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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE

March 6, 2003
Jefferson City, Missouri
Volume 1

In the Matter of the Request)
from the Customers in the)
Rockaway Beach Exchange For)
an Expanded Calling Scope to) Case No.: TO-2003-0257
Make Toll Free Calls to)
Branson.)

DALE HARDY ROBERTS, Presiding,
CHIEF REGULATORY LAW JUDGE.

REPORTED BY:

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P R O C E E D I N G S

(Written Entries of Appearance filed.)

JUDGE ROBERTS: Good morning, Ladies and Gentlemen. We're here In the Matter of the Request from the Customers of -- in Rockaway Beach Exchange For an Expanded Calling Scope to Make Toll Free Calls to Branson, which has been docketed as Case No. TO-2003-0257.

My name is Dale Roberts. I'm the Judge to whom this case is assigned, at the moment anyway.

We're here for a prehearing conference, so I'll start with entries of appearance. And this -- the application of this case was filed with the Public -- Office of the Public Counsel, so I'll start with entry of appearance from the Public Counsel, please.

MR. DANDINO: Michael Dandino, Office of the Public Counsel, Post Office Box 7800, Jefferson City, Missouri 65102, representing the Office of the Public Counsel and the Public.

JUDGE ROBERTS: Staff?

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

JUDGE ROBERTS: And on behalf of CenturyTel, I'm not sure if you've actually -- and I'm speaking to Mr. Dority. Have you actually entered an appearance in

1 the case yet? I mean, have you -- I can't remember if
2 the stay was filed by your company or by --

3 MR. DORITY: Your Honor, the -- the joint
4 motion was filed jointly by CenturyTel and the Office
5 of Public Counsel, so I'd be happy to enter an
6 appearance.

7 JUDGE ROBERTS: Thank you. Please, go ahead.

8 MR. DORITY: Larry W. DORITY with Fischer &
9 DORITY, P.C., appearing on behalf of CenturyTel of
10 Missouri, L.L.C. My address is 101 Madison, Suite 400,
11 Jefferson City, Missouri 65101.

12 JUDGE ROBERTS: Thank you.

13 And I'll note for the record the application
14 was filed, I believe -- was this filed on -- is that --
15 January 29th. I'm sorry. I was looking at the wrong
16 date.

17 After the application was filed I sent out an
18 order setting this prehearing conference. And then the
19 order said that there had been some preliminary
20 discussion and some confusion about the pleading in
21 terms of -- for lack of a better phrase -- sort of a
22 failure to state the claim upon which relief could be
23 granted.

24 And as a result, a pleading was filed by the
25 Office of the Public Counsel on February 25th, I

1 believe, which addressed those issues, for which I
2 thank you very much.

3 MR. DANDINO: March 5th.

4 JUDGE ROBERTS: Was it filed March 5th?

5 MR. DANDINO: Yes, sir.

6 JUDGE ROBERTS: I apologize.

7 MR. DANDINO: Excuse me. I'm sorry.

8 You're -- that's -- that's correct.

9 MR. DORITY: No.

10 MR. DANDINO: Oh.

11 JUDGE ROBERTS: Well, that may -- that may be
12 right. I've got a couple of --

13 MR. DANDINO: Yeah.

14 JUDGE ROBERTS: -- documents going on here,
15 but I have the -- I have the copy that's not stamped
16 because I printed it off the computer.

17 And in any event, a response was filed before
18 today by the Office of the Public Counsel, which --
19 which sort of fills in the blanks and makes clear --
20 has clear references to authority of the -- the
21 authority of the Commission basically to establish
22 calling scopes, which I think is the issue -- appears
23 to be the issue in this case.

24 The case was filed as a TO, which is
25 other -- sort of our catch-all designation. That --

1 and that's -- I guess the bottom line of the first
2 question is in short, Mr. Dandino, on behalf of the
3 residents of Rockaway Beach, what is Public Counsel
4 asking the Commission to do?

5 MR. DANDINO: Well, let me first address right
6 now the -- we're asking the Commission to address a
7 problem that has arisen in -- in Rockaway Beach that
8 basically comes down to the inadequacy of their calling
9 scope due to the end of the COS Program, and the
10 failure of -- and their belief in the failure that
11 there's no reasonable substitute for that.

