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Missouri Public
Service Commission

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS**

Prehearing Conference
October 13, 2004

Jefferson City, Missouri

Volume 1

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OCT 29 2004

Missouri
Public Service Commission

Rickey Oaks

VS.

Broadwing Communications, LLC

Case No. XC-2004-0274

MORRIS E. WOODRUFF, Presiding

SENIOR REGULATORY LAW JUDGE

ORIGINAL

**REPORTED BY: JENNIFER JOHNSON-COOK
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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
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Volume 1

Rickey Oaks)	
)	
Complainant,)	
)	
)	
V.)	Case No. XC-2004-0274
)	
)	
Broadwing Communications, LLC)	
)	
Respondent)	

MORRIS L. WOODRUFF, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY: JENNIFER JOHNSON-COOK
MIDWEST LITIGATION SERVICES

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FOR: THE STAFF OF THE MISSOURI PUBLIC
SERVICE COMMISSION

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FOR: BROADWING COMMUNICATIONS, LLC

ALSO PRESENT: RICKEY OAKS (Via Telephone)

PROFESSIONAL SHORTHAND REPORTER:

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

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3 JUDGE WOODRUFF: We'll begin now. This is a
4 prehearing conference in XC-2004-0274. Which is a
5 complaint by Rickey Oaks against Broadwing
6 Communications.

7 We'll begin by taking entries of appearance.
8 Mr. Oaks, I assume you're representing yourself?

9 MR. OAKS: Yes, sir.

10 JUDGE WOODRUFF: Would you please give us
11 your name and address?

12 MR. OAKS: 6700 County Road 3810 West
13 Plains, Missouri 65775.

14 JUDGE WOODRUFF: Thank you, Mr. Oaks. For
15 Broadwing Communications.

16 MR. CURTIS: Let the record reflect the
17 appearance of Leland B. Curtis of the firm Curtis,
18 Heinz, Garrett and O'Keef. 130 South Bemiston, Suite
19 200, St. Louis, Missouri 63105. Again, appearing on
20 behalf of Broadwing Communications, LLC.

21 JUDGE WOODRUFF: All right. And the Staff
22 is also with us here in the hearing room.

23 MR. CURTIS: Thank you, Judge Woodruff, for
24 arranging the prehearing conference to be telephonic.

25 JUDGE WOODRUFF: I certainly appreciate that

1 you didn't need to travel here today.

2 For the Staff, then.

3 MR. POSTON: Mark Poston, appearing for the
4 Staff of the Missouri Public Service Commission.

5 JUDGE WOODRUFF: Were you all able to hear
6 Mr. Poston? Were you able to hear Mr. Poston. Are you
7 still there? Mr. Curtis? I hope we didn't lose them.
8 Mr. Oaks are you still there?

9 MR. OAKS: Yes, I'm still here.

10 MR. CURTIS: I'm still here.

11 JUDGE WOODRUFF: Okay. I just asked if you
12 were able to hear Mr. Poston.

13 MR. CURTIS: I could not, no.

14 JUDGE WOODRUFF: All right. Why don't you
15 come up a little bit closer, Mr. Poston.

16 MR. POSTON: Okay.

17 JUDGE WOODRUFF: Mr. Poston is representing
18 the Staff.

19 MR. CURTIS: Okay.

20 JUDGE WOODRUFF: All right. I scheduled
21 this prehearing just so we can understand what's going
22 on with this case, and decide what we need to do next.
23 There have been conflicting reports filed to me as to
24 whether or not there's an agreement in this case.

25 MR. CURTIS: Right.

1 JUDGE WOODRUFF: Mr. Oaks, I'll ask you
2 first.

3 MR. OAKS: Me.

4 JUDGE WOODRUFF: Yes.

5 MR. OAKS: I thought there was. I talked to
6 the mediator, and it was settled for the amount that was
7 owed Broadwing, and I guess he talked to Broadwing and
8 they said that was fine, so I was waiting for some
9 paperwork or for somebody, you know, to tell me it's
10 finished, it was done or something, I need to sign or
11 whatever. And then the next thing I know I got a paper
12 in the mail, that they're going to try -- the collection
13 agency was going to try to collect it.

14 JUDGE WOODRUFF: Okay.

15 MR. OAKS: So I was kind of confused of
16 where we was at.

17 MR. CUTIS: Let me -- this is Lee Curtis. I
18 agree with everything Mr. Oaks is saying. We had
19 discussions with the mediator, Mr. Lemon and he
20 indicated he had been in touch with Mr. Oaks. He
21 indicated that Broadwing would be willing to release and
22 forgive Mr. Oaks from -- for the indebtedness upon a
23 full mutual written release by both parties. And it was
24 our understanding that Mr. Lemon was going to make a
25 final report, indicating that, that settlement had been

1 agreed to, and was going to be reporting that to the
2 commission.

3 Let me back up and just say. Having given
4 Mr. Lemon the authority or at least the proposal for
5 Broadwing that we would be willing to forgive any
6 indebtedness owed by Mr. Oaks. Mr. Lemon then called me
7 back a few days later to say that he had been in touch
8 with Mr. Oaks and that was agreeable with him, and I
9 think that's what Mr. Oaks has indicated here.

