

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION

3 PREHEARING CONFERENCE
4 January 6, 2000
5 Jefferson City, Missouri
6 Volume I

7
8 In the Matter of an Investigation)
for the Purpose of Clarifying and)
9 Determining Certain Aspects)
Surrounding the Provisioning of)Case No. T0-99-483
10 Metropolitan Calling Area Service)
After the Passage and)
11 Implementation of the)
Telecommunications Act of 1996.)
12

13
14 BEFORE:

15 NANCY M. DIPPELL, Presiding,
16 SENIOR REGULATORY LAW JUDGE.

17
18 REPORTED BY:

19 KRISTAL R. MURPHY, CSR, RPR, CCR
20 ASSOCIATED COURT REPORTERS, INC.
714 West High Street
21 Post Office Box 1308
JEFFERSON CITY, MISSOURI 65102
22 (314) 636-7551

1 APPEARANCES:

2

3 W.R. ENGLAND, III, Attorney at Law
4 BRIAN T. McCARTNEY, Attorney at Law
5 Brydon, Swearngen & England, P.C.
6 P.O. Box 456
7 312 East Capitol Avenue
8 Jefferson City, Missouri 65102-0456

9 FOR: Alltel Missouri, Inc.
10 Cass County Telephone Company.
11 Citizens Telephone Company of Higginsville,
12 Missouri, Inc.
13 Grand River Mutual Telephone Corporation.
14 Green Hills Telephone Corp.
15 Lathrop Telephone Company.
16 Orchard Farm Telephone Company.

17 CRAIG JOHNSON, Attorney at Law
18 Andereck, Evans, Milne, Peace & Baumhoer
19 305 East McCarty Street
20 Jefferson City, Missouri 65101

21 FOR: Missouri Independent Telephone Group.
22 Choctaw Telephone Company.
23 Moka Dial.

24 CARL J. LUMLEY, Attorney at Law
25 Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 South Bemiston, Suite 200
Clayton, Missouri 63105

FOR: MCI WorldCom Network Services, Inc.
MCI Metro Access Transmission Services, LLC.
MCI WorldCom Communications, Inc.
Gabriel Communications of Missouri, Inc.
Primary Network Communications, Inc.

21 CAROL KEITH, Attorney at Law
22 16090 Swingley Ridge Road
23 Suite 500
24 Chesterfield, Missouri 63017

25 FOR: Gabriel Communications of Missouri, Inc.

1 PAUL G. LANE, General Attorney-Missouri
MIMI MacDONALD, Attorney at Law
2 One Bell Center, Room 3520
St. Louis, Missouri 63101
3

FOR: Southwestern Bell Telephone Company.

4 PAUL S. DeFORD, Attorney at Law
5 Lathrop & Gage
2345 Grand Boulevard
6 Kansas City, Missouri 64108

7 FOR: AT&T Communications of the Southwest, Inc.

8 LINDA K. GARDNER, Senior Attorney
5454 West 110th Street
9 Overland Park, Kansas 66211

10 FOR: Sprint Missouri, Incorporated.
Sprint Communications Company, L.P.
11 Sprint Spectrum d/b/a Sprint PCS.

12 MARK W. COMLEY, Attorney at Law
Newman, Comley & Ruth
13 601 Monroe Street, Suite 301
Jefferson City, Missouri 65101
14

-and-

15 CAROL POMPONIO, Attorney at Law
16 2020 Westport Center Drive
Maryland Heights, Missouri 63146
17

FOR: Nextlink Missouri, Inc.

18 MARY ANN (GARR) YOUNG, Attorney at Law
19 William D. Steinmeier, P.C.
P.O. Box 104595
20 Jefferson City, Missouri 65110-4595

21 FOR: McLeod USA Telecom Services, Inc.

22 CHARLES BRENT STEWART, Attorney at Law
Stewart & Keevil
23 1001 Cherry Street, Suite 302
Columbia, Missouri 65201
24

FOR: Intermedia Communications, Inc.

25

1 COLLEEN M. DALE, Attorney at Law
409 Cedar Lane
2 Columbia, Missouri 65201-6509

3 FOR: BroadSpan Communications, Inc., d/b/a
Primary Network Communications, Inc.

4
5 PETE MIRAKIAN, Attorney at Law
Spencer, Fene, Britt & Browne, LLP
1000 Walnut, Suite 1400
6 Kansas City, Missouri 64106

7 FOR: Birch Telecom of Missouri, Inc.

8 MICHAEL F. DANDINO, Senior Public Counsel
P.O. Box 7800
9 Jefferson City, Missouri 65102

10 FOR: Office of Public Counsel and the Public.

11 MARC POSTON, Assistant General Counsel
JULIE KARDIS, Assistant General Counsel
12 P.O. Box 360
Jefferson City, Missouri 65102

13 FOR: Staff of the Missouri Public Service
14 Commission.

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1 P R O C E E D I N G S

2 (Written Entries of Appearance filed.)