12 What we're asking is the Commission to
13 investigate, one, whether that calling scope is
14 adequate under the cir-- circumstances today. And if
15 it finds that it -- that it isn't, to provide
16 a -- either an expanded calling scope or a -- or a
17 local calling scope or an optional calling plan of some
18 type that would provide the -- the calling scope
19 the -- the customers feel they need.

20 Now, in -- in the -- you know, to that extent,
21 this is -- this is also an exchange that was recently
22 acquired by CenturyTel. Most of the discussions with
23 the -- the people from Rockaway have been with the
24 former operator, Verizon.

25 And I did want to say that CenturyTel has come

1 forward after the filing of this and -- and is -- is
2 agreeable and -- and to, you know, explore
3 possibilities for that, which may necesse--
4 necessitate the Commission not having to take immediate
5 action on this.

6 JUDGE ROBERTS: All right. Mr. Dority, did
7 you -- I don't necessarily expect anything, but do you
8 want to -- do you have any response?

9 MR. DORITY: I -- I do, and thank you, Judge.

10 As Mr. Dandino indicated when he filed this
11 pleading back on January 29th, I believe it was,
12 Mr. Fischer was served with a copy.

13 At this point, of course, the Commission has
14 not formally opened the proceeding. No notice has been
15 issued. But in the spirit of cooperation, we did
16 contact the Office of Public Counsel and -- and as
17 reflected in our joint motion indicated that we would
18 be holding some meetings with representatives of the
19 communities at -- at issue.

20 And rather than file or be prepared to -- to
21 file motions in response to the petition itself once
22 the case was opened and notice was provided, we agreed
23 that perhaps we would be best served and the Commission
24 would be best served if we would have an opportunity
25 to -- to visit with the communities, and as Mike

1 explained, explore options that might be available.

2 And -- and that's what we intend to do.

3 So as a result, we were very clear in the
4 joint motion that the company did not want to waive any
5 opportunity in the future to perhaps respond and -- and
6 react to the petition on the -- and the propriety of
7 the relief that he's requesting.

8 And that's why we have requested that the
9 Commission simply forebear from acting for a period of
10 60 days to -- to give us that opportunity.

11 And if -- if we're not able to -- to come to a
12 resolution that is acceptable to the parties, then we
13 will look to the future. And if the Commission decides
14 to -- to open a docket and give us notice, then we
15 would want to file responsive pleadings at that point.

16 And I am aware that -- that Mr. Dandino did
17 file an amended -- excuse me -- an amended petition
18 this week. And again, you know, we would not want to
19 waive any opportunity to -- to respond to that.

20 But we would take that in the same spirit
21 of -- of cooperation that, you know, we would wait
22 until the Commission actually issues a notice opening
23 the docket and give us an opportunity to respond at
24 that time.

25 JUDGE ROBERTS: All right. Thank you.

1 Staff, do you have anything to add?

2 MR. POSTON: The Staff supports the OPC'S and
3 CenturyTel's effort to work together in -- in -- over
4 the next 60 days, I think it was, to try to come up
5 with a solution. And we will work with them to do that
6 if --

7 JUDGE ROBERTS: Thank you.

8 MR. POSTON: -- if needed.

9 JUDGE ROBERTS: I want to make something known
10 to the parties on the record. In order for me to at
11 least have some sort of background working knowledge, I
12 placed a phone call to CenturyTel -- to the CenturyTel
13 offices. And one of these questions I should have
14 known the answer, but I didn't.

15 And I -- I simply asked them, what is the cost
16 of basic telephone service, you know, dial tone,
17 touchtone, no caller ID, nothing fancy in Columbia,
18 Missouri. I have a phone there, so maybe I should have
19 known that one.

20 What is the cost in Branson, Missouri and what
21 is the cost in Rockaway Beach? And in response to
22 that, the company told me 11.32 for Columbia, 11.32 for
23 Branson and 9.85 for Rockaway Beach.

24 I just want to make known to you all that I
25 did make that inquiry. It wasn't meant to be off the

1 record in terms of being secret communication. I was
2 just in a hurry to get some simple, discreet facts.

3 And the reason I did that and what that leads
4 up to -- and I guess this question goes first to
5 Mr. Dandino, I believe your pleading argued that --
6 authority of the Commission to establish a calling
7 scope would at least to some extent.

