

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

**IN THE MATTER OF THE APPLICATION OF FIDELITY
TELEPHONE COMPANY FOR AUTHORITY TO FILE,
ESTABLISH, AND PUT INTO EFFECT NEW, INCREASED,
OR REVISED RATES AND CHARGES FOR TELEPHONE
SERVICES**

Case No. IR-2004-0272

ORIGINAL

PUBLIC HEARING

VOLUME 3

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Public Hearing

March 9, 2004

Sullivan, Missouri

Volume 3

In the Matter of the Application)
of Fidelity Telephone Company for)
Authority to File, Establish, and) Case No. IR-2004-0272
Put into Effect New, Increased,)
or Revised Rates and Charges for)
Telephone Service)

KENNARD JONES, presiding,
Regulatory Law Judge

REPORTED BY:
Jennifer L. Leibach
ASSOCIATED COURT REPORTERS

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1 PROCEEDINGS

2 JUDGE JONES: I want to welcome you all to
3 this local public hearing for the Fidelity Telephone Company,
4 Case No. IR-2004-0272. This hearing is being held to give
5 the public an opportunity to comment on Fidelity Telephone
6 Company's proposed rate increase. Specifically, Fidelity is
7 seeking \$2.3 million of rate increases for its service area.

8 My name is Kennard Jones, and I'm the Judge
9 presiding over this matter. Seated to my left is Robert
10 Clayton. He's one of several Commissioners appointed to the
11 Missouri Public Service Commission. Although the remaining
12 Commissioners are not present, they will have an opportunity
13 to read the transcript from this hearing.

14 As you all may have discussed in the question
15 and answer session in the last half hour, the Commission is a
16 state agency, which regulates investor-owned utility
17 companies in Missouri. It is the Commission's duty to ensure
18 that the services are safe and reliable and that the rates
19 charged are just and reasonable.

20 In overseeing the rates charged by the utility
21 companies, the Commission must balance both the interest of
22 the rate payers, themselves, and of the shareholders of the
23 company. As stated earlier, the purpose of this hearing is
24 to give you all an opportunity to voice your comments about
25 Fidelity's proposed rate increase.

1 This is an official hearing of the Commission
2 and the transcript will be made part of the official record.
3 Accordingly, all of your comments will be made under oath,
4 and in addition to this local hearing, we just had one in
5 Gerald, Missouri, earlier today, and I should also tell you
6 all there will be a trial-type hearing held from April 7 to
7 April 9, 2004, in Jefferson City where all the parties to
8 this case will put on witnesses. That hearing is also open
9 to the public. If you would like to get away and come to
10 Jeff City for that hearing.

11 For today, those of you who support the
12 proposed increase will comment first. Those opposing the
13 increase will then comment. As a witness, you will be asked
14 to step to the podium at the rear of the room. I'll ask you
15 what your name is and for you to spell your name for the
16 Court Reporter and give your address. I will then ask you to
17 go ahead and proceed with your comments.

18 There may be questions from Mr. Clayton or any
19 one of the several attorneys here today, so please don't step
20 away from the podium until you're excused. Are there any
21 questions at this point about the procedure of this hearing?
22 Seeing none, Commissioner Clayton, did you have any words you
23 would like to --

24 COMMISSIONER CLAYTON: I just wanted to
25 welcome everyone here tonight. We appreciate you coming out.

1 I am one of three existing Commissioners. We have two
2 vacancies on the Commission right now. Your testimony will
3 be transcribed by the stenographer and will be made part of
4 the record, and I can certainly let you know that the other
5 Commissioners who couldn't be here today will review that
6 transcript as we decide the issues in this case. So I'd like
7 to thank each of you for being here, and I look forward to
8 the testimony.

9 JUDGE JONES: Okay. With that, first name on
10 the list is J.C. Powell. Mr. Powell, will you step forward?

11 MR. DANDINO: Can we enter our appearance?

12 JUDGE JONES: Let me have the --

13 MR. DANDINO: Michael Dandino, Office of the
14 Public Counsel, Post Office Box 2230, Jefferson City,
15 Missouri, 65102, and I represent the Office of the Public
16 Counsel, who is the advocate and the representative of the
17 public. Thank you.

18 MR. BATES: Bruce H. Bates representing the
19 Staff of the Missouri Public Service Commission. My mailing
20 address is Post Office Box 360, Jefferson City, Missouri,
21 65102.

22 MR. ENGLAND: Your Honor, let the record
23 reflect the appearance of W.R. England appearing on behalf of
24 the Fidelity Telephone Company. My mailing address is Post
25 Office Box 456, Jefferson City, Missouri, 65102.

1 JUDGE JONES: All right. With that, we'll
2 move onto Mr. Powell.

3 JUDGE JONES: Could you please state your name
4 and spell it?

5 MR. POWELL: J.C. Powell.

6 JUDGE JONES: And your address?

7 MR. POWELL: Sullivan, Missouri.

8 JUDGE JONES: And you are a customer of
9 Fidelity?

10 MR. POWELL: That is correct, P-O-W-E-L-L, I
11 do apologize to the lawyer.

12 (THE WITNESS WAS SWORN.)

13 JUDGE JONES: Okay. You may proceed with your
14 comments.

15 MR. POWELL: Good afternoon, ladies and
16 gentlemen. In reference to this proposal, I personally do
17 not have any opposition nor do I advocate in any way. My
18 biggest concern that directly affects this, or I should say
19 indirectly, is the fact that monopolistic control over this
20 town.

21 At this time -- well, let me back up. Ten
22 years ago when I first moved here, I got my first phone bill.
23 It was well over \$400, which was staggering coming from
24 Columbus, Ohio, where there was deregulation. At that time,
25 the long distance had already been deregulated, but had not

1 been implemented in Sullivan. Short time thereafter, the
2 services were deregulated for long distance, and our rates
3 dropped tremendously. I'm probably paying a quarter of what
4 I paid for previous, which is indicative of competition.
5 Almost every industry in today's age is -- has competition,
6 whether it be the airlines, trucking companies, what have
7 you, they're deregulated.

