4,5 16:1 19:11,17 22:6 26:3,14 27:5,11 28:22 29:17,20 30:13 31:12,18,23 33:20 34:2 35:4,25 36:10,13,15,19 37:6,8 38:4,9,13 41:9 42:5,11 hearings 15:3 help 11:14 25:22 40:25 helpful 11:10 16:1 helping 27:7 hereby 42:3 here's 5:1 17:20 21:2 28:16 he's 30:11 Hi 3:20 high 2:6 3:21 37:20 hold 22:25 35:12 holiday 21:15 Honor 3:14 5:19 6:16 7:1,10 8:10 10:24 11:2 12:11 14:25 15:13,21 16:8,25 20:5,25 21:14 24:3,23 29:1 34:8 35:12 37:25 38:15,23	39:6 40:1,7 hope 18:4 27:6 28:18 Huh 28:1 hypothetical 35:14 <hr/> I <hr/> I'd 5:16 15:10 17:20 37:25 idea 5:2 11:15 18:7 25:13 32:4 ideas 32:7 I'll 3:11 7:22 11:24 21:25 32:10 34:18 39:15,16 I'm 3:6,20 4:8 5:9,12 6:8 8:20 10:16 11:10 12:13 13:13 23:20 25:9,17 28:10,13,24 29:9 30:16,21 32:1 33:21,22 35:4 36:11 37:5 38:2 39:21 40:23 41:7 immediately 39:3 impression 9:25 33:18 inadequacy 25:20 Inc 1:14 2:13,18 include 28:21 included 9:15 includes 9:16 including 27:16 39:19 indeed 22:12 inexperience 25:21	information 39:4 40:2 initial 3:10 11:20 16:22 input 6:1 instead 26:22 intend 12:13 15:18 intended 14:19 Interconnecte d 8:4 Interconnecti on 1:13 3:5 interested 42:14 interests 6:21 Internet 8:3,4 29:15 interrogatory 12:22 introduce 4:17,19 invite 39:1 IO-2011-0057 1:13 3:3 isn't 17:7 issue 6:8,10 7:14,17 8:1,7,13,18, 23,25 9:23 11:17 14:17,18 16:3 20:25 29:15 31:10,21,22 33:11,13,23 34:7 35:2,15 36:22 issued 13:20 21:14 issues 1:12 5:3,13,17,21, 23 6:3,13,19 7:4,8 8:21 9:2,4,15,19 10:6,7,22 11:5,12,14,1 6 12:6 16:1,4 23:24 24:7,14,20
---	---	--	--

26:1 29:12,14,25 30:5,8,24 31:7,11 33:4,10 it'd 12:7 item 20:24 items 10:14 39:3 it's 4:20 13:25 15:6 21:3 30:12 32:2 39:9 I've 3:8 5:14 9:13 15:3 24:5 25:10 <hr/> J January 21:7 Jefferson 1:7 2:7,22 3:22 28:12 Johnson 2:10 3:25 4:2,14 5:19,20 6:12 7:7 10:24 12:11,21 14:21 15:6,14,23 16:8,14,25 17:4,9,24 18:4,9,14,17 ,22 19:4,7,10,18 ,24 24:15 25:22 26:12,18,21 27:1,4,13,14 ,20 28:7,10,16,2 1 29:7,23 30:4,7,13,20 ,23 32:8,9,18,22 33:2,7,15,21 34:4 35:6 38:21 39:12,14 40:3,11,22 41:4 Johnson's 21:9 23:13 join 39:2 40:14 joint 18:2	28:19 39:21 jointly 17:22 Jordan 1:19 3:1,6,23 4:12,16 5:1 6:14 7:2,12,15,19 ,23 8:5,12,17 9:1 10:19 11:3 12:3,9,20,24 13:13,17 14:2,7,14 15:2,7,15,22 ,25 16:13,24 17:3,8,17 18:1,6,13,16 ,21 19:3,6,9,16, 20,25 20:7,12,18 21:25 22:11,19 23:3,6,11,18 ,25 24:4,9,21 25:1,4,8,16, 22 26:4,10,17,2 0,25 27:3,6,19 28:1,15,20,2 3 29:3,19 30:11,18 31:9 32:8,17,21 33:1,6,14,17 34:1,10 35:4,7,17,20 36:1,5,10,21 37:2,5,10,13 38:1,8,12,16 ,19,25 39:7,15 40:4,8,18,20 ,23 41:4,5,7 judges 11:8 judgment 32:1,12 jurisdiction 22:16 <hr/> K Kansas 2:12 4:5 9:4 16:10 20:11 26:19,22 28:11 29:6,24 32:14,18 Kenneth 2:16 4:11 <hr/> L Lack 18:10 lacks 23:22 language 10:1,11 largely 30:25 31:7	,25 16:13,24 17:3,8,17 18:1,6,13,16 ,21 19:3,6,9,16, 20,25 20:7,12,18 21:25 22:6,11,19 23:3,6,11,18 ,25 24:4,9,21 25:1,4,8,16, 22 26:4,10,17,2 0,25 27:3,6,19 28:1,15,20,2 3 29:3,19 30:11,18 31:9 32:8,17,21 33:1,6,14,17 34:1,10 35:4,7,17,20 36:1,5,10,21 37:2,5,10,13 38:1,8,12,16 ,19,25 39:7,15 40:4,8,18,20 ,23 41:4,5,7 judges 11:8 judgment 32:1,12 jurisdiction 22:16 <hr/> K Kansas 2:12 4:5 9:4 16:10 20:11 26:19,22 28:11 29:6,24 32:14,18 Kenneth 2:16 4:11 <hr/> L Lack 18:10 lacks 23:22 language 10:1,11 largely 30:25 31:7	last 17:10 19:18,21 20:15 27:9 39:23 later 13:22 law 1:19 2:2,16 3:7 4:3 11:8 28:12 31:8,17 34:13 lawyers 31:5 leads 37:14,15 least 27:4 32:15 leave 40:4 led 37:5 legal 21:21 30:1 33:5,13 35:15 legislation 5:6 less 13:1 let's 3:12 11:17 13:14 15:15 19:10 20:18 27:8 35:14 lies 25:17 life 39:10 limit 24:9 limitations 13:6 limited 12:4 24:3 25:25 26:1 29:16 limits 5:7,8 25:9 line 17:19 18:8,11,14 39:16 40:19,21 line's 35:5 Lisa 2:10 4:2 list 5:22 listening 20:9 litigated 9:3 little 12:6
--	--	--	--