3 JUDGE DIPPELL: This is Case No. TO-99-483
4 in the matter of an investigation for the purpose of
5 clarifying and determining certain aspects surrounding
6 the provisioning of metropolitan calling area service
7 after the passage and implementation of the
8 Telecommunications Act of 1996.

9 We're meeting here today for a prehearing
10 conference, and at this time I'd like to go ahead and
11 find out who's present. If we could just begin on my
12 left.

13 MR. JOHNSON: Craig Johnson. I'm here today
14 on behalf Choctaw Telephone Company, Mogan Dial and
15 also the Missouri Independent Telephone Group.

16 MR. ENGLAND: Thank you.

17 Let the record reflect the appearance of
18 W.R. England and Brian McCartney on behalf of the
19 Small Telephone Companies as more specifically
20 identified in our written entry of appearance. Our
21 mailing address is Brydon, Swearngen & England, P.C.,
22 Post Office Box 456, Jefferson City, Missouri, 65102.

23 MR. LANE: Paul Lane and Mimi MacDonald,
24 appearing on behalf of Southwestern Bell Telephone
25 Company. Our mailing address is One Bell Center,

1 Room 3520, St. Louis, Missouri, 63101.

2 JUDGE DIPPELL: Can we continue with Staff?

3 MR. POSTON: Mark Poston and Julie Kardis
4 for the Staff of the Missouri Public Service
5 Commission.

6 MS. GARDNER: Linda Gardner, appearing on
7 behalf of Sprint Missouri, Inc., Sprint Communications
8 Company LP, Sprint Spectrum LP d/b/a Sprint PCS.

9 MR. LUMLEY: Carl Lumley here for the MCI
10 WorldCom Companies. I'm also here for Gabriel
11 Communications joined by Ed Cadieux and Carol Keith.
12 I'm also here for Primary Network
13 Communications joined by Colleen Dale.

14 MR. DeFORD: Paul DeFord, appearing for AT&T
15 Communications of the Southwest, Incorporated.

16 MR. STEWART: Charles Brent Stewart,
17 appearing on behalf of Intermedia Communications, Inc.

18 MR. DANDINO: Michael Dandino for the Office
19 of Public Counsel.

20 JUDGE DIPPELL: Are there others?

21 MR. COMLEY: Mark Comley, Newman, Comley &
22 Ruth, appearing on behalf of Nextlink Missouri, Inc.

23 An application to intervene out of time
24 should be in your file this morning or yesterday
25 afternoon, Judge Dippell.

1 On my left I would like to introduce Carol
2 Pomponio, who is also regulatory counsel for Nextlink
3 Missouri, Inc. Her offices are in St. Louis. She is
4 co-counsel on the application.

5 JUDGE DIPPELL: Okay.

6 MS. YOUNG: Mary Ann Young, representing
7 McLeod USA Telecom Services, Inc.

8 We also have an application for
9 intervention.

10 JUDGE DIPPELL: Is there anyone else present
11 that needs to make an entry of appearance?

12 MR. DAVE EDWARDS: Your Honor, I believe
13 counsel for GTE called and asked to be excused. He is
14 in St. Louis.

15 My name is Dave Edwards, and I will be
16 prepared to participate in the prehearing conference
17 discussion.

18 JUDGE DIPPELL: Yes, I received a phone call
19 from Mr. Fischer yesterday. I cannot excuse him from
20 the hearing, so as to the on-the-record portion of the
21 prehearing conference GTE will not be represented.
22 But, certainly, there is a representative from GTE
23 present and available for negotiations and settlement
24 issues.

25 Is there anyone else?

1 MR. LUMLEY: Judge, just -- I filed today a
2 motion to substitute parties. The Commission recently
3 approved a series of mergers in the MCI WorldCom
4 family of companies, and that motion addresses getting
5 the appropriate parties in the case.

6 JUDGE DIPPELL: Okay. Are there any other
7 motions that may have been filed within the last day
8 or so that I might not be aware of?

9 (No response.)

10 JUDGE DIPPELL: Okay. Let me go through the
11 ones that I have that are still pending, and let's
12 address some of those issues, if we can get some of
13 those taken care of.