8 And my question is: If the Commission were to
9 exercise such authority, what is its authority to
10 address what the -- what the -- you know, just and
11 reasonable rate would be for that scope?

12 In other words, if -- if you accept the
13 argument that the Commission could issue an order and
14 say in this case, okay, CenturyTel expand your calling
15 scope and include all the residents of Rockaway Beach.

16 Does the Commission also have the authority to
17 say and do it, you know, for free or -- or do it as a
18 part of the rate they already paid or do it, you know,
19 for, you know, X number of dollars per month?

20 Does the Commission have the authority only
21 to -- to establish calling scopes or would they have
22 the concurrent authority to say and you -- and in
23 return, CenturyTel, if you expand the calling scope as
24 we've told you to, you may, you know, charge a fee of
25 this much?

1 MR. DANDINO: In the 1992 -- I don't remember
2 the number case involving the creation of the -- the
3 MCA. That was an investigation into calling scopes in
4 a metropolitan areas and in out-state areas.

5 And in both of those cases or -- or in that
6 case the Commission had no problem having authority,
7 not only to set the calling plan scope, but also set
8 the rates which was reaffirmed in September of 2001 in
9 a case dealing with the effect of competition on the
10 MCA, and where they both -- where they applied it not
11 only to competitive CLEC companies, but also to
12 price-cap companies and rate-of-return companies.

13 I -- I think in those cases the authority for
14 the Commission to -- to set rates and -- to set rates
15 and to, you know, set the calling scope is there. Also
16 the -- there is a statute -- and I can't remember the
17 number offhand -- that gives the Commission the
18 authority to define calling scopes, whether it's toll
19 free calling.

20 I think -- and, of course, the Commission
21 needs to consider all the relevant factors in there.
22 And the factor -- one of the factors, of course, is not
23 only the affordability and the reasonableness of the
24 rate to the consumer, but also the effect on the -- on
25 the telephone company.

1 JUDGE ROBERTS: All right.

2 Mr. Dority?

3 MR. DORITY: Your Honor, I honestly wasn't
4 anticipating that we would be addressing this
5 substantive --

6 JUDGE ROBERTS: I know I'm catching you off
7 guard.

8 MR. DORITY: But I'll -- I'll be happy to
9 respond. I mean, there are a number of cases that are
10 actually now open and pending in front of the
11 Commission in which the whole concept of expanding
12 calling is being addressed.

13 And if you don't mind, I would be happy to
14 share those with you and give you a brief -- brief
15 description.

16 One is the -- the MCA investigatory docket
17 that Mr. Dandino referenced, which is TO-2001-391. An
18 on-the-record presentation was held July 15th, 2002
19 followed by briefing of the parties. They addressed a
20 number of issues. Most dealing with the propriety of
21 Staff's MCA2 proposal.

22 Staff suggested the matter should now proceed
23 to a contested hearing phase. Some suggested that the
24 Commission should notify the industry how it wishes to
25 proceed and whether it is interested in pursuing a

1 proposal like the Staff's MCA2.

2 And if they were, then they would direct the
3 industry task force to hold additional meetings. OPC
4 requested additional hearings in certain locales.

5 Some of the parties advocated that the MCA
6 plan is working just fine. The Commission -- I think
7 the term used was to not pull a thread lest the whole
8 system would unravel.

9 And the MITG Group suggested that rural
10 calling scopes be examined in that docket. And they
11 actually referenced an RCA straw proposal that they had
12 suggested in the USF docket.

13 And that brings me to the second docket, which
14 is the USF proceeding, which is TO-98-329 which is now
15 in its fourth phase. And they were particularly
16 looking at the high-cost component of the Missouri USF.

17 And in that case the MITG supported the joint
18 recommendation submitted by some of the parties that
19 they advocated for the refinement of that
20 recommendation, by having the Commission authorize a
21 rural calling area plan, or RCA.

22 In particular, the MITG advocated that the
23 issues that would be addressed with that straw proposal
24 should be addressed simultaneously with the creation of
25 a Missouri Universal Service High Cost Fund and not

1 after the fact.

2 Of course, that was a very hotly contested
3 issue. Many of the parties suggested that expanded
4 calling is not within the limited purpose of the Fund,
5 as described in the Missouri USF statutes.

6 Most recently in the context of the access
7 cost docket or TR-2001-65, Deputy Chief Regulatory Law
8 Judge Thompson instructed the parties to address the
9 issue of the Commission's authority with respect to
10 enlarging calling scopes.