8 Currently, if you call one of the long
9 distance carriers, whether it's AT&T, or I think MCI has a
10 program where you try to get flat rate long distance billing,
11 and you put in your phone number, they will come back and
12 tell you you are not eligible for this due to your local
13 carrier. Okay. My parents live 30 minutes up the road,
14 Beaufort, Missouri. It's part of Southwestern Bell's
15 territory. They can get long distance unlimited local and
16 long distance, if I remember correctly, for, like, 20 or 30
17 bucks a month, while we continue to have to pay for interLATA
18 long distance without flat rate billing. As I said, I don't
19 have any objections to these rate increases, but it seems to
20 me that the easiest way to lower rates and ensure fair
21 competition is to allow other companies to come in, local
22 exchange carriers, such as Southwestern Bell and allow them
23 to offer some of the same services.

24 Again, I don't know of any industry that is
25 currently deregulated -- that is currently non-competitive,

1 and that is regulated. Everything has been deregulated, so
2 if the PSC would just consider allowing other companies to
3 come into this area and adding expense to cover capital costs
4 and whatnot to charge appropriate rates, so be it, but the
5 only way to mandate competitive fairness and lower rates for
6 the citizens of Sullivan, Missouri, is to allow other local
7 exchange carriers to come in. That's all I had.

8 JUDGE JONES: Okay. Thank you, Mr. Powell.
9 If you will remain standing for a moment, Mr. Powell. Are
10 there any question from any of the attorneys?

11 MR. DANDINO: Yes, your Honor.

12 Mr. Powell, I just wanted to clarify --
13 clarify something. Is presently the law allows local
14 specific at this time, in the local area here in Sullivan.
15 The law does, and if a qualified company would come before
16 the Public Service Commission and, you know, ask for a
17 certificate, and I'm sure they would examine it and approve
18 it. The problem is is that in the rural areas, there's not
19 that many companies that want to come in here.

20 MR. POWELL: Southwestern Bell's interested in
21 coming in.

22 MR. DANDINO: Well, I mean, if Southwestern
23 Bell knows where the Public Service Commission is, and you
24 know, we're -- they can come in, you know, whenever they want
25 now, they're selling toll service, I guess, in this area, but

1 I don't know that for sure. But you know, some utility
2 companies can come in, but you know, one of the biggest
3 problems that we're running into is the only companies that
4 will usually come in are the ones that are, you know, are the
5 company's that will provide service for those that have
6 credit problems and that.

7 Let me ask you another question. You stated
8 when you called, like, AT&T and MCI, you were saying it was
9 due to the local carrier?

10 MR. POWELL: That's correct.

11 MR. DANDINO: Did they explain what they meant
12 by that?

13 MR. POWELL: Well, if you call 1-800, I think
14 it's AT&T for all, or if you call MCI, I think they have a
15 program called The Neighborhood, and you put in your phone
16 number, or you talk to a rep, they will come back and tell
17 you because of the local exchange carrier, they cannot offer
18 that service in our area.

19 What was the point of deregulation ten years
20 ago, 12 years ago? You know, just because I live 80 miles
21 outside of St. Louis or 30 miles outside of the local
22 exchange territory, should I be denied the same opportunities
23 that an individual who lives in those areas presently have,
24 and that's what's currently happening, and I can tell you
25 that every long distance carrier I talk to advises me of the

1 same thing. I don't know whose fault it is. I just want to
2 know why we don't have those services available to us.

3 MR. DANDINO: And the same thing, I would like
4 to know that, too, because that's -- that would be contrary
5 to what the intent and the letter of the law is that, you
6 know, is if as long as the long distance company is willing
7 to provide service in the area, of course, the local exchange
8 company cannot stop them from doing that, but, you know, I'll
9 also look into that.

10 MR. POWELL: Yeah, and it's the same with some
11 of the lower cost programs, like the five and seven cents a
12 minute, if you contact them, they'll automatically backtrack
13 on their commercial and say, yeah, it is eligible, but not in
14 your area, but we can offer you a \$.09 rate. The only way to
15 do it now is to do a bypass of, you know, either calling some
16 place and putting in a pin number or you know, calling --

17 MR. DANDINO: Using calling cards --

18 MR. POWELL: Well, we used to, now I have a --
19 I have a company, so because I'm a little bit larger spender
20 on long distance, I have a company buying power from my home
21 telephone for long distance, and I'm sure I am getting a lot
22 better rate than everybody here in this room because of my
23 buying power of the company.

24 MR. DANDINO: Well, just as a point of
25 information, we found that many times, the major long

1 distance carriers will advertise nationally \$.05, \$.07 a
2 minute, but they're talking about interstate rates, and
3 they're talking -- and they have it for instate rates where
4 you're calling, like, from here to St. Louis. Those rates
5 don't apply, and in fact, a lot of times they're higher in
6 this state than they are in other states. That's just
7 something that we've run into, and our office has been
8 fighting about.

9 MR. POWELL: Well, if you could please check
10 out those bulk buying plans, the one rate plans with long
11 distance carriers, why they're not eligible here, we would
12 appreciate it.

13 MR. DANDINO: Certainly. Do we have your
14 address up here?

15 MR. POWELL: I can state it, if you need it.

16 MR. DANDINO: Yes, please.

17 MR. POWELL: 1440 H-U-G-E-S Ford Road,
18 Sullivan.

19 MR. DANDINO: House Ford Road?

20 MR. POWELL: Huges Ford Road.

21 MR. DANDINO: Thank you.

22 MR. POWELL: Thank you.

23 JUDGE JONES: Well, are there questions from
24 any other attorneys here?

25 MR. BATES: No, thank you.

1 JUDGE JONES: Mr. England.

2 MR. ENGLAND: No, thank you.

3 JUDGE JONES: Commissioner Clayton.

4 COMMISSIONER CLAYTON: Mr. Powell, how long
5 have you lived in Sullivan?

6 MR. POWELL: Off and on over the course of the
7 last ten years.

8 COMMISSIONER CLAYTON: Ten years. Okay. In
9 terms of quality of service -- well, first let me ask you,
10 are you a customer of Fidelity local service right now?

