

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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4 TRANSCRIPT OF PROCEEDINGS  
5  
6 Prehearing Conference  
7 December 6, 2004  
8  
9 Jefferson City, Missouri  
10 Volume 1  
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12 MCImetro Access Transmission )  
13 Services, LLC, Brooks Fiber )  
14 Communications of Missouri, Inc., )  
15 and Intermedia Communications, In,) )  
16 )  
17 Complainants )  
18 ) Case No. LC-2004-0080  
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22 CenturyTel of Missouri, Inc., )  
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We'll go on the record, then. We're here

for a prehearing conference in Case No. LC-2005-0080.

We're going to begin -- excuse me. The complaint is by

MCImetro Access Transmission Services, Brooks Fiber

Communication of Missouri Inc., and Intermedia

Communications, Inc., against CenturyTel of Missouri,

Inc.

We'll begin by taking entries of appearances.

First of all, for the MCImetro Company.

MR. LUMLEY. Morning Judge. Carl Lumley,

130 South Bemiston, Suite 200, Clayton, Missouri 63105.

Appearing on behalf of MCImetro Access Transmission

Services, LLC, Brooks Fiber Communications of Missouri,

Inc., and Intermedia Communications, Inc.

JUDGE WOODRUFF: Thank you, Mr. Lumley. And

for CenturyTel of Missouri?

MR. DORITY: Good morning, Judge. Appearing

on behalf of CenturyTel of Missouri, LLC. Larry DORITY,

Fischer and DORITY, P.C. our address is 101 Madison,

Suite 400, Jefferson City, Missouri 65101.

JUDGE WOODRUFF: Thank you. And I see Staff

is here, as well.

1                   MR. POSTON: Marc Poston appearing on behalf  
2 of the Staff of the Missouri Public Service Commission.

3                   JUDGE WOODRUFF: Okay. Thank you. As a  
4 preliminary matter, I just had a question for Mr. Lumley  
5 concerning the parties in this case. I know from  
6 another case I'm handling, the intermedin will be going  
7 away soon.

8                   MR. LUMLEY: Right.

9                   JUDGE WOODRUFF: Will you be amending your  
10 complaint or is that --

11                  MR. LUMLEY: I think that's probably the  
12 best thing to do, because it's not really the  
13 substitution of the parties since the successor is  
14 already a party.

15                  JUDGE WOODRUFF: The successor will be  
16 MCImetro?

17                  MR. LUMLEY: Right. So we'll just file an  
18 amended complaint indicating that it's not -- at that  
19 point will be the sole complainant.

20                  JUDGE WOODRUFF: Right.

21                  Also, I have a question for Staff. Simply,  
22 does Staff have a position in this case yet?

23                  MR. POSTON: No. We do not.

24                  JUDGE WOODRUFF: Okay. What is -- how does  
25 Staff see its role?

1                   MR. POSTON: Actually, that was the question  
2 I was going to have for you. I mean, we could just  
3 monitor the pleadings and way-in with our position, you  
4 know, once we get into that stage.

5                   JUDGE WOODRUFF: Okay. Well, I'll leave it  
6 up to you, Staff, to determine what is appropriate. I  
7 know the Commission will appreciate the Staff's guidance  
8 in these cases as much as possible. I'm going to ask  
9 that the parties prepare a post procedural schedule, and  
10 you can discuss that with the other parties as to what  
11 Staff's role in this will be, if you wish to file  
12 testimony here or whatever is appropriate.

13                   As I indicated, I'll ask you to file a post  
14 procedural schedule -- file a joint one. That would be  
15 great. If not -- if you can't reach an agreement, you  
16 can file separate procedural schedules and the  
17 Commission will sort it out.

18                   I'll ask you to file that by this Friday,  
19 the 10th.

20                   Is there any other matters that anyone wants  
21 to bring up while we're still on the record?

22                   MR. DORITY: Your Honor, to the extent that  
23 we discussing post procedural schedulings, and if we can  
24 come with up with a suggested hearing time, should we  
25 communicate with you regarding the Commission's calendar

1 in terms of availability?

2 JUDGE WOODRUFF: That's would be fine. Yes.

3 As you're well aware, we have a board upstairs with the

4 calendar. And I was just looking at it this morning,

5 January and February were looking pretty clear, yet.

6 MR. DORITY: Okay. We're probably looking

7 at a March time frame.

8 JUDGE WOODRUFF: That would be fine. I

9 didn't see anything in March either.

10 MR. POSTON: I was going to say, I have

11 copies of the calender up here.

12 MR. DORITY: Thank you.

13 JUDGE WOODRUFF: And I will warn you, the

14 electrical calender may not be completely accurate,

15 because the Judges do reserve dates pending a finial

16 Commission determination, so the board upstairs is the

17 final say on it.

18 MR. POSTON: Okay.

19 JUDGE WOODRUFF: I know our previous

20 proceeding a few weeks ago, were involving some of the

21 same attorneys anyway, we did not have prefiled

22 testimony, and I think I missed having the prefiled

23 testimony for myself, and I kind of got the same feeling

24 from the Commissioners, so since we're not under any

25 sort of tight time frame here, I think that's been

1 filed, and it indicates that we are not under any tight  
2 time frame, we'll probably go ahead and receive prefiled  
3 testimony.

4 MR. LUMLEY: That's what our thinking was.

5 JUDGE WOODRUFF: Okay. Anything else that  
6 anyone wants to bring up? All right, that concludes the  
7 on the record portion of the prehearing conference. We  
8 are adjourned. Thank you.

9 MR. LUMLEY: Thank you. Judge.

10 ( At this time the prehearing conference was  
11 concluded)

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