11 CenturyTel responded that it's the company's
12 position that the Commission has the statutory
13 authority pursuant to Section 392.200.9 to approve the
14 alteration of local exchange boundaries, provided that
15 the ILEC serving each exchange provides notice to the
16 Commission that they approve the alteration of the
17 exchange boundary.

18 And I would note that I did not see that
19 particular statutory section referenced in OPC's
20 lengthy recitation of authority regarding Commission's
21 actions in this area.

22 One further thing, our joint motion for stay
23 was filed on February 21st. And at that time we were
24 not aware that OPC would be filing its motion to
25 establish expanded local calling plans for rural areas

1 of Missouri four days later on February 25th, which was
2 accompanied by news releases.

3 And needless to say, the express proposal of a
4 rural calling are plan in the Office of Public
5 Counsel's motion would certainly create another layer
6 of regulatory uncertainty over this whole area and any
7 proposals that the company may wish to initiate with
8 the -- its customers in the Branson Rockaway Beach
9 area.

10 But nevertheless, the company does stand by
11 its commitment to hold meetings with representatives of
12 the communities to discuss these issues. And, in fact,
13 I believe the company representatives are heading to
14 Southwest Missouri this afternoon to initiate meetings
15 tomorrow with representatives of the communities.

16 JUDGE ROBERTS: In --

17 MR. DORITY: So that's --

18 JUDGE ROBERTS: -- this weather?

19 MR. DORITY: In this weather.

20 So that's a lengthy response, but I -- I think
21 it is important just to give you the context with which
22 the company is approaching this issue.

23 JUDGE ROBERTS: And -- and before you started,
24 didn't you say you weren't prepared to respond?

25 Because I'm --

1 MR. DORITY: Well, I was just gonna -- that's
2 off the top of my head, Judge.

3 JUDGE ROBERTS: Thank you very much.

4 MR. DANDINO: Including the dates.

5 JUDGE ROBERTS: Staff, any -- anything to add?

6 MR. POSTON: I'm truly not prepared to
7 respond.

8 JUDGE ROBERTS: Then we don't have time for
9 that, because his --

10 MR. POSTON: If -- if you want us to brief the
11 issue on the Commission's authority to set a rate, you
12 know, I -- I can do some research, but I haven't
13 researched that.

14 JUDGE ROBERTS: No. I certainly -- I'm just
15 trying to get my hands around this. And, in fact,
16 Mr. Dority mentioned one of the issues that I'm working
17 with.

18 And that is that I also have on my desk
19 the -- the other cases which Office of the Public
20 Counsel has filed, TO-2003-0297 and TO-2003-0298.

21 And as the chief judge one of my
22 responsibilities is to try and herd cats. I mean, I --
23 I'd like to find a productive way to put all these
24 cases to sea if these cases need to be together, or to
25 see how they relate to each other so that the

1 Commission and the Commissioners and the -- the
2 parties, for that matter, are not duplicating their
3 efforts in five or ten different cases.

4 So I -- you know, I'm trying -- some of the
5 information you've given me goes to this case, some of
6 it actually goes to the bigger picture, which as
7 Mr. Dority said, could certainly impact this case one
8 way or the other.

9 MR. DANDINO: Your -- Your Honor?

10 JUDGE ROBERTS: Yes, sir.

11 MR. DANDINO: May I?

12 JUDGE ROBERTS: Please do.

13 MR. DANDINO: Just a comment on -- on that and
14 maybe give you our kind of point of view on -- on how
15 to approach these cases.

16 One thing is -- is that the Rockaway petition
17 and the -- and the one for the investigation of the
18 Southwestern Bell adequacy of service in Franklin
19 County -- exchanges in Franklin County, those are
20 geared to a very specific problem and -- and a
21 very -- at least from the -- from the aspects of those
22 communities, a very -- a more urgent problem than
23 showed up in the RCA proposal and what's in the
24 MCA proposals.

25 Those are part of a long-term process that

1 began back in the '70s on -- on how to address it. Yet
2 using some of this -- some of the tools that are
3 available to the Commission for what -- what we're
4 looking for is some -- some type of immediate relief
5 for those areas.