11 MR. POWELL: That's correct.

12 COMMISSIONER CLAYTON: Okay. Speaking
13 strictly on the quality of service, how would you rate it?
14 Would you rate it as good, excellent, fair, poor?

15 MR. POWELL: Excellent. They've done a very
16 good job.

17 COMMISSIONER CLAYTON: So that you are
18 satisfied in the sense that complaints are answered, that if
19 it -- if the service goes out, it's repaired promptly, or
20 just doesn't go out at all. Is that a fair statement?

21 MR. POWELL: It's a fair statement. They come
22 out and fix whatever needs to be fixed.

23 COMMISSIONER CLAYTON: Okay. And as you
24 started off your testimony, you indicated that you really had
25 no position on their proposed rate increase of, what, roughly

1 three and a half bucks, something like that?

2 MR. POWELL: I understand businesses need to
3 make money and they need to cover their capital costs.

4 COMMISSIONER CLAYTON: Okay. Okay. When we
5 move onto -- I know that we've got several other witnesses
6 that are going to come up. I'd like, if at all possible, if
7 you could jot down the companies that are claiming that they
8 are restricted by the Missouri Public Service Commission or
9 are restricted by this local -- by Fidelity or whoever from
10 coming into this area, if you can list out who those people
11 are and perhaps give them to our consumer services, we would
12 be happy to look into that.

13 There is nothing that is keeping a competitive
14 company from coming here. I come from a small town in
15 northeast Missouri, Hannibal, Missouri, and we wish we had
16 more competitors, and it's just very difficult because of the
17 number of lines, but having said that, if you'd jot that
18 down, we'd be happy to look into that. Consumer protection
19 is very important both to the Office of Public Counsel and to
20 the Missouri Public Service Commission, so.

21 MR. POWELL: Yeah, I'm not pointing a finger,
22 I just want to see it corrected.

23 COMMISSIONER CLAYTON: Well, somebody else is
24 pointing a finger, and I want to know who it is, so thank you
25 for your help.

1 MR. POWELL: Thank you.

2 JUDGE JONES: Thank you, Mr. Powell. Mr.

3 James Lux.

4 JUDGE JONES: Will you raise your right hand,
5 sir?

6 (THE WITNESS WAS SWORN.)

7 JUDGE JONES: And will you please state and
8 spell your name?

9 MR. LUX: My name is James Lux, that's L-U-X.

10 JUDGE JONES: And you live here in --

11 MR. LUX: Sir.

12 JUDGE JONES: You live in Leslie?

13 MR. LUX: Leslie, Missouri.

14 JUDGE JONES: All right. That's just outside
15 of Sullivan?

16 MR. LUX: It's north of Sullivan about 15
17 miles.

18 JUDGE JONES: Okay. You may proceed with your
19 comments, sir.

20 MR. LUX: I'm sorry, sir, I'm hard of hearing.

21 JUDGE JONES: You may proceed with your
22 testimony.

23 MR. LUX: I didn't hear you, sir.

24 JUDGE JONES: You can go ahead and speak.

25 MR. LUX: All right. Good evening, ladies and

1 gentlemen. The gentleman previously may have stole a little
2 bit of my thunder. I wish to also state that I'm not
3 inherently objecting to a rate increase by Fidelity. I
4 understand that any business that intends to stay in business
5 does have to make a profit of some type.

6 I do have a few statements that I would like
7 to make. To expend upon the previous speaker's problem about
8 having long distance carriers, I've been with a company for
9 about approximately 17 or 18 years, was a customer of
10 Fidelity. During the last oh, I suppose, five years, we've
11 had a number of advertisements either through the mail or
12 through television services listing 10-10-850, 10-10-270,
13 10-10 whatever, this type of long distance carriers or a
14 hook-up charge for, say, \$.30 or \$.40 or whatever \$.03 a
15 minute, and every time, and I know that we have had at least
16 10 to 12 of these different companies, and we went through it
17 and all of a sudden, just like the gentleman says here, it's
18 not available in our service area.

19 We just had one come to us two days ago that
20 my wife tried, and I don't remember what the number is, she
21 tried it, it's not available in this area. We can't get it
22 through our local company. I understand that -- I understand
23 maybe that a profit margin is narrowed by going through these
24 carriers for the local company. That's part of what
25 competition is.

1 Also, I would also like to make a statement
2 that during the last, oh, almost two years now, during
3 rainstorms or during any rain at all, we have an outage at
4 our residence. I'm strictly a residential customer, and it
5 lasts only through the rain. Other times when it's dry or
6 anything else, there's no problem with the service.

7 I've talked to two service people that have
8 been out, and they say it's an interior problem with the
9 wiring. Well, the last time I checked, it wasn't raining in
10 my house, so I don't know if it's an internal problem or not.
11 I'm not an electrician. I'm not a telephone repairman, and
12 it stops when it's raining. When it quits raining, it stops
13 having problems. There's something else that's causing it.

14 The only other thing I would like to state is
15 one of the particular items that is being increased that is
16 kind of a crawl, gets under my crawl a little bit is the
17 increase for directory service, directory information. To
18 me, this is just a bit like stopping at a gas station to get
19 a tank of gas, asking the attendant how to use the gas pump,
20 and then him charging you to tell you how to use the gas
21 pump.

22 If I make a call to St. Louis, because I need
23 to get some furniture or find for whatever reason I have the
24 number, I don't have the access to the number with the
25 exception of directory assistance. I don't have a 314 area

1 code exchange here or a book or anything I can do. I have to
2 go through, so now that I get the information, now I'm going
3 to be charged for making the telephone call, too. Well,
4 maybe it's necessary.

5 As far as I'm concerned, I think Fidelity's
6 service and people, I would say, good -- at least fairly
7 good. I think I would like to see a more user -- more
8 customer friendly company, and when that transpires, then I
9 think maybe rate increases would be acceptable.

