

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

September 20, 2006
Jefferson City, Missouri
Volume I

10	SOCKET TELECOM, LLC,)
)
11	Petitioner,)
)
12	vs.)Case No. TC-2006-0479
)
13	MCI COMMUNICATIONS SERVICES, INC.,)
	d/b/a VERIZON BUSINESS SERVICES)
14)
	Respondent.)

MORRIS L. WOODRUFF, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

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1 A P P E A R A N C E S

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

2 JUDGE WOODRUFF: Let's go ahead and get started
3 then. We're here today for a prehearing case conference
4 in Case No. TR-2006-0479, which is Socket Telecom versus
5 MCI Communications, Incorporated, doing business as
6 Verizon Business Services.

7 My name is Morris Woodruff, and I am the
8 Regulatory Law Judge for this case. We'll begin today by
9 taking entries of appearance beginning with Socket.

10 MR. WOODSMALL: Appearing on behalf of Socket
11 Telecom, LLC, David Woodsmall of the firm of Finnegan,
12 Conrad & Peterson, 428 E. Capitol, Suite 300, Jefferson
13 City, Missouri, 65109.

14 JUDGE WOODRUFF: Thank you. And for MCI?

15 MR. COHEN: I'm Bruce Cohen, your Honor. We're
16 now Verizon Business or Verizon Business Services, and I'm
17 Associate General Counsel of Verizon, 600 Hidden Ridge,
18 HQE03J27, Irving, Texas.

19 JUDGE WOODRUFF: Thank you.

20 MS. CROW HALCOMB: And local counsel Tina M.
21 Crow Halcomb with the firm of Walker Crow Halcomb, 1731
22 East Elm, Jefferson City, Missouri, 65101.

23 JUDGE WOODRUFF: Thank you. And for Staff?

24 MR. MEYER: Good morning. David Meyer on behalf
25 of the Public Service Commission. Our address is P.O.

1 Box 360, Jefferson City, Missouri, 65102.

2 JUDGE WOODRUFF: Thank you. And I don't see
3 anyone here for the Office of Public Counsel. All right.
4 And I believe that will be all the parties.

5 Are there any pending matters anyone wants to
6 bring up while we're on the record?

7 MS. CROW HALCOMB: I think initially we would
8 like to request that there be some sort of briefing
9 schedule to address the jurisdictional issue that -- that
10 we believe is the predicate for which all of the rest of
11 the issues would be addressed if this Commission should
12 find that there's no jurisdiction, as we believe it lacks
13 jurisdiction pursuant to the contract.

14 Then we would not need to address all of the
15 merits of the remaining complaint. So we'd like to ask
16 that there be some sort of briefing schedule set in place
17 to address the jurisdictional question.

18 JUDGE WOODRUFF: Okay.

19 MR. WOODSMALL: And we have no problems with
20 doing that. Under the Digital Services Agreement, much of
21 the jurisdiction swings on issues of fact. And we issued
22 some discovery yesterday. So until that discovery is done
23 and we've had a chance to look at that and apply the law
24 to the facts, we don't believe the briefing schedule
25 should be done.

1 So we have no problems proceeding in that
2 direction. It will just involve doing some discovery
3 beforehand.

4 MS. CROW HALCOMB: I don't think we have an
5 objection to their discovery. We'll be glad to respond to
6 their discovery. And then if we can have briefing due on
7 the issue of jurisdiction shortly thereafter before we
8 have to address the full merits.

9 JUDGE WOODRUFF: Okay. At this point, there's
10 no motion or anything challenging jurisdiction. I know
11 you mentioned it in your Answer, as I recall.

12 MR. COHEN: That's correct.

13 MS. CROW HALCOMB: Yeah. We have not moved to
14 dismiss this action or affirmative defense with regard to
15 our Answer.

16 JUDGE WOODRUFF: Okay. Well, we can certainly
17 do it however you want to do it. This is your guys'
18 Complaint. Actually, of course, it's Socket's complaint,
19 and it's your case.

20 MR. COHEN: Yes, your Honor.

21 JUDGE WOODRUFF: And the Commission will be
22 willing to set whatever procedures you might want to put
23 forward.

24 MR. COHEN: If I can deposit the following, I
25 think the due date for the discovery -- I think the due

1 date is on or about 9 October.

2 MR. WOODSMALL: Right.

3 MR. COHEN: I would suggest that we'll serve it
4 by -- we'll serve it by then. We can do it -- we can
5 schedule a motion accordingly. We can have a motion and
6 brief that we'll file by, let's say, two weeks after that.
7 Two weeks to respond and maybe a week for reply and go
8 from there.

9 JUDGE WOODRUFF: So we'd be looking at a
10 decision probably in November?

11 MS. CROW HALCOMB: November.

12 MR. COHEN: Just prior to Thanksgiving, yes,
13 your Honor.

14 MR. WOODSMALL: And I don't know. Typically, I
15 know the Commission, when it gets the issues of law such
16 as this, like to have on-the-record conferences/oral
17 arguments. So we could schedule something like that into
18 it as well, whatever is your pleasure. But --

19 JUDGE WOODRUFF: Yeah. I don't know if that
20 will be necessary where we're just talking about a legal
21 issue.

22 MR. WOODSMALL: Okay. Well, we'll build a
23 procedural schedule initially around the issue of
24 jurisdiction and briefing. And depending on how the
25 Commission comes out on that decision, then we can come

1 back with another procedural schedule if necessary with
2 prefiled testimony.

3 JUDGE WOODRUFF: That sounds quite reasonable.

4 MR. WOODSMALL: Okay.

5 JUDGE WOODRUFF: Well, I'll leave you to the
6 details of working out your schedule. I don't need to be
7 here for that part of it.

8 If you can file something by a week from today,
9 which would be the 27th, just give me a proposal on what
10 you want the Commission to consider doing, and I'll issue
11 an order appropriately.

12 MR. WOODSMALL: Okay. I think we should be able
13 to meet next week -- or meet a filing next week.

14 MS. CROW HALCOMB: Sure.

15 MR. COHEN: No problem at all.

16 MR. MEYER: Just to be clear, then, you would
17 want to cover the cycle of this jurisdictional question?
18 And did you want us to at least leave space for a
19 Commission oral argument date?

20 JUDGE WOODRUFF: If you think that would be
21 appropriate, go ahead and put that in there. I know that
22 the calendar is very crowded --

23 MR. MEYER: If necessary.

24 JUDGE WOODRUFF: -- over the next several
25 months.

1 MR. MEYER: I went up there ahead of time, and
2 there are a few odd days there, but there's never more
3 than two days in a row.

4 JUDGE WOODRUFF: Certainly, agree on something.
5 And if I don't think it's necessary and I talk to some of
6 the other Commissioners and see what they think on it,
7 too, then I just won't schedule it.

8 MR. WOODSMALL: Okay.

9 JUDGE WOODRUFF: Anything else you want to bring
10 up while we're on the record?

11 MS. CROW HALCOMB: I don't think so.

12 JUDGE WOODRUFF: All right. With that, the
13 on-the-record portion is adjourned, and we're off the
14 record.

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