

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Hearing

October 12, 2007
Jefferson City, Missouri
Volume 1

In the Matter of Lathrop Telephone)
Company's Petition for Arbitration)
of Unresolved issues in a Section)Case No. IO-2008-0091
251(b)(5) Agreement with Leap)
Wireless International Inc., and)
Cricket Communications, Inc.)

NANCY DIPPELL, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR
Midwest Litigation Services
3432 W. Truman Boulevard, Suite 207
Jefferson City, MO 65109
(573) 636-7551

1 A P P E A R A N C E S

2 For Staff of the Missouri Public Service Commission:

3 Ms. Shelley Brueggemann
4 Public Service Commission
200 Madison Street
5 P.O. Box 309
Jefferson City, MO 65102
6 (573) 751-6514

7 For Lathrop Telephone:

8 Mr. W. R. England, III
9 Brydon, Swearngen & England
312 E. Capitol Ave.
10 P.O. Box 456
Jefferson City, MO 65102-0456
11 (573) 635-7166

12 For Cricket Communications, Inc.:

13 Mr. Frank Caro
14 Polsinelli Law Firm
6201 College Road, Suite 500
15 Overland Park, KS 66211
(913) 234-7409

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1 PROCEEDINGS

2 JUDGE DIPPELL: This is Case No. IO-2008-0091 in
3 the matter of Lathrop Telephone Company's petition for
4 arbitration of unresolved issues in a Section 251(b)(5)
5 agreement with Leap Wireless International, Inc., and
6 Cricket Communications, Inc.

7 My name is Nancy Dippell. I'm the Regulatory
8 Law Judge assigned to this matter, and I've been appointed
9 to be the arbitrator. I have with me Shelly Syler
10 Brueggemann and Mike Scheperle, who have been appointed as
11 part of my advisory staff.

12 And I'm going to let the attorneys go ahead and
13 make their official entries of appearance. Since the
14 court reporter has your addresses, I don't think you need
15 to give that if you don't want to. Mr. England?

16 MR. ENGLAND: Thank you, Judge. Let the record
17 reflect the appearance of W.R. England on behalf of
18 Lathrop Telephone Company.

19 JUDGE DIPPELL: And Mr. Caro?

20 MR. CARO: Yes. Thank you, Judge. It's Frank
21 Caro, Jr. That's spelled C-a-r-o with the law firm of
22 Polsinelli, Shalligan, Flannigan, Sholthouse, PC on behalf
23 of Cricket Communications, Inc.

24 JUDGE DIPPELL: Okay. And then I have -- I'd
25 sent out a notice originally setting the date for

1 responses according to the statute for October 22nd for
2 Leap Wireless and Cricket to respond to the petition. I
3 hadn't set any other procedural dates, but I understand
4 that you all are in settlement negotiations.

5 MR. ENGLAND: Judge, I think we're even beyond
6 that. I got word yesterday that -- that Leap or the
7 individual at Leap had signed the agreement and it was
8 being overnighted to me today. So I hope to have that
9 today.

10 I, in turn, will have to send it off to my folks
11 for their signature. My hope is that we can get that
12 done, and I will have that file with the Commission for
13 its approval by the end of the next week.

14 So my -- my suggestion would be if it's all
15 right with you that we simply suspend any further
16 proceedings in this matter, at least for a week or ten
17 days.

18 My hope would be to file a finalized agreement.
19 And at that time, I'd file a request to withdraw the
20 petition for arbitration.

21 JUDGE DIPPELL: Okay. I think that will be
22 fine. The only thing is that the October 22nd date is set
23 by the statute. So if things aren't wrapped up by then,
24 then I would expect a response to still be filed. That
25 should fit within your time frame.

1 MR. ENGLAND: Yeah. I think you're right. And
2 if for some reason we run into some mail delivery
3 problems, Frank and I can advise you and -- I hate for
4 them to have to go through the time and expense of filing
5 some sort of response when we might be able to, by
6 agreement, extend that deadline.

7 JUDGE DIPPELL: I started to say, in the past
8 there have been agreements to extend those statutory
9 deadlines. We've done it before, but -- and I'll let you
10 all -- if you want to, if it comes to that, you all can
11 work that out.

12 MR. ENGLAND: My hope is that I should be able
13 to turn that around today, and, like I say, have something
14 back from the client by mid next week at the latest.

15 JUDGE DIPPELL: Okay. If for some reason that
16 falls through, just keep in mind that, again, the deadline
17 set by the statute is that the Commission will have
18 completed the arbitration by January 3rd.

19 Our rule sets out some other time lines, which
20 would -- which, in retrospect, after the rule was created
21 are really not workable. And so if it comes to it and we
22 have to do procedural schedule, those -- those rule
23 deadlines can also be amended.

24 And in the past, sometimes the parties have
25 amended the statutory deadlines as well. But, hopefully,

1 it won't come to that. It sounds like you guys have it
2 worked out. So is there anything else from anyone?

3 Mr. Caro, did you have anything else?

4 MR. CARO: No. I just appreciate the work that
5 Tripp's been doing on this.

6 JUDGE DIPPELL: Well, I appreciate it, too. I
7 appreciate both of you working it out.

8 MR. ENGLAND: Well, it's mutual, so --

9 JUDGE DIPPELL: So -- okay. Thanks a lot, then.
10 I guess that concludes the hearing. We can go off the
11 record.

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1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI)
) ss.
4 COUNTY OF OSAGE)

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6 I, Monnie S. VanZant, Certified Shorthand Reporter,
7 Certified Court Reporter #0538, and Registered
8 Professional Reporter, and Notary Public, within and for
9 the State of Missouri, do hereby certify that I was
10 personally present at the proceedings as set forth in the
11 caption sheet hereof; that I then and there took down in
12 stenotype the proceedings had at said time and was
13 thereafter transcribed by me, and is fully and accurately
14 set forth in the preceding pages.

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16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 seal on November 3, 2007.

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21 Monnie S. VanZant, CSR, CCR #0539

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Registered Professional Reporter

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