10 Thank you very much.

11 JUDGE JONES: Just a moment, Mr. Lux. Mr.
12 Dandino, do you have any questions?

13 MR. DANDINO: Yes, Mr. Lux, what do you mean
14 by -- what would you like to see for the company to be more
15 user friendly?

16 MR. LUX: I would like -- I would like for it
17 to be more user friendly by being able to at least have
18 people be able to use some of the other long distance
19 carriers. I don't think I would -- that we were really given
20 a straight line on the service problem with the phone. I'm
21 not -- you know, I'm not going to swear to it that we
22 weren't, but it doesn't seem like it was. And basically
23 those regards, I think.

24 MR. DANDINO: Okay. It sounds like -- I don't
25 know if it would be a fair statement to say that you sound,

1 along with Mr. Powell, that you're kind of frustrated that
2 you hear these lower rates and other services being offered,
3 but you end up finding out that -- that those companies
4 aren't willing to serve you here in Fidelity territory. Is
5 that right?

6 MR. LUX: Well, from the folks that I've
7 talked to and my wife has talked to on the phone, they have
8 never said that they were willing to do it. You know, they
9 could not serve in our area. Now, why, I don't know. Maybe
10 it was part of their company policy that said they couldn't
11 serve in the area.

12 MR. DANDINO: So they're telling you it's
13 Fidelity?

14 MR. LUX: They're at least making it sound
15 like that it is Fidelity's problem as far as keeping them
16 out.

17 MR. DANDINO: Okay.

18 MR. LUX: Either Fidelity or for some legal
19 reason they cannot serve the area, you know.

20 MR. DANDINO: Okay. Thank you, sir. Thank
21 you, your Honor.

22 JUDGE JONES: Mr. Bates.

23 MR. BATES: No, thank you.

24 JUDGE JONES: Mr. England.

25 MR. ENGLAND: Mr. Lux.

1 MR. LUX: Yes, sir.

2 MR. ENGLAND: Would you be willing to give us
3 your phone number, either now or maybe after the hearing, so
4 that we can trade -- track down this problem with your line?

5 MR. LUX: The number is 457-2028, area code
6 573.

7 MR. ENGLAND: Thank you.

8 MR. LUX: Thank you.

9 JUDGE JONES: Go right ahead.

10 COMMISSIONER CLAYTON: Mr. Lux, I want to be
11 clear on some of your testimony. First of all, can you hear
12 me okay?

13 MR. LUX: Yes, sir.

14 COMMISSIONER CLAYTON: Okay. You were making
15 a reference to receiving solicitations in the mail, and you
16 had just received one recently, were you referring to long
17 distance service or local service?

18 MR. LUX: No, this is long distance service.

19 COMMISSIONER CLAYTON: Long distance. Okay.
20 And what company was this that says that they were being kept
21 out of Sullivan, Missouri or out of Leslie, Missouri?

22 MR. LUX: I really couldn't -- I really
23 couldn't tell you right now because I don't have the paper.

24 COMMISSIONER CLAYTON: Well, you can tell us,
25 you know.

1 MR. LUX: Well, I know I could, if it was up
2 here.

3 COMMISSIONER CLAYTON: Okay. Okay. I would
4 also ask the same things I asked of Mr. Powell, and that's
5 that if you have some of these companies that are offering,
6 which I believe is misleading information, that they are
7 being kept out of your particular market, I would like to
8 know who those people are, okay?

9 MR. LUX: Okay.

10 COMMISSIONER CLAYTON: Now, I want to ask you
11 also about service. You suggested that you have occasional
12 problems during the rain.

13 MR. LUX: Yes, sir.

14 COMMISSIONER CLAYTON: Is it every time it
15 rains?

16 MR. LUX: Just about. It's a very frequent
17 occurrence during a rain. I would say probably eight times
18 out of ten.

19 COMMISSIONER CLAYTON: Eighty percent of the
20 time when it rains, your phone goes out?

21 MR. LUX: Right.

22 Q. Do you have to call the company to fix the
23 problem or does it come on once it stops raining?

24 MR. LUX: Once it stops raining, it comes back
25 on.

1 COMMISSIONER CLAYTON: Sure it's not raining
2 inside your house?

3 MR. LUX: Well, sir, I've checked several
4 times, and I never did get wet.

5 COMMISSIONER CLAYTON: Okay. How often a
6 month do you use directory assistance?

7 MR. LUX: Probably no more than -- no more
8 than four to six times, I would say, at the most.

9 COMMISSIONER CLAYTON: Four to six times. Do
10 you have an internet connection in your home?

11 MR. LUX: No, sir, not at this time.

12 COMMISSIONER CLAYTON: No internet. Okay.
13 Okay. Have you ever used the internet for directory
14 assistance before?

15 MR. LUX: No, sir.

16 COMMISSIONER CLAYTON: Okay. Other than when
17 it rains, do you have any other quality of service issues
18 with the company?

19 MR. LUX: No, no, sir.

20 COMMISSIONER CLAYTON: When it snows, does it
21 still work?

22 MR. LUX: Yeah, seems to.

23 COMMISSIONER CLAYTON: Sleet?

24 MR. LUX: I can't recollect it ever going out
25 when it's sleeting, but it sleets so infrequently.

1 COMMISSIONER CLAYTON: You also indicated that
2 you were not necessarily opposed to the rate increase.

3 MR. LUX: That's correct.

4 COMMISSIONER CLAYTON: How about other than
5 directory assistance, do you have any other comments on any
6 of the other non basic rate increases?

7 MR. LUX: No, sir, I think as far as the basic
8 rate increase goes, it seems to be a bit higher.

9 COMMISSIONER CLAYTON: Do you use the OCA
10 service, the out of state calling area service? Is that
11 available here?

12 MR. LUX: No, sir.

13 COMMISSIONER CLAYTON: You don't do that.
14 Okay. Okay. I don't believe I have any other questions. I
15 would appreciate that list, if you can think of any of those
16 company's names, okay?

17 MR. LUX: Yes, sir, my wife will be a little
18 more helpful, she's got a better memory.

19 COMMISSIONER CLAYTON: We will leave some
20 cards for you to get a hold of us with that information, if
21 you don't have it here tonight, so I appreciate you coming.
22 Thank you.