ARBITRATION MEETING 09-09-2010

<p>20:17 24:10 29:5 live 34:5 36:15 LLC 1:24 lobbying 29:9 Local 1:13 2:13,18 4:1,9 longer 40:19 lose 30:19 lost 30:16 Louis 2:3 3:18</p> <hr/> <p>M</p> <p>Main 2:11 4:5 Manager 2:8 manner 13:22 14:5 Mark 2:10 4:2 5:19 6:17 10:13 20:10 21:9 24:24 27:14 29:4 30:16 32:8 36:3 39:1 40:2,9 marked 10:5 Mark's 20:5 23:13 matter 1:10 9:4 16:4 21:14 22:16,17 27:8 41:1 matters 6:17 39:18 may 9:24 11:17 13:6 14:6 21:3,4 22:9,22,23 24:2 29:1 32:13 35:12 36:12,13,14 maybe 17:5 20:17 22:4 24:19,24 27:4 30:22 32:5 35:5,12 40:10 mean 6:20</p>	<p>9:22 10:4,10,12 12:18 14:5,8,16 20:10 21:19 22:2 23:20 29:21 36:8,20 means 9:17 13:1 measure 25:12 mediation 11:7,12 meeting 1:5 3:11 4:18 11:21 member 4:17 members 4:23 mentions 15:17 middle 27:24 milestones 17:13 mind 17:20 25:9 34:11 40:8 mindful 13:5 36:16 minute 40:17 minutes 40:10 Missouri 1:2,7 2:3,4,7,12,2 1,22,23 3:7,17,22 4:5 22:5 29:22 42:3 Missouri's 1:11 mistake 10:15,17 mode 29:20 model 31:15 modifications 8:24 modified 9:13 modify 24:11 moment 40:6 month 21:11 months 8:19</p>	<p>morning 3:13 motion 34:17,18 motions 32:5 37:16 move 8:10 13:9 moves 16:5 moving 33:22 Myron 4:22 myself 4:22</p> <hr/> <p>N</p> <p>naked 8:11 name's 3:20 Nancy 1:23 42:2,18 narrowing 7:4 24:6,13 Nath 2:11 4:4 nature 30:1 33:5 Nazolick 20:13 necessarily 24:19 necessary 32:13 negotiation 11:9 16:23 20:22 negotiator 9:14 10:3 neither 42:8 network 8:24 nevertheless 36:10 news 20:10 night 17:10 nobody 38:8 none 9:24 noodling 20:6 nor 25:5 42:9,13 normally 14:12 nothing 6:25 38:22</p>	<p>notice 23:15 November 17:7 18:23 19:2 23:20 nowhere 21:24</p> <hr/> <p>O</p> <p>object 10:23 21:5 obligated 22:25 obscurity 30:10 obtain 8:15 obviously 9:17 10:13 12:5 occasionally 30:19 occurs 20:20 October 19:5,19,22 27:10 28:4 offer 11:7 13:15 20:16 office 39:17 offline 9:22 Oh 9:12 29:19 30:11 39:25 Okay 3:23 4:16 5:1 6:11 7:2 8:5 9:1 10:18,19 12:9 15:22,25 16:13 17:3 19:16,24 23:2,5,10 25:7 26:17,20 27:13 28:1,2 30:3,6,20 35:7 37:24 38:22 39:15 40:9,12,16,2 3 41:3 one-day 27:11 open 40:5,19,21 opportunity 8:14 12:5 order 15:10</p>
--	--	--	---