6 And we don't -- and we wouldn't want those
7 necessarily joined with the other cases where bigger
8 issues and all the parties, you know, slow these things
9 down or at -- at least the Commission may lose the
10 focus of what we're trying to accomplish and -- and
11 these -- the needs of these communities, even though
12 there is common questions of law and -- and general
13 fact involved.

14 The way -- the reason I point that out is that
15 in the MCA case that Mr. Dority cited to -- the
16 2001-391 where Public Counsel has -- has made motions
17 to hold public hearings in specific areas that
18 petitioned the Commission and -- and requested Public
19 Counsel to -- to see if they could have expanded
20 calling scopes at Lexington and Wright City and in the
21 Lee's Summit areas of Greenwood and in -- in Ozark
22 area -- what was it? I forget what county it is. It's
23 the City of Ozark, I guess, down there.

24 But in those cases Public Counsel has -- has
25 most -- their motions have been rejected as at least

1 not timely. And our most -- most re-- we've renewed it
2 a number of times, and I think those things are -- all
3 those motions are pending almost three years now.

4 And those communities still haven't seen even
5 an iota of any -- even that there could be a public
6 hearing where somebody can listen to it.

7 And that's one reason why we would, you know,
8 respectfully request that at least the Rockwood and the
9 SBC cases on -- on Franklin County not necessarily be
10 joined with -- with the RCA plan.

11 JUDGE ROBERTS: Any response anybody?

12 MR. DORITY: I guess, Your Honor, I would just
13 respond that, again, you know, we may have points of
14 view regarding that perspective that Mr. Dandino just
15 respec-- just expressed to you. And we would stand by
16 the -- the joint motion that we at least have some time
17 to try to work the issue out before we would actually
18 have to file formal responses or replies to his
19 petition. And that would go to the amended petition as
20 well.

21 JUDGE ROBERTS: All right. And -- and I
22 will -- I'm sure you're aware as a general policy when
23 the parties tell the -- the Commission they're trying
24 to work things out, the Commission is loathe to
25 interfere and prevent that.

1 At the same time, as I said earlier, we -- if
2 we have a number of similar cases, we try and figure
3 out what's the efficiency --

4 MR. DORITY: Sure.

5 JUDGE ROBERTS: -- and, you know, the
6 economies of scale that we talk about in cases to put
7 these things together and -- and try and to make things
8 work.

9 The other concern that might come up is if the
10 Commission expedites one or two cases to resolve what
11 appears to be an immediate need, is that going to in
12 some way, you know, prejudice the outcome of the ones
13 that are on the -- the wrong track?

14 And I'm not saying it will. I'm just saying
15 those are the issues that I'm trying to -- to evaluate.

16 And while one circumstance -- this was
17 the -- this whole generic issue was the -- was the
18 subject of discussion between one Commissioner and I
19 just with the recollection that some years ago in
20 the -- well, I think it was in '99 or maybe 2000 when
21 COS ended, we were asked to do a hearing.

22 I -- I can't recall the community, but it was
23 almost to Iowa. You know, we got on Highway 63 in this
24 kind of weather and drove as far as we could go without
25 hitting Iowa. And -- and I don't know what community

1 that was.

2 The -- the citizens in that community
3 expressed the -- these concerns that you -- you have in
4 this case, in terms of not being able to call the
5 sheriff's department, you know, not being able to call
6 the kid's high school in the next community and so on,
7 without those being toll calls.

8 And the Commission entertained those comments.
9 And at the conclusion of -- and I was the Judge at
10 that -- at that local public hearing. And the thing
11 that really struck the Commissioners who were there and
12 myself and a few others was that at the conclusion of
13 the hearing almost every person in the room stood up,
14 whipped out their cellphone and called and said, I'm
15 on -- honey, I'm on my way home, you know. Do you need
16 me to get anything or should I go to the high school
17 and pick up Jimmy?

18 And I'm not saying that we're gonna turn
19 away -- that the Commission should ever turn away from
20 an issue on the assumption that there's some other
21 solution out there. But we were being told that was
22 really an urgent -- you know, a situation that needed
23 urgent resolution.

24 And -- and appeared from what we saw at the
25 local public hearing that -- the local citizens already

1 had found their own solutions in terms of calling
2 scope.

3 And I say that -- the Commission certainly
4 does not want to encourage Missouri citizens to leave
5 their local phone company and get a cellphone. But at
6 the same time that's -- that has to be recognized.