23 MR. LUX: Very well, sir.

24 JUDGE JONES: Thank you, Mr. Lux, you may
25 stand down.

1 Next we have Matilda, is it Polite?

2 MS. POLITTE: Politte.

3 JUDGE JONES: Politte. And will you raise
4 your right hand, Ms. Politte?

5 (THE WITNESS WAS SWORN.)

6 JUDGE JONES: Okay. And will you please state
7 for the record and spell your name?

8 MS. POLITTE: Matilda Politte, M-A-T-I-L-D-A,
9 P-O-L-I-T-T-E.

10 JUDGE JONES: And are you a resident here in
11 Sullivan?

12 MS. POLITTE: Yes.

13 JUDGE JONES: Okay. You may proceed with your
14 comments, Ms. Politte.

15 MS. POLITTE: Well, I just want to say one
16 thing. I oppose the rate for their telephone rate because
17 I've been a customer for 40 years, and there's a lot of old
18 people that's on a fixed income that cannot stand the raise,
19 and the rest of them are on welfare, and a phone is a
20 necessity for older people like me that lives out in the
21 country, and that's all I have to say. This service has been
22 great. I have no complaints about the service.

23 JUDGE JONES: Okay. Mr. Dandino, do you have
24 any questions?

25 MR. DANDINO: I have no questions.

1 JUDGE JONES: Mr. Bates?

2 MR. BATES: No, thank you.

3 JUDGE JONES: Mr. England?

4 MR. ENGLAND: No, thank you.

5 JUDGE JONES: Commissioner Clayton?

6 COMMISSIONER CLAYTON: You live outside of
7 town, Ms. Politte?

8 MS. POLITTE: Yes, I used to live in town.

9 COMMISSIONER CLAYTON: In Sullivan or in
10 Leslie or --

11 MS. POLITTE: Still Sullivan address.

12 COMMISSIONER CLAYTON: Okay. But you used to
13 live in town?

14 MS. POLITTE: Yes.

15 COMMISSIONER CLAYTON: Do you have cellular
16 phone service in Sullivan?

17 MS. POLITTE: Yes.

18 COMMISSIONER CLAYTON: Do you have it -- does
19 it work at your house out in the country?

20 MS. POLITTE: Yes.

21 COMMISSIONER CLAYTON: It does. Do you have a
22 cell phone?

23 MS. POLITTE: Yes. I use that for long
24 distance only.

25 COMMISSIONER CLAYTON: I've heard that several

1 times today.

2 MS. POLITTE: Because I've only got so many
3 minutes.

4 COMMISSIONER CLAYTON: Do you have a position
5 on the non-basic service rate increases that have been
6 proposed including the out-of-state calling area and
7 directory assistance charges?

8 MS. POLITTE: I never use it, so I don't have
9 no position.

10 COMMISSIONER CLAYTON: So you basically just
11 have a basic phone service?

12 MS. POLITTE: Yes.

13 COMMISSIONER CLAYTON: And you're in the
14 Sullivan exchange, so it's a local call into town?

15 MS. POLITTE: Yes.

16 COMMISSIONER CLAYTON: Okay. You said that
17 service is good, works, does your phone work when it rains?

18 MS. POLITTE: Yes. As far as I've never
19 noticed it going out.

20 COMMISSIONER CLAYTON: Okay. If it does go
21 out, is the company prompt in either returning your call or
22 getting the phone turned back on?

23 MS. POLITTE: Yes.

24 COMMISSIONER CLAYTON: Are you satisfied if
25 you make a phone call to the company that they treat you

1 right?

2 MS. POLITTE: Yes.

3 COMMISSIONER CLAYTON: Okay.

4 MS. POLITTE: Fine.

5 COMMISSIONER CLAYTON: Okay. I don't have any
6 other questions. I appreciate you coming out.

7 MS. POLITTE: Okay. Thank you.

8 JUDGE JONES: Thank you, Ms. Politte. And
9 next we have Marianne Merello.

10 JUDGE JONES: Please raise your right hand.

11 (THE WITNESS WAS SWORN.)

12 JUDGE JONES: And will you say and spell your
13 name please?

14 MS. MERELLO: Marianne Merello.

15 M-A-R-I-A-N-N-E, M-E-R-E-L-L-O.

16 JUDGE JONES: Thank you, Ms. Merello, you may
17 proceed with your testimony.

18 MS. MERELLO: I have basically the same
19 complaint as the other two gentleman that talked. When I
20 inquired about long distance, cutting my cost for long
21 distance, I was told that no other long distance caller could
22 come into Sullivan through Fidelity, and I called a friend of
23 mine who used to work for communications, and he called
24 someone up in Jeff City and told them about it, and they
25 called me and asked what the problem was, and I told them,

1 and they said that they would look into it, and they called
2 me, I guess, about a week later, and said I think if you call
3 Fidelity now, you will be able to get other service, and I
4 said, well, how come we didn't know that, and they said,
5 well, we don't publicize it, and so I called AT&T then after
6 that and asked them if I could get this reduced long
7 distance, and they said yes, that they could offer it now, so
8 -- but I still -- Fidelity is still more expensive than
9 anyone else that I have been able to contact, so now I buy
10 telephone cards, but I have no objection to Fidelity's
11 services, it's always been very good.

12 I just often wonder why the FCC doesn't work
13 more for the residential customer. I'm only 12 and a half
14 miles from Bourbon, and I have to pay long distance charges,
15 whereas the City of St. Louis, I think they cover about 30 or
16 40 miles and no one has to pay to call from one end of St.
17 Louis to the other, but I have to call, I mean, anybody in
18 Sullivan, only like Bourbon or St. Clair or cities that are
19 so close, why we can't have a wider distribution area or
20 communication area rather than -- so that we don't have to
21 pay long distance for a call.

22 JUDGE JONES: Okay. Ms. Merello. Mr.
23 Dandino, do you have questions?

24 MR. DANDINO: Yes, your Honor.

25 MR. DANDINO: Ms. Merello, I guess -- would

1 you be willing to pay more per month for local service if you
2 could call places like Bourbon and Union and Washington and
3 St. Clair without incurring toll?

