

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Prehearing Conference  
8 October 2, 2009  
9 Jefferson City, Missouri  
Volume 1

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12 The Staff of the Missouri Public )  
Service Commission, )  
13 )  
Complainant, )  
14 )  
v. ) Case No. XC-2009-0424  
15 )  
NOW Intermedia, Inc., )  
16 )  
Respondent. )

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19 KENNARD L. JONES, Presiding,  
20 SENIOR REGULATORY LAW JUDGE.

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24 REPORTED BY:

25 KELLENE K. FEDDERSEN, CSR, RPR, CCR  
MIDWEST LITIGATION SERVICES

1 APPEARANCES:

2 DAVID BROWN, Attorney at Law  
3 10432 Arthur Place  
4 St. Louis, MO 63131  
(314)997-7716

5 FOR: NOW Intermedia, Inc.

6 SAM RITCHIE, Legal Counsel  
7 Missouri Public Service Commission  
8 P.O. Box 360  
200 Madison Street  
Jefferson City, MO 65102  
(573)751-3234

9 FOR: Staff of the Missouri Public  
10 Service Commission.

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

2 JUDGE JONES: This is Case  
3 No. XC-2009-0424, the Staff of the Missouri Public Service  
4 Commission versus NOW Intermedia, Incorporated. My name  
5 is Kennard Jones. I'm the judge presiding over this  
6 matter.

7 Mr. Brown?

8 MR. BROWN: Yes.

9 JUDGE JONES: Have you ever appeared before  
10 the Commission before?

11 MR. BROWN: No, I have not.

12 JUDGE JONES: Well, the purpose of this  
13 prehearing conference is to -- and before I go into it,  
14 let me just make a note. Sam Ritchie is here for the  
15 Commission, and David Brown is here on behalf of NOW  
16 Intermedia.

17 The purpose of the prehearing conference is  
18 to allow you and the Staff an opportunity to discuss your  
19 case and see if you can't settle it without having to go  
20 to a hearing.

21 MR. BROWN: Okay.

22 JUDGE JONES: It serves more as a  
23 settlement conference, and if you're unable to reach a  
24 resolution, it will give you-all an opportunity to get  
25 your dates together on when we can actually have an

1     evidentiary hearing.

2                     MR. BROWN:    Okay.

3                     JUDGE JONES:   Okay.   Let's see.   If we need  
4     to go to hearing, how many witnesses do you think you'll  
5     need to call?

6                     MR. BROWN:    Well, hopefully we can get this  
7     resolved.   I don't think we'll have any witnesses other  
8     than Mr. Gill.

9                     JUDGE JONES:   Mr. Gill.   Okay.   And  
10    Mr. Ritchie, how many people do you think you'll have?

11                    MR. RITCHIE:   I would anticipate just one.

12                    JUDGE JONES:   So with two witnesses, then,  
13    the hearing wouldn't be very long.   I don't think we need  
14    any filings made prior to the hearing.

15                    Do you have any questions, Mr. Brown?

16                    MR. BROWN:    Not as far as that, no.

17                    JUDGE JONES:   So you just have questions  
18    that you may direct towards Staff's attorney?

19                    MR. BROWN:    Yes.

20                    JUDGE JONES:   With that, then, I'll let  
21    you-all go ahead and get to work and see if you can't  
22    resolve the matter.   I won't be here while you-all are  
23    resolving it, nor will your discussions be on the record,  
24    just so you'll know that.

25                    MR. BROWN:    Yes.   I understand.

1 JUDGE JONES: All right. With that, then,  
2 we're off the record.

3 WHEREUPON, the recorded portion of the  
4 prehearing conference was concluded.

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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.

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17 Kellene K. Feddersen, RPR, CSR, CCR  
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