BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

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TRANSCRIPT OF PROCEEDINGS

ARBITRATION MEETING

August 29, 2007

Jefferson City, Missouri

Volume 1

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Case No. T0-2008-0037

Petition of MCImetro Access Transmission Services, LLC, d/b/a Verizon Access Transmission Services For Arbitration of an Interconnection Agreement with Embarq Missouri, Inc. d/b/a Embarq Under Section 252(b) of the Telecommunications Act of 1996	)))))))

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HAROLD STEARLEY,
REGULATORY LAW JUDGE

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REPORTED BY:
TRACY L. THORPE TAYLOR, CCR
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P R O C E E D I N G S

JUDGE STEARLEY: All right. Good morning. Today is Wednesday, August 29th, 2007 and we are here for our first arbitration meeting in the petition of MCIMetro Access Transmission Services, LLC doing business as Verizon Access Transmission Services for arbitration of an interconnection agreement with Embarq Missouri, Incorporated doing business as Embarq under Section 252(b) of the Telecommunications Act of 1996, Case No. TO-2008-0037.

My name is Harold Stearley and I'm the presiding officer in this matter. Our court reporter this morning is Tracy Thorpe Taylor. And with me is one member of my advisory staff, Mr. Mike Scheperle.

We will now take entries of appearance from the parties beginning with Verizon Access.

MR. LUMLEY: Thank you, Judge. Let the record reflect the appearance of Carl Lumley of the law firm of Curtis, Heinz, Garrett and O'Keefe. My address is 130 South Bemiston, suite 200, Clayton, Missouri 63105.

I believe I'm joined on the call by Darrell Townsley also representing the company.

JUDGE STEARLEY: That's correct. Mr. Townsley, if you could go ahead and enter your appearance as well.

MR. TOWNSLEY: Sure, Judge. Appearing on

behalf of the petitioner, MCIMetro Access Transmission Services, LLC, doing business as Verizon Access, Darrell, D-a-r-r-e-l-l, last name is Townsley, T-o-w-n-s-l-e-y, 205 North Michigan Avenue, suite 1100, Chicago, Illinois 60601.

JUDGE STEARLEY: All right. And for Embarq Missouri, Incorporated.

MR. WATKINS: Yes, Judge. This is William Watkins on behalf of Embarq Missouri, Inc. doing business as Embarq. And my mailing address is 5454 West 110th Street, Overland Park, Kansas 66211. And there's a mail stop number KSOPKJ0401.

JUDGE STEARLEY: All right. Thank you, Mr. Watkins.

And, Mr. Stewart, are you there as well?

MR. STEWART: Yes, your Honor. I'm here. I have not entered an appearance because we have not yet received the receipt from the Missouri Supreme Court reflecting the payment of the fee I need to pay in order to file a motion to be part of this case, but my full name is Joseph R. for Richard, Stewart, S-t-e-w-a-r-t. My address is 50 West Broad Street, suite 3600, Columbus, Ohio, 43215.

JUDGE STEARLEY: Thank you very much, Mr. Stewart.

Let the record reflect that the Staff of the

Missouri Public Service Commission is not a separate party in this matter and Mr. Dandino from the Office of the Public Counsel has informed me that they have no plan of participation in this matter as well.

And us all having entered our appearances here now, I guess we should take up the matter of scheduling for the arbitration hearing. And the parties -- Mr. Lumley kindly provided me a copy of your joint proposed schedule, which I have before me. And that timeline I'm assuming is agreeable to all the parties; is that correct?

MR. STEWART: Your Honor, this is Joe Stewart. It's agreeable to Embarq.

MR. LUMLEY: The one refinement I think we can make, Judge, given that Staff's not going to be a party, there's an entry there for them to file testimony, so we could delete that item.

JUDGE STEARLEY: Actually, I was wanting to keep that item. According to Commission Rule 240-36.040.12(b) Staff, while they may not be a party can respond to questions directed by the Commission.

MR. LUMLEY: All right.

JUDGE STEARLEY: And I think it would be advisable. And, of course, they would be subject to cross-examination at hearing that we have them file a response to the parties' initial testimony. And I'm glad that you

added that to the procedural schedule.

MR. LUMLEY: All right.

JUDGE STEARLEY: Are there any other matters in terms of the scheduling here that we need to take up?

One thing not on the schedule is the provision in our rules for a revised statement of unresolved issues which generally comes seven days after the response, which would be September 12th.

MR. LUMLEY: We actually have that combined in item 2 of the joint issues list.

JUDGE STEARLEY: There it is.

MR. LUMLEY: And that's because the parties have already agreed on the issue list so there shouldn't be any delay there.

JUDGE STEARLEY: Okay. Very good. I'm assuming, based upon the scheduling laid out, already planning for a hearing, we're not going to be having markup conferences or proposed settlements, is that correct, at this point?

MR. LUMLEY: Not at this point, I don't believe.

JUDGE STEARLEY: Okay. Of course, there's nothing that prohibits continued negotiations between the parties --

MR. LUMLEY: Certainly

JUDGE STEARLEY: -- throughout this process.

And I did have one clarification on the procedural schedule where you have listed the initial proposed order for December 21st. I'm assuming you're referring to the draft order as defined in our rules?

MR. LUMLEY: Right. Coming from you.

JUDGE STEARLEY: Right. Coming from me. Okay. I just wanted to be clear on that.

Well, at this point I guess I would have you all file the proposed procedural schedule and the Commission can adopt it and I will direct Staff for their response dates for your initial testimony.

MR. LUMLEY: All right.

JUDGE STEARLEY: Is there anything else we need to take up today?

MR. LUMLEY: I don't think so

MR. TOWNSLEY: Nothing from Verizon's side, your Honor.

MR. LUMLEY: I'll draft a proposed plea and circulate it to the rest of the folks.

JUDGE STEARLEY: All right. Very well.

Mike, is there anything else that we need to bring up?

MR. SCHEPERLE: No.

JUDGE STEARLEY: Okay. All right. Very well then. I have appreciate you all attending this morning and

being so prompt on working out the schedule. Also appreciate the extra time built into the schedule. It's pretty tight deadlines they have. And I have done some research and found support in prior FCC decisions for extending these timelines a little bit, so I think we're all good as far as the required timelines for completion here.

MR. LUMLEY: Very good.

JUDGE STEARLEY: So I thank you all very much for your attendance and with that we'll go off the record.

CERTIFICATE OF REPORTER

I, Tracy L. Thorpe Taylor, a Certified Shorthand Reporter, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

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Tracy L. Thorpe Taylor, CSR, CCR