14 First of all, I do have Motions to Intervene
15 out of time from Nextlink and McLeod, and their
16 attorneys are present today.

17 Is there any objection to those people
18 participating in this prehearing conference, even
19 though their invention has not at this time been
20 granted or denied?

21 (No response.)

22 JUDGE DIPPELL: I will rule on those after
23 the ten-day objection period has passed.

24 I also have a Motion for a Protective Order
25 from Southwestern Bell Telephone Company. That has

1 not yet been granted. That was filed on the 5th.

2 I have a notice from the Mid-Missouri Group
3 to change its name to the Missouri Independent
4 Telephone Group.

5 And I have not yet seen the Motion to
6 Substitute Parties from the MCI companies, but that's
7 pending.

8 MR. LUMLEY: I have copies. It's all being
9 distributed by mail. I have copies here if anybody
10 wants one. If you want one, I can bring it up to you.

11 JUDGE DIPPELL: That's fine. I don't
12 believe that's necessary.

13 Also, I have still pending a Motion to
14 Compel Answers to Data Requests. That was filed on
15 December 30th by the Staff.

16 And there is an Application for Rehearing
17 that is still pending regarding the rejection of the
18 Non-unanimous Stipulation and Agreement.

19 Is there any other -- oh, and the one issue
20 that I wanted to take care of today was the Staff had
21 asked for leave to file or made a motion to file the
22 Subcommittee Report earlier in the case, and I just
23 wanted to clarify on the record, because I wasn't
24 certain -- the motion itself said that it was not a
25 stipulation, and so I was wanting the Staff to explain

1 to me what it is that you want the Commission to do
2 with that report if it's -- you don't need leave to
3 file it. It's filed.

4 MR. POSTON: I'm not -- I think maybe we
5 just wanted it for consideration purposes, maybe, so
6 the other parties can speak to it, maybe just
7 background MCA.

8 JUDGE DIPPELL: Okay. I guess my point is,
9 if it is not a stipulation and you want it considered,
10 then it needs to be treated as evidence and submitted
11 in that form. I mean, you can file it. I'll grant
12 your motion to file it. But as to what purpose it
13 serves, if you want it to be later treated as
14 evidence, you'll need to include that in your
15 testimony or present it as such.

16 Are there any questions about that?

17 (No response.)

18 JUDGE DIPPELL: Okay. Are there any other
19 pending motions or anything that I need to rule on
20 today specifically?

21 (No response.)

22 JUDGE DIPPELL: The purpose really of us
23 being here today is so that you-all can discuss
24 settlement and discuss, really, in this case, the
25 issues that you want to present to the Commission.

1 Also, this would be an opportunity, if you
2 have -- I have not yet scheduled the local public
3 hearings. We are going to schedule those. I'm
4 working on times and places. This would be an
5 opportunity if you have suggestions on that.

6 In the past the Commission has held local
7 public hearings in a downtown State office building,
8 the Wainwright Building in St. Louis, and then out in
9 Clayton. It's been my experience that we don't get a
10 very good turnout at those public hearings in the
11 downtown area. So I believe the Commission is more
12 inclined this time to maybe have one in Clayton and
13 one farther out in the County with regards to this.

14 If there are any -- if there are any
15 comments on that, I would appreciate you either giving
16 them to me now or submitting them to me after you've
17 had a chance to talk.

18 MR. DANDINO: Your Honor, when -- about what
19 time frame are you looking at for the public hearings?
20 Is it March and April?

21 JUDGE DIPPELL: March and April, probably
22 late March and early April.

23 MR. DANDINO: Okay. Thank you.

24 JUDGE DIPPELL: And that's two in St. Louis
25 and two in Kansas City and one in the Springfield

1 area.

2 Is there anything else that we need to take
3 up on the record?

4 (No response.)

5 JUDGE DIPPELL: In that case, I'll leave
6 you-all to your discussions.

7 I would ask that when you submit your
8 position statements, it's very helpful if you could
9 submit an electronic copy. I may have indicated that
10 in the procedural order, but if I didn't, it's very
11 helpful if you can send an electronic copy of exactly
12 what you filed either directly to me or a diskette
13 along with your filing. You can e-mail those to me
14 at my State address, which is on our web site, but,
15 also, I'll give it to you. It's just
16 ndippell@mail.state.mo.us.

17 Thank you-all.

18 We can go off the record.

19 WHEREUPON, the on-the-record portion of the
20 prehearing conference was concluded.

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