7 And -- and actually for that reason, I
8 would -- I would expect the local phone companies are
9 doing all they can to retain their customers, which may
10 be why CenturyTel is gonna get out on the snowy roads
11 today and head south.

12 MR. DORITY: Well, Your Honor, if I may. I --
13 I --

14 JUDGE ROBERTS: Yeah.

15 MR. DORITY: I don't want to by silence
16 indicate agreement with Mr. Dandino that -- that the
17 Rockaway Beach, Branson area is an immediate issue
18 that -- that must be addressed. I -- I mean, I don't
19 know that I would prioritize it in one way or the
20 other.

21 The -- the spirit of, you know, the -- the
22 cooperative approach to this is what the company stands
23 by. And it's something that CenturyTel of Missouri
24 wants to address with its customers. And -- and again,
25 I think what we're asking for is just the opportunity

1 to do that.

2 I know in some of OPC's pleadings -- I'm not
3 sure which motions I would pull to. The -- the concern
4 about looking over the fence is addressed. And of
5 course, you know, when a proposed statewide resolution
6 of the problem is -- is put forward, whether it be
7 designated RCA or, you know, pick your acronym, as I
8 indicated earlier, it certainly now creates another
9 level of -- of concern and -- and issues that the
10 company may have to deal with as it tries to address
11 the problem in Rockaway Beach area.

12 But we're prepared to do that and we want to
13 do that. And again, the relief we request is in the
14 joint motion, so --

15 JUDGE ROBERTS: All right.

16 I -- I have -- and some of you may remember, I
17 have fond memories of Commissioner Crumpton, who -- who
18 went through some of these issues with us and said he
19 wanted to see a -- a calling scope from sea to shining
20 sea. Be nice if you can do it, but I think we all face
21 some limitations that we have to work with.

22 My -- my closing question, I guess,
23 is -- well, maybe it's not a question. It -- it
24 appears to me it's clear that you would like this
25 particular case -- you would prefer that it not be

1 joined with any other cases; you would prefer to -- to
2 stay with your request for 60 days to work on some
3 resolution in this case, and at the end of 60 days, you
4 will -- if not before, the parties will file something
5 with the Commission, indicating the status of this
6 case; is that correct?

7 MR. DANDINO: Right.

8 JUDGE ROBERTS: Okay.

9 MR. DANDINO: And -- and Mr. Dority expressed,
10 you know, we're not -- you know, we're not trying to
11 press this forward -- forward either --

12 JUDGE ROBERTS: Sure.

13 MR. DANDINO: -- you know. The company was
14 good enough to -- to -- you know, to be cooperative and
15 find some common ground.

16 And in all these cases we're always willing to
17 do that. In these cases we know it's gonna be a
18 difficult road. And -- but, you know, we're just
19 saying you've got to start somewhere.

20 JUDGE ROBERTS: Right.

21 Mr. Dority?

22 MR. DORITY: I'm sorry. Judge, could you
23 repeat --

24 JUDGE ROBERTS: I -- I was just saying it
25 would appear to me, then, that the agreement among the

1 parties is, in fact, to stand by the motion, which said
2 give us 60 days and -- and in which case you will file
3 a report with the Commission at the end of 60 days, if
4 not before, telling us the status of the case?

5 MR. DORITY: Yes, Judge. And -- and we do
6 appreciate that. And, of course, if we are able to
7 resolve it, it may, you know, take some period of
8 time -- months to -- to actually implement --

9 JUDGE ROBERTS: Sure.

10 MR. DORITY: -- whatever solution we may be
11 able to come up with. But, you know, the point is that
12 CenturyTel was just certificated, I think,
13 September 1st of this past year. And -- and they are
14 out looking to address the issues that -- that they're
15 finding.

16 So thank you for -- for asking me. And we
17 would stand by the joint motion.

18 JUDGE ROBERTS: Staff, do you have anything to
19 add?

20 MR. POSTON: We agree that that would be the
21 best course.

22 JUDGE ROBERTS: Parties have any requests of
23 me or any closing comments?

24 MR. DORITY: No. Thank you, Judge.

25 JUDGE ROBERTS: All right. Hearing none, we

1 will go off the record.

2 WHEREUPON, the on-the-record portion of the
3 prehearing conference was concluded.

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