ARBITRATION MEETING 09-09-2010

16:20 20:21 21:13 39:17 orderly 14:5 otherwise 39:4 42:14 outcome 35:14 42:14 <hr/> P <hr/> P.O 2:21 palatable 21:3 pardon 30:14 participated 11:11 particular 39:5 parties 4:21 5:3,14,18 7:3 11:4,6,13,18 ,22 13:4,21 14:17 15:11,18 16:7 17:21 23:23 24:13 26:24 28:5 29:24 30:25 31:20 32:5 34:6,11,16,2 2 35:1,9,15 36:14,19 37:6 38:17,23 39:8 42:10,13 pegged 23:17 people 14:11 26:23 35:24 percent 8:15,16 Perfect 15:12 perhaps 11:23 16:15 37:17 period 17:6 periods 18:18 19:14 permit 40:10 personnel 24:17 persons 4:24 perspective	23:9 24:14 31:13 32:3 petition 1:11 3:4 5:15 7:6,11 9:5 Petitioner 3:12 11:24 15:19 petitions 33:8 pick 30:21 piece 8:11 pieces 7:17 plane 35:25 36:4 38:4 plans 21:18 plate 24:20 players 37:11,14 pleading 5:16 10:21 please 4:19 10:2 13:17 39:25 pleasure 26:14 pocketbooks 35:24 point 22:15 32:15 33:23 35:11 38:2 points 5:22 7:5 porting 6:8 position 12:14 36:17 positions 30:25 possibility 12:7 13:9 22:12 26:12,16 31:11,19 37:15 Post-M2A 22:5 predict 35:13 prefile 13:10,14 15:15,18,24 16:6 30:24 31:2 34:6	35:18 39:20 prehearing 39:6 preparation 6:1 prepare 19:12,15 prescribed 18:15 present 4:18,24 12:1 17:15 presented 29:13 Presiding 1:19 pretrial 30:15 pretty 14:10 15:6 17:23 24:7 25:18 27:11 28:3,4 37:20 Price 2:16 4:6,8,15 5:24 9:9,13 10:4,16 27:17,20 29:20 33:9 40:16 prior 6:2 9:3 14:19 probably 10:20 11:10 12:15 20:14 24:12 26:1 27:1 33:9,16 problem 14:21 16:2 20:19 procedural 17:21 32:6,15 39:5 procedure 5:4 11:18,23 15:17 31:14 32:12,19 proceed 14:6 proceeding 31:4 PROCEEDINGS 1:4 process 25:23	37:5 processees 24:16 promising 34:11 proper 10:25 properly 22:3 proposal 10:2 17:12 18:2 20:6 23:13 28:19 propose 33:24 proposed 17:21 28:17 39:21 proposing 9:23 33:22 prospect 33:19 Protocol 8:4 29:15 provide 12:25 provided 30:5 provision 31:16 prudent 13:19 15:3,9 PSC 15:4 Public 1:1 2:21,23 3:7 11:6 34:23 pulled 6:20 purely 12:21 purposes 17:5 putting 15:10 18:11 <hr/> Q <hr/> question 6:5 26:5 34:5 35:22 36:12 38:5 questions 26:15,23,24 31:6,8 quickly 17:23 <hr/> R <hr/> raise 6:7 36:22 38:17
---	--	---	---