4 MS. MERELLO: Well, according to what the
5 amount would be.

6 MR. DANDINO: Do you have any idea how much
7 more a month you would be willing to pay?

8 MS. MERELLO: I have no amount -- no idea.

9 MR. DANDINO: I know everyone wants for very
10 little, but I was just wondering if you happened to have a
11 figure.

12 MS. MERELLO: No, I just feel that there could
13 be some arrangement made with the telephone company --
14 different telephone companies to cover larger areas so that
15 people in Sullivan, everybody knows someone in Bourbon, and
16 they usually place a lot of their calls to there or St. Clair
17 to neighboring areas, but to only be able to take in the
18 small area of Sullivan doesn't seem to be quite fair to the
19 customer.

20 MR. DANDINO: Where do you do most of your
21 business, like doctor and shopping, and you know, church
22 services?

23 MS. MERELLO: I have a lot of interests, and I
24 do use the phone quite a bit. I call St. Louis quite a bit,
25 and I do have a -- I have a bag phone because the gentleman

1 before asked about whether the -- when you live out in the
2 country, which I do, whether the bag -- or the cell phone
3 covers that. It does not, because I live on the fringes, and
4 so I have to have a bag phone, which is very inconvenient,
5 plus an extra charge because I can't call very far long
6 distance.

7 MR. DANDINO: So you have a cell phone that
8 you can't always use at your house?

9 MS. MERELLO: Right.

10 MR. DANDINO: And then so then you have to
11 rely upon the land line then?

12 MS. MERELLO: Right.

13 MR. DANDINO: And you have -- do you even use
14 it, then, for long distance?

15 MS. MERELLO: Pardon?

16 MR. DANDINO: When you can't use the cell
17 phone at your home, you have to use the land line for long
18 distance calls then.

19 MS. MERELLO: Right, yeah.

20 MR. DANDINO: And I'm sure Commissioner
21 Clayton will ask you, too, is the company's -- do you recall
22 any of the companies that are telling you that?

23 MS. MERELLO: It was AT&T.

24 MR. DANDINO: It was just AT&T?

25 MS. MERELLO: Well, that's the only one I

1 contacted, because I like AT&T.

2 MR. DANDINO: Okay. And you said you use
3 calling cards?

4 MS. MERELLO: Yes.

5 MR. DANDINO: Now, do those work okay?

6 MS. MERELLO: Yes, very satisfactory, except
7 that you have to remember too many numbers.

8 MR. DANDINO: Oh, I know. I have to take my
9 glasses off to punch the buttons, too. That's all I have.
10 Thank you very much.

11 JUDGE JONES: Mr. Bates?

12 MR. BATES: No, thank you, Judge.

13 JUDGE JONES: Mr. England?

14 MR. ENGLAND: No, thank you.

15 JUDGE JONES: Commissioner Clayton?

16 COMMISSIONER CLAYTON: Ms. Merello, I
17 apologize, I had to ask a question of our Staff. Do you
18 participate in the OCA plan, the out-of- state calling area
19 plan?

20 MS. MERELLO: Huh-uh.

21 COMMISSIONER CLAYTON: No? Why is that?

22 MS. MERELLO: Because I don't know what it is.

23 COMMISSIONER CLAYTON: Well, it sounds like a
24 marketing problem to me. So you wouldn't know what
25 communities are included in the out-of-state calling plan?

1 That was my next question.

2 MS. MERELLO: No.

3 COMMISSIONER CLAYTON: If you don't know what
4 it is, then you can't answer that. You mentioned the long
5 distance, the AT&T was the plan -- they were the ones that
6 said they couldn't serve here; is that correct?

7 MS. MERELLO: Right.

8 COMMISSIONER CLAYTON: Okay. And they still
9 maintain that?

10 MS. MERELLO: No, no, they -- I finally called
11 them and told them that it was -- that if they would inquire,
12 that I was told it was arranged now and they did call me back
13 and say that they could serve.

14 COMMISSIONER CLAYTON: Okay. What communities
15 outside of Sullivan are -- would be places where many
16 Sullivan residents would call? You suggested Bourbon would
17 be a place that's often called, at least by you. What other
18 communities or exchanges would you include in that?

19 MS. MERELLO: With the, I don't know, I would
20 say that you possibly could even go as far as Cuba and St.
21 Clair. I don't know about the north and south areas. I
22 think Fidelity has gone farther north and east than they used
23 to, but they certainly didn't go even five steps farther
24 west.

25 COMMISSIONER CLAYTON: Okay. Mr. Lux started

1 this, does your phone work when it rains it?

2 MS. MERELLO: Does now, yeah.

3 COMMISSIONER CLAYTON: It does now?

4 MS. MERELLO: Didn't used to.

5 COMMISSIONER CLAYTON: How long ago did it not
6 work during the rain?

7 MS. MERELLO: Oh, it's been about six or seven
8 years.

9 COMMISSIONER CLAYTON: Okay. So the service
10 -- your local service has improved at the very least -- at
11 least over the six-year period?

12 MS. MERELLO: Yes, he put new wires all
13 around, and since he's done that I don't have any problems.

14 COMMISSIONER CLAYTON: They treat you right
15 when you call them and when you need to get things fixed?

16 MS. MERELLO: Oh, yes, uh-huh.

17 COMMISSIONER CLAYTON: Okay. Were there any
18 other companies that said that -- long distance companies
19 that said that somebody was keeping them out of serving you?

20 MS. MERELLO: I have no idea, because I didn't
21 call any other long distance companies.

22 COMMISSIONER CLAYTON: Okay. Okay.

23 MS. MERELLO: I like AT&T.

24 COMMISSIONER CLAYTON: All right. I don't
25 believe I have any other questions. Thank you for coming

1 today.

2 JUDGE JONES: Thank you, Ms. Merello. I've
3 completed -- I've gone through all the names on the list. Is
4 there anybody here who did not sign the list who would still
5 like to give testimony? If not, then we will conclude the
6 local public hearing.

