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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
Discovery Conference  
October 10, 2012  
Jefferson City, Missouri  
Volume 2

Big River Telephone Company, LLC, )  
)  
Complainant, )  
)  
v. ) File No. TC-2012-0284  
)  
Southwestern Bell Telephone, L.P. )  
d/b/a AT&T Missouri, )  
)  
Respondent. )

MICHAEL BUSHMANN, Presiding,  
REGULATORY LAW JUDGE.

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2

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20

21

22 REPORTED BY:

23 KELLENE K. FEDDERSEN, CSR, RPR, CCR

24 MIDWEST LITIGATION SERVICES

25

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

2 JUDGE BUSHMANN: We're on the record.

3 Today's October 10th, 2012, at two o'clock p.m. The  
4 Commission has set this time for a prehearing conference  
5 in the case captioned as Big River Telephone Company, LLC  
6 versus Southwestern Bell Telephone, LP, doing business as  
7 AT&T Missouri, Case No. TC-2012-0284.

8 My name is Michael Bushmann. I'm the  
9 Regulatory Law Judge in this matter. Let's start with  
10 counsel making their entries of appearance. For Big River  
11 Telephone Company?

12 MR. HOWE: Brian Howe, General Counsel for  
13 Big River Telephone.

14 MR. BUSHMANN: For AT&T Missouri?

15 MR. GRYZMALA: Good afternoon, your Honor.  
16 Bob Gryzmala, G-r-y-z-m-a-l-a, for Southwestern Bell  
17 Telephone Company, d/b/a AT&T Missouri.

18 JUDGE BUSHMANN: And for Commission Staff?

19 MR. BORGMAYER: Yes. For the Commission  
20 Staff, John Borgmeyer. That's B-o-r-g-m-e-y-e-r.

21 JUDGE BUSHMANN: All right. Thank you. Is  
22 there anybody else on the line who hasn't identified  
23 themselves?

24 MR. BORGMAYER: Judge, I think Staff  
25 witness Bill Voight might be checking in in a few minutes.

1 I guess he's not there yet.

2 JUDGE BUSHMANN: I don't have any discovery  
3 motions that have been filed. Is there anything that  
4 needs to be taken up at this time? Does anybody have any  
5 issues of discovery that need to be addressed today?

6 MR. GRYZMALA: This is Bob Gryzmala, your  
7 Honor. I don't believe so, but I can jump in and just  
8 kind of recap, Judge, where we are.

9 JUDGE BUSHMANN: That would be fine.

10 MR. GRYZMALA: Okay. We generated  
11 discovery and after our last conference of some time ago  
12 received responses from Big River. Where we are now is we  
13 have set the deposition for one of Big River's witnesses  
14 for October 23rd in St. Louis, and we may anticipate some  
15 additional discovery. We do not have any outstanding at  
16 this time.

17 As you may recall, after direct was filed,  
18 the discovery request response time has shortened up to 15  
19 days, seven on objections. Once again, while we're  
20 mindful of that, your Honor, we have continued additional  
21 discovery, although we may. That's kind of where we are  
22 actually.

23 JUDGE BUSHMANN: All right. And I assume  
24 that there's no disputes at this point that we need to  
25 resolve?

1 MR. GRYZMALA: I think that's fair. We  
2 have -- your Honor, I mean, I think that we might have  
3 wished for Big River to be a bit more forthcoming in its  
4 discovery responses. I'm not saying they were entirely  
5 acceptable, but rather than burden your Honor, we would  
6 take those matters up during Jerry Howe's deposition on  
7 the 23rd, and hopefully things will be resolved in a  
8 discovery sense.

9 MR. BUSHMANN: We do have another discovery  
10 conference in a month if necessary, or you can always  
11 contact me ahead of time before that if you feel that it's  
12 necessary to do that before the next one comes along.

13 Do any other parties have any other matters  
14 that need to be taken up today and addressed?

15 MR. HOWE: Your Honor, this is Brian Howe.  
16 I had one issue. It's not discovery related. It's a  
17 procedural matter. I had asked Mr. Gryzmala if they could  
18 provide copies of the testimony in some type of searchable  
19 format. The style of PDF that they filed it, it can't be  
20 searched. It's really difficult to work with in terms of  
21 if we wanted to cut something out and place it in a brief.

22 He's indicated that it's AT&T's policy not  
23 to do that, and I was just wondering if we could work  
24 something out because, you know, once it's filed with the  
25 Commission in PDF form, there's nothing we can do to

1 change it or alter it. We're just asking for something  
2 that we can work with in terms of future pleadings.

3 JUDGE BUSHMANN: So I take it what you're  
4 requesting is like a Word document as opposed to a PDF  
5 that you can copy and paste from?

6 MR. HOWE: Right, and search.

7 JUDGE BUSHMANN: I don't think there's any  
8 provisions in the rules for anything like that. That  
9 would, I think, have to be at the discretion of the  
10 parties as to how much and how far they want to go on  
11 that.

12 MR. GRYZMALA: And, your Honor, this is Bob  
13 Gryzmala. I don't mean to be recalcitrant. That's not my  
14 style. But I will suggest to you that we have good  
15 reasons for doing this as we have done for years, and  
16 that's the way we would prefer to provide our testimony --

17 JUDGE BUSHMANN: Okay.

18 MR. GRYZMALA: -- if it please your Honor.

19 JUDGE BUSHMANN: I don't think there's  
20 anything in the rules that addresses that, so at this  
21 point I don't think there's any way that I can require  
22 that they provide it in that format.

23 MR. HOWE: I agree that there's nothing in  
24 the rules. I was just hoping we might be able to  
25 facilitate some type of informal agreement, but if that's

1     how they want to handle it, that's fine.

2                     JUDGE BUSHMANN:  Anything else that needs  
3     to be addressed?

4                     MR. GRYZMALA:  Not for --

5                     MR. HOWE:  This is Brian Howe again, your  
6     Honor.  No, not on -- not on behalf of Big River.

7                     MR. GRYZMALA:  And not on behalf of AT&T.

8                     JUDGE BUSHMANN:  Anything Staff needs to  
9     address?

10                    MR. BORGMEYER:  No, Judge.

11                    JUDGE BUSHMANN:  Okay.  Well, I guess that  
12     concludes the business we need to take up today, then.  
13     We're off the record.

14                    (WHEREUPON, the discovery conference  
15     concluded at 2:07 p.m.)

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1 C E R T I F I C A T E

2 STATE OF MISSOURI )

3 ) ss.

4 COUNTY OF COLE )

5 I, Kellene K. Feddersen, Certified  
6 Shorthand Reporter with the firm of Midwest Litigation  
7 Services, do hereby certify that I was personally present  
8 at the proceedings had in the above-entitled cause at the  
9 time and place set forth in the caption sheet thereof;  
10 that I then and there took down in Stenotype the  
11 proceedings had; and that the foregoing is a full, true  
12 and correct transcript of such Stenotype notes so made at  
13 such time and place.

14 Given at my office in the City of  
15 Jefferson, County of Cole, State of Missouri.

16

17

18 \_\_\_\_\_  
Kellene K. Feddersen, RPR, CSR, CCR

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