<p>raised 6:6 38:2</p> <p>raising 6:10</p> <p>rather 18:23</p> <p>real 20:9</p> <p>really 7:17 25:2</p> <p>realm 22:12</p> <p>reason 36:4</p> <p>rebuttal 16:7,11</p> <p>recall 22:3</p> <p>received 9:10 10:5</p> <p>reclaim 7:22 8:20</p> <p>recollection 22:10</p> <p>record 3:2,9 10:17 34:14,19,20 39:24 41:2</p> <p>reduced 42:7</p> <p>refer 12:23</p> <p>reflections 22:1</p> <p>regulation 5:8 11:19 15:16 18:12 24:10 25:10 31:24</p> <p>regulations 12:25 18:19</p> <p>regulatory 1:19 2:8 3:7 11:8</p> <p>related 42:9</p> <p>relative 42:12</p> <p>relatively 30:10</p> <p>relied 33:2</p> <p>remain 5:3,13</p> <p>remainder 35:19</p> <p>remember 22:9</p> <p>remind 11:6,13</p> <p>report</p>	<p>16:22,24 17:1 18:25 19:5,8,13,15 20:25 23:19 24:25 25:11</p> <p>REPORTED 1:23</p> <p>reporter 3:14 42:1</p> <p>REPORTING 1:24</p> <p>reports 24:5</p> <p>request 12:22 20:21</p> <p>requests 13:1 14:1,15</p> <p>require 30:10</p> <p>required 14:12</p> <p>requiring 20:24</p> <p>reserve 12:16 13:4</p> <p>resolution 21:20</p> <p>resolve 11:5,14 20:21</p> <p>resolving 31:11</p> <p>resources 36:7</p> <p>respect 24:16</p> <p>respond 6:9</p> <p>Respondent 4:13 5:17 12:9 15:23 16:9</p> <p>Respondent's 5:15</p> <p>responding 13:6</p> <p>response 6:5 13:12 14:12 35:3</p> <p>responses 13:22 14:10</p> <p>responsive 5:16 10:21</p> <p>resubmit 9:18</p> <p>results 29:11</p>	<p>resurrect 10:14</p> <p>ROBERT 2:2</p> <p>Rochester 2:17 4:11</p> <p>room 2:2 3:18 14:1 23:14 36:25</p> <p>Rosenthal 2:11 4:4</p> <p>rough 18:7</p> <p>roughly 19:16,25</p> <p>routine 8:24</p> <p>rule 20:24</p> <p>rules 6:25 19:13</p> <hr/> <p>s</p> <hr/> <p>satisfactory 32:14</p> <p>saw 20:11</p> <p>scenario 35:14</p> <p>schedule 7:5 11:23 17:21 28:2,8,17 32:6 39:21</p> <p>scheduled 20:15</p> <p>schedules 35:23</p> <p>scheduling 16:16 17:5 25:23</p> <p>School 28:12</p> <p>scope 11:20</p> <p>seal 8:14</p> <p>seasoned 5:9</p> <p>second 8:8</p> <p>seconds 30:17</p> <p>seeing 6:18</p> <p>seem 17:4 22:9</p> <p>seen 15:5 20:5</p> <p>send 28:17</p> <p>sending 28:7</p> <p>senior 4:8</p>	<p>sense 24:22 37:18</p> <p>sensible 14:23</p> <p>September 1:6 19:19,21 20:16 27:10</p> <p>service 1:1 2:21,23 3:8 8:4 11:6 34:23</p> <p>services 1:13 2:8,13,18 4:1,9 11:7</p> <p>seven 19:11</p> <p>several 23:23</p> <p>Shook 25:3,6</p> <p>short 14:10 24:18</p> <p>shorter 13:3</p> <p>shrinking 25:13</p> <p>Silva 1:23 42:2,18</p> <p>similar 16:9 19:23 29:5,10 32:19</p> <p>simply 30:1 31:22 34:7</p> <p>sir 14:16 26:9</p> <p>situation 24:3</p> <p>six 7:7 9:7,15 24:7</p> <p>skeptical 32:1</p> <p>solely 33:10</p> <p>somebody 10:6 13:8</p> <p>someone's 33:19</p> <p>somewhat 13:1 32:19</p> <p>somewhere 24:6</p> <p>Sonnenschein 2:11 4:4</p> <p>sorry 6:8</p>
--	---	---	--