7 JUDGE JONES: Commissioner Clayton, you had
8 some closing remarks you wanted to make?

9 COMMISSIONER CLAYTON: I just wanted to say
10 thank you once again to each of you for coming out. It's not
11 easy to get the public to come out to meetings like this.
12 There are many things going on, lots of family events, lots
13 of work, so we appreciate you coming out and offering your
14 comments. I can assure you that our staff has been taking
15 notes and will be looking into a number of these
16 considerations.

17 I would offer that the long distance issue is
18 -- long distance is deregulated, and we only have a small
19 amount of involvement in long distance, and that the focus of
20 this hearing is on a local exchange company that is
21 regulated, and that's what we're here to talk about and their
22 rates, so we're going to try to help you on all these things,
23 and I appreciate all the comments that you made here today,
24 so.

25 MS. FLANAGIN: Can I ask a question?

1 COMMISSIONER CLAYTON: It does depend on what
2 your question is.

3 MS. FLANAGIN: I just wanted to ask if there
4 was a way to address the elderly and poor, maybe as when you
5 get a certain age, of 55 or whatever that age might be, that
6 there's --

7 JUDGE JONES: Why don't we do this, why don't
8 you step to the podium and you can make that comment on the
9 record.

10 (THE WITNESS WAS SWORN.)

11 JUDGE JONES: And will you please state and
12 spell your name?

13 MS. FLANAGIN: My name is Carleen,
14 C-A-R-L-E-E-N, Flanagan, F-L-A-N-A-G-I-N.

15 JUDGE JONES: Thank you, Ms. Flanagan, you may
16 proceed with your testimony.

17 MS. FLANAGIN: Okay. As I said earlier in the
18 question and session -- question and answer session, I am
19 concerned with the rate being raised 49 percent for the
20 single residential line, and I think it impacts the older
21 folks, people on retirement, fixed incomes, people on
22 welfare. I think that's -- that's going to hurt them.

23 They are going feel it, and I realize that
24 it's been 16 years since we've had a raise, and maybe we need
25 to rethink how we do a raise. Maybe do it in smaller

1 increments instead of maybe hitting everybody all at once,
2 and especially on sad times, and there are a lot of people
3 out of work, and things aren't good now, so I was wondering
4 if perhaps the company might want to think about a senior
5 citizen rate, or whatever you want to call it. That seems to
6 be a nice way to put it, and I also want to add that I've
7 been more than happy with Fidelity Company. I am a resident
8 of Sullivan and have been for 36 years. I've never had any
9 problems with the company. I think they're a good group.
10 They do a lot of good things for Sullivan. I'm not opposed
11 to the raise if they need it, certainly sounds like if you're
12 in business, you do have to ask for a raise every now and
13 then, but I am concerned with that 49 percent increase in the
14 line. Thank you.

15 JUDGE JONES: Thank you, Ms. Flanagan. Could
16 you remain standing for a moment? Mr. Dandino?

17 MR. DANDINO: Yes, your Honor, thank you. Ms.
18 Flanagan, you were talking about you were concerned about the
19 impact of the rate increase on the senior citizens, and you
20 said also because of the committee, is there a high
21 unemployment rate or what's -- in this community?

22 MS. FLANAGIN: I cannot speak for that, sir, I
23 mean, I'm just going by national.

24 MR. DANDINO: Well, I mean, you can just,
25 you're --

1 MS. FLANAGIN: I really have no idea what it
2 is here at the local, other than what these ladies said. I'm
3 assuming they know more than I do.

4 MR. DANDINO: All in all?

5 MS. FLANAGIN: I couldn't really say.

6 MR. DANDINO: I was just looking for you being
7 a long-time resident, just your observation in what you're
8 seeing around here.

9 MS. FLANAGIN: I teach school, and we are kind
10 of in a little -- our own little world, so to speak. It's
11 different. We're not in -- you know, it's a different look
12 on things.

13 MR. DANDINO: I understand.

14 MS. FLANAGIN: I'm sorry, I can't speak for
15 the jobs in and around Sullivan.

16 MR. DANDINO: What about you were talking
17 about maybe they could -- the increases could go up in phases
18 or in steps.

19 MS. FLANAGIN: Well, I was thinking maybe that
20 might be something to think of in the future rather than, you
21 know, the letter said that there hadn't been an increase for,
22 like, 16 years, and maybe it might be better to do it in the
23 smaller increments.

24 MR. DANDINO: Take it in smaller bites then?

25 MS. FLANAGIN: Right.

1 MR. DANDINO: And that would have lesser
2 impacts on the senior citizens and those on a fixed income?

3 MS. FLANAGIN: Yes.

4 MR. DANDINO: Also, you were talking about the
5 senior citizen discount, and there is a program, I think we
6 talked about it a little bit during -- the lifeline and
7 link-o programs, and you were suggesting, and this was during
8 the --

9 MS. FLANAGIN: Question and answer.

10 MR. DANDINO: -- question and answer part.

11 MS. FLANAGIN: Flier, yes, sir.

12 MR. DANDINO: Maybe putting something in a
13 bill, inserts to everyone?

14 MS. FLANAGIN: Making them aware of it, that
15 might be a first step, yes, sir.

16 MR. DANDINO: Do you think people read the
17 bill inserts quite a bit?

18 MS. FLANAGIN: I think if it has something
19 like save on it, or are you 65, or you know with, you know,
20 something that will grab their attention, yes, sir, I do
21 think that will help.

22 MR. DANDINO: What about now the company's
23 required to put it in a newspaper and use in the general
24 media, have you ever heard any announcements or saw any ads
25 for the lifeline or link-o program?

1 MS. FLANAGIN: No, I haven't, and I'm sorry to
2 say I read the Post-Dispatch daily. I am not a -- I don't
3 read the local paper as much as, perhaps, I should, nor do I
4 listen to the local radio. I let my dad do that. He clues
5 me in on the important stuff.

6 MR. DANDINO: Well, being a teacher, do you
7 see, like maybe Parent-Teacher organizations or church groups
8 or I don't know if Knights of Columbus or the Elks Club can
9 be beneficial to get word out to senior citizens, and to any
10 other people that are qualified for those programs?

