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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
Order Setting Prehearing Conference

December 4, 2003
Jefferson City, Missouri
Volume 1

R. Arthur Gentry, d/b/a Excelsior)	
Professional Services, Inc., d/b/a)	
Excel Computer Store, d/b/a Gentry)	
And Associates, d/b/a espi.net,)	
)
Complainant,)
)
vs.) Case No.
) TC-2004-0059
Southwestern Bell Corporation,)
)
Respondent.)

KENNARD JONES, Presiding,
Regulatory Law Judge

REPORTED BY:
Jennifer L. Leibach
ASSOCIATED COURT REPORTERS

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6 FOR: Staff of the Public Service
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13 FOR: Special Appearance for SBC
14 Communications, Inc., f/k/a
15 Southwestern Bell Corporation,
16 Appearance for Southwestern Bell
17 Telephone, L.P., d/b/ SBC
18 Missouri, SBC Advanced Solutions,
19 Inc.

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25 FOR: R. Arthur Gentry, d/b/a Excelsior
Professional Services, Inc.,
d/b/a Excel Computer Store, d/b/a
Gentry and Associates, d/b/a
epsi.net

1 PROCEEDINGS

2 JUDGE JONES: Good morning, this is
3 Case No. TC-2004-0059, R. Arthur Gentry doing
4 business as Excelsior Professional Services, Inc.,
5 doing business as Excel Computer Store, doing
6 business as Gentry and Associates doing business as
7 epsi.net as the complainant versus Southwestern Bell
8 Corporation, Respondent.

9 My name is Kennard Jones, I am the
10 Regulatory Law Judge presiding over this matter.
11 Those of you who are present, will you please
12 introduce yourselves starting with staff of the
13 Commission?

14 MR. POSTON: Marc Poston appearing for
15 the Staff of the Missouri Public Service Commission.

16 MR. FISCHER: James M. Fischer, Fischer
17 & Dority, PC, 101 Madison Street, Suite 400,
18 Jefferson City, Missouri, 65101. Judge, today making
19 a special appearance for SBC Communications, Inc.,
20 which was formally known as Southwestern Bell
21 Corporation, which I believe is named as the
22 Respondent here, and making an appearance as well for
23 Southwestern Bell Telephone, LP, doing business as
24 SBC Missouri, and SBC Advance Solutions, Inc. in this
25 proceeding.

1 MR. GENTRY: Chip Gentry, your Honor,
2 for the Complainant, Carson & Coil, 515 East High
3 Street in Jefferson City, Missouri.

4 JUDGE JONES: All right. Thank you
5 all. I believe we have a Motion to Substitute Party
6 that is pending, and from the bench, I can rule on
7 that motion. It appears that everyone is in
8 agreement and there's no opposition to the motion.

9 MR. GENTRY: That's true, your Honor,
10 and also that Southwestern Bell or SBC
11 Communications, Inc., formally known as Southwestern
12 Bell Corporation be dismissed from the complaint
13 without prejudice. Leo Bub and Mr. Fischer and I had
14 a conference call where we had discussed that matter
15 and actually wanted to make sure that was on the
16 record this morning and that it was clear for all
17 parties involved.

18 MR. FISCHER: We support that.

19 MR. POSTON: No objections.

20 JUDGE JONES: I can grant that motion
21 then.

22 MR. GENTRY: Thank you.

23 JUDGE JONES: Motion granted.

24 MR. GENTRY: Also, your Honor, the
25 parties were here this morning to make an oral motion

1 to actually have this matter set for mediation at the
2 University of Missouri-Columbia, School of Law,
3 through the ADR department up there.

4 JUDGE JONES: Okay.

5 MR. FISCHER: Respondent would agree
6 with that as well, we would support that.

7 JUDGE JONES: Okay. Well, what I will
8 have you all do is go ahead and set that meeting up
9 or mediation, and within 30 days from today's date,
10 there would be some time in January, January 3rd --
11 well, go ahead and make it January 10th, because I'm
12 not sure how these days fall with the holidays, file
13 an update letting the Commission know what has
14 happened up to that point or what will be happening,
15 what days have been scheduled for the mediation
16 meeting, and I will also add that every 30 days
17 thereafter if mediation has to continue, that the
18 parties inform the Commission of the progress of the
19 mediation, and I see staff has filed its report in
20 this matter. With that, does anyone have anything
21 they would like to add?

22 MR. GENTRY: Not at this time, your
23 Honor.

24 MR. FISCHER: No.

25 MR. POSTON: No, your Honor.

1 JUDGE JONES: Okay. Well, thank you
2 all for participating and we can go off-the-record
3 now.

4 WHEREUPON, the recorded portion of the
5 prehearing conference was concluded.

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