30:16 36:11 sort 5:4 17:11 18:19 28:17 30:9 35:12 sounds 17:17,18,22 18:6 34:10 Southwestern 1:11 2:4 3:16 speak 20:4 22:4 speaking 19:25 25:21 specific 6:25 specifically 11:19 15:17 spelled 4:3 spoke 9:6 25:24 27:16 st 2:3 3:18 staff 2:23 4:17,23 21:4,22 24:24 25:1 32:19 36:6,24 stand 37:23 start 3:12 5:12 11:24 15:19 25:9 39:17 starts 16:4 state 1:2 9:3 22:14 42:3 stated 5:21 statement 5:14 10:22 states 6:3 23:1 stating 15:10 statutes 23:1 statutory 21:15 stay 25:18 stipulated 30:14 31:2,19,21 32:2,23,24	37:16,17 stipulations 31:19 straight 39:16 strand 8:11 strangely 27:24 street 2:6,11 3:22 4:5 strikes 15:7,8 subject 8:8 11:20 21:9 29:16 submission 37:16 submit 13:19 17:21 20:14 31:20 35:18 submitted 9:16 13:21 32:22 substantial 12:18 sufficient 17:15 suggest 10:11 22:13 suite 2:11 4:5 summary 31:25 32:11 support 33:3 supposed 17:14 sure 7:12 12:13 18:9 22:2 25:17 27:19 40:3,11 surrebuttal 16:7,12 sworn 42:5 <hr/> T <hr/> table 6:20 33:23 taking 33:19 talk 5:3 11:17 15:15	27:8 28:18 32:10 talked 16:17 27:15 talking 7:25 tardy 15:8 target 27:4 task 6:22 teach 28:11 Ted 2:16 4:8 9:9,24 39:2 40:2,9 telecommunica tions 11:12 Telemanagemen t 1:14 2:13,18 4:1 Telemanagment 4:10 telephone 1:11 2:2,4,6,10,1 6 3:16 40:12 telescoping 18:18 ten 18:25 19:8,12,14 testify 30:24 testimony 13:10,14 15:16,18 16:6 20:14 29:14 30:5,15 31:2 32:23,24 33:3 34:7 39:20 42:4,6 thank 4:12 6:11 7:2 12:11 15:12 40:25 41:4,5,6 that's 6:20 8:16,20 9:7 10:25 14:14,22,24 15:2,9,16 17:1 18:1,11,15 20:25 23:3,8,9 24:12,14 25:12,16,20	26:10,18 28:13,23,24 30:22 32:3,5 33:17 34:2,4,22,25 35:8 36:16 37:24 38:1,10,14 39:5,7,21 40:18 thereafter 42:7 there's 10:12,14 23:14 24:11 26:2 27:2 31:18 32:19 36:3 38:4 thereto 42:13 Thompson's 22:7 throw 31:12 TIGER 1:24 Tim 2:6 3:20 38:18 40:14 today 3:10 4:18,25 5:2 27:2 28:25 35:10 39:13 today's 36:2 topic 13:9 total 8:22 traditional 36:17 TRANSCRIPT 1:4 travel 27:21 tried 29:5 trying 23:21 29:10 Tuesdays 28:13 types 6:17 typewriting 42:8 <hr/> U <hr/> Uh-huh 8:12,17 12:20 14:2 19:3,6,9,20 23:11,25
---	---	---	---

ARBITRATION MEETING 09-09-2010

<p>27:3 28:20 32:17,21 33:1,6,14 35:17,20 36:5 ultimately 39:11 understand 9:17 10:13 11:16 13:21 23:7 25:13 29:12 understanding 9:22 15:1 29:9 UNI 9:20 United 23:1 University 28:11 unless 13:8 14:18 32:2 38:19 unresolved 1:12 10:22 untidy 15:9</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vacation 20:15 21:18 various 17:12 27:17 vehicles 29:13 version 9:10 10:5,6 via 2:2,6,10,16 6:6 view 32:15 33:24 voice 8:3,4 29:15 void 7:13 8:2 30:1 33:12 34:8 35:16 voight 2:20 4:20,21 22:4 25:3,6 volume 1:8</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waive 34:2</p>	<p>35:21 36:3 waived 31:3 waiver 26:16 wasn't 29:6 watched 15:3 watchword 8:16 ways 31:17 weather 8:14 we'd 12:5 40:14 week 5:16 18:5 19:19,21,22 20:15 27:9,10,24 28:3 we'll 3:1 10:19 15:18 20:8 23:12 33:9 34:9 40:16 we're 6:9 9:17 16:6 17:14 35:6,23 37:11,13 west 2:6 3:21 we've 27:9,22 36:17 whatever 14:4 whereas 19:13 whether 5:17 6:7 34:5 36:22 whoever 9:6 who's 32:20 whose 42:4 wiggle 23:14 WILLIAM 2:20 withdraw 10:2 witness 29:17 42:4,6 witnesses 20:11 26:1 37:3 wonder 16:14 23:14 25:23 work 8:9 16:17</p>	<p>17:2,6,16,18 24:13,25 28:14 32:6 workable 24:23 worked 17:10 working 14:13 18:19 world 36:2 wrong 22:9</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yesterday 6:6 16:17 22:23 25:24 27:15 yet 17:14 York 2:17 4:11 27:20 you'll 28:7 37:19 yourself 4:19 you've 7:19 26:4</p>
---	---	--