11 MS. FLANAGIN: Oh, I think they would
12 cooperate in that, but I'd like to see the telephone company
13 insert that in their next, you know, billing.

14 MR. DANDINO: Okay.

15 MS. FLANAGIN: Oh, and you know, I take that
16 back. You asked me are times tough in this town.

17 MR. DANDINO: Yes.

18 MS. FLANAGIN: We have between 40 and 50
19 percent of our school clientele on free lunches. Now, I
20 don't know how that, you know, a lot of those folks are
21 single-parent families.

22 MR. DANDINO: And this lifeline and link-up is
23 available for people on fixed incomes, Medicare, low income,
24 energy assistance, Social Security, supplemental Social
25 Security, and public housing, so even perhaps if the schools

1 do, you know, send something home, especially in these times,
2 might be beneficial.

3 MS. FLANAGIN: Yes, sir.

4 MR. DANDINO: And you know, of course, that
5 still has an impact on the rates. Thank you very much. I
6 appreciate your comments.

7 JUDGE JONES: Just a moment, Ms. Flanagin.

8 MS. FLANAGIN: Oh, I'm sorry.

9 JUDGE JONES: Mr. Bates?

10 MR. BATES: No, thank you, Judge.

11 JUDGE JONES: Mr. England?

12 MR. ENGLAND: No questions, Judge.

13 JUDGE JONES: Commissioner Clayton?

14 COMMISSIONER CLAYTON: Ms. Flanagin. A
15 Flanagin from the town of Sullivan. I love it.

16 MS. FLANAGIN: Right. I do, too, and it's
17 really getting close to St. Patty's.

18 COMMISSIONER CLAYTON: I wanted to make sure
19 that I have a list of a number of these points here
20 accurately. Do you work with seniors at all? Did you
21 indicate that?

22 MS. FLANAGIN: No, sir.

23 COMMISSIONER CLAYTON: Okay.

24 MS. FLANAGIN: I just, you know, my dad, he's
25 a senior, definitely.

1 COMMISSIONER CLAYTON: Okay.

2 MS. FLANAGIN: That's, no, I don't.

3 COMMISSIONER CLAYTON: That's all right. When
4 you suggested a senior rate, do you have any idea what that
5 rate should be?

6 MS. FLANAGIN: I have no idea. Maybe -- I'm
7 not saying that they can be raising a little bit instead of
8 the 49 percent.

9 COMMISSIONER CLAYTON: I understand. I
10 understand.

11 MS. FLANAGIN: You know.

12 COMMISSIONER CLAYTON: Is the current rate of
13 \$7.55, are you suggesting that that is a burden?

14 MS. FLANAGIN: I don't know.

15 COMMISSIONER CLAYTON: Okay.

16 MS. FLANAGIN: I can't answer that.

17 COMMISSIONER CLAYTON: Would you have any
18 suggestions for guidelines of who should be able to receive
19 the senior rate?

20 MS. FLANAGIN: Well, those lifeline guidelines
21 are a good start, but then you might also just take into
22 consideration a certain age, a certain retirement age.

23 COMMISSIONER CLAYTON: Okay. So you would
24 just simply at age and not at income?

25 MS. FLANAGIN: Well, maybe you could have an

1 age for one and have this really pressing need that we have
2 on the lifeline for the other.

3 COMMISSIONER CLAYTON: Okay.

4 MS. FLANAGIN: You know, there could be
5 stages, levels.

6 COMMISSIONER CLAYTON: You are a customer of
7 Fidelity?

8 MS. FLANAGIN: Have been, yes, sir.

9 COMMISSIONER CLAYTON: How many years was it?

10 MS. FLANAGIN: Thirty-six.

11 COMMISSIONER CLAYTON: Thirty-six years?

12 MS. FLANAGIN: Yes, sir.

13 COMMISSIONER CLAYTON: Are you satisfied with
14 the quality of service?

15 MS. FLANAGIN: Oh, yes, very definitely.

16 COMMISSIONER CLAYTON: I'm not going to do it
17 this time. Thank you.

18 Thank you, Ms. Flanagin.

19 JUDGE JONES: Thank you. Are there any other
20 comments. Ms. Merello.

21 MS. MERELLO: Can I say something?

22 JUDGE JONES: Yes.

23 MS. MERELLO: Do I have to get up there?

24 JUDGE JONES: Yes, you do. You will remain
25 under oath.

1 MS. MERELLO: I don't know whether I mentioned
2 that I was against the rate rise of the percentage of it, I
3 think is very unfair, for one thing, and perhaps a different
4 angle should be considered, and I don't know where we would
5 go for that, but my telephone line starts at \$7.55, and after
6 the government adds everything and everybody adds their
7 taxes, it ends up at \$17.09, and I think that's one of the
8 things that would be a complaint.

9 And then with the Fidelity System's Plus
10 charges, there's another \$3.69 attached to it, so that my
11 telephone bill ends up being 20 or a little over \$20 a month
12 without any long distance calls, and then on top of that, if
13 you have friends that are just ten miles away from you and
14 you call them very often, then you have a lot of long
15 distance calls added on, so I would say the average person
16 who lives a normal life in Sullivan or an active life, their
17 telephone bill adds up to being anywhere from \$20 to \$30 to
18 \$40 a month, which seems excessive.

19 The \$7.55 is not excessive, but everything
20 that adds -- that gets added on is excessive. That would be
21 my comment on it. I don't know where we would go to change
22 that, except to extend the surrounding -- to take in more --
23 more calls without being long distance.

24 JUDGE JONES: Thank you. Are there any
25 questions for Ms. Merello?

1 MR. DANDINO: No further questions.

2 JUDGE JONES: Thank you, Ms. Merello. You may
3 have a seat. Are there any other comments before we conclude
4 the hearing tonight? Well, with that then, we will conclude
5 the local public hearing. Thank you all for coming out.

6 WHEREUPON, the recorded portion of the public
7 hearing was concluded.

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