10 MR. OAKS: Uh-huh.

11 MR. CURTIS: So I told our people, pretty
12 much the same as Mr. Oaks said. We were waiting for
13 paperwork to get the matter resolved. Now, I think what
14 has happened and I checked on this, Mr. Oaks, because
15 the paperwork didn't come, and I reported to Broadwing,
16 and it looked like we had the matter resolved, somebody
17 down there had not actually closed the case and it
18 proceeded to this collection agency. We have since
19 pulled that back completely, and I've told them in no
20 way should this be pursued, because while the settlement
21 had not been finalized, it certainly had been agreed to.
22 And we felt that we had a, you know, the parties had
23 resolved the matter.

24 I have instructed -- I did instruct
25 Broadwing -- it was well over a month ago, I think maybe

1 Mr. Oaks -- when he received this notice from a
2 collection agency. I proceeded to intercede and stop
3 that. So I think that pretty much brings the matter up
4 to date.

5 JUDGE WOODRUFF: All right. Well, it sounds
6 like there is an agreement.

7 MR. CURTIS: As far as everything I know.

8 MR. OAKS: Yeah. That's pretty much what it
9 is.

10 MR. CURTIS: Was that Mr. Oaks?

11 MR. OAKS: Yeah.

12 MR. CURTIS: Okay. Great. You have not
13 received any further notice from any collection agency.

14 MR. OAKS: No, no. Just that one time.

15 MR. CURTIS: And you should not, because I
16 have pretty emphatically came down on Broadwing to
17 absolutely cease and pull back from any collection
18 agency.

19 JUDGE WOODRUFF: All right. It sounds like
20 -- this is the Judge. It certainly sounds like there's
21 an agreement between the parties then, then we won't
22 need to have a hearing on it.

23 MR. CURTIS: Correct. I think that's right.
24 It's just a matter -- we thought and maybe Mr. -- and I
25 can't speak for Mr. Lemon, I had assumed because he was

1 the mediator and would go between us, he would be the
2 one to submit the final report to the Commission. And
3 when I didn't get that, I was -- I just don't know what
4 was happening.

5 JUDGE WOODRUFF: All right. That's fine.
6 What we need to do then is to finalize this.
7 Mr. Curtis, can you draw up some settlement papers on
8 this?

9 MR. CURTIS: I'll be happy to. Well let's
10 see, I think what we'd have to do is to write up -- I
11 can draft this for both parties to sign, and we can sign
12 on behalf of Broadwing, that will indicate the
13 resolution for this -- for the forgiveness of the
14 indebtedness, and then I'll put in there a release for
15 the Complainant, Mr. Oaks, to sign, all as part of one
16 document and then I can file that with the Commission.

17 JUDGE WOODRUFF: That will be great. Is
18 that acceptable to Mr. Oaks? Is that okay with you
19 Mr. Oaks? Mr. Oaks are you still there? Mr. Oaks?

20 MR. CURTIS: Mr. Oaks, the one thing I will
21 need I think is a -- confirm a current address for
22 Mr. Oaks.

23 MR. OAKS: Okay.

24 MR. CURTIS: Are you at -- you're still in
25 West Plains?

1 MR. OAKS: Uh-huh. 5700 Country Road 3810.

2 MR. CURTIS: 5700 County Road 3810. Okay.

3 MR. OAKS: 3810.

4 MR. CURTIS: 3810. Okay. And I see on some
5 previous correspondence you just abbreviated that CR
6 3810?

7 MR. OAKS: Yeah.

8 MR. CURTIS: And that works?

9 MR. OAKS: Yeah. That works.

10 MR. CURTIS: West Plain 65775.

11 MR. OAKS: Yes, sir.

12 MR. CURTIS: Very good. Are you in -- I
13 gather, Mr. Oaks you're traveling now. Will you be
14 back?

15 MR. OAKS: Should be back in Missouri in
16 about a week probably, close to a week.

17 MR. CURTIS: Very good.

18 Mark, would you -- is Mark still there?

19 MR. POSTON: Yeah. I'm still here.

20 MR. CURTIS: If you would like, I will --
21 I'll draft this up and send a copy to Mark, also, when I
22 send one to Mr. Oaks.

23 MR. POSTON: Okay. Thank you.

24 MR. CURTIS: Does that sound satisfactory?

25 MR. POSTON: Yes.

1 MR. CURTIS: I couldn't hear anyone there,
2 Judge.

3 JUDGE WOODRUFF: Yes -- Mr. Poston said yes.

4 MR. CURTIS: Okay. Terrific.

5 JUDGE WOODRUFF: All right. Do you think
6 you can do this within 30 days?

7 MR. CURTIS: Yes.

8 JUDGE WOODRUFF: Very good.

9 MR. CURTIS: I think we can get this done,
10 hopefully less than 30 days. I'll get this out and --
11 within a couple of days. That will give time for
12 Mr. Oaks to get back review and execute it and send it
13 back and then I'll file it.

14 JUDGE WOODRUFF: Very good. Well, I'm not
15 going to take any action at this time until I see that.

16 MR. CURTIS: Yes.

17 JUDGE WOODRUFF: And is there anything else
18 anyone wants to bring up, Mr. Oaks?

19 MR. OAKS: No, I'm fine. That's good.

20 JUDGE WOODRUFF: Mr. Curtis, anything else
21 you want to add?

22 MR. CURTIS: I think we've got the matter
23 resolved.

24 JUDGE WOODRUFF: Thank you. And Mr. Poston,
25 anything more, Mr. Poston?

1 MR. POSTON: No, thank you.

2 JUDGE WOODRUFF: With that, then we are
3 adjourned. Gentlemen you may hang up.

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