

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS  
Prehearing Conference

May 12, 2009  
Jefferson City, Missouri  
Volume 1

In the Matter of Southwestern )  
Bell Telephone Company d/b/a )  
AT&T Missouri's Application )  
for Waiver of the General )Case No. IE-2009-0357  
Distribution Requirement of )  
White Pages Directories Under )  
4 CSR 240.32.050(4)(B) )

MORRIS L. WOODRUFF, Presiding,  
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:

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

2 JUDGE WOODRUFF: This is local -- this  
3 is a prehearing conference in case number  
4 IE-2009-0357, concerning Southwestern Bell Company  
5 doing business as AT&T Missouri, Application for  
6 Waiver of the Regulations Requirements for  
7 distribution of White Pages Directories.

8 And we'll begin today by taking entries  
9 of appearance, beginning with AT&T.

10 MR. BUB: Thank you, your Honor. Leo  
11 Bub for AT&T Missouri.

12 JUDGE WOODRUFF: Thank you. And for  
13 Staff.

14 MR. RITCHIE: Sam Ritchie for Staff of  
15 the Missouri Public Service Commission.

16 JUDGE WOODRUFF: And for Public Counsel.

17 MR. DANDINO: Michael Dandino, Office of  
18 the Public Counsel.

19 JUDGE WOODRUFF: Thank you. And for the  
20 Communication Workers of America.

21 MR. GARCIA: Yes. Ricardo Garcia for  
22 Communication Workers of America.

23 JUDGE WOODRUFF: And for Charter  
24 Fiberlink.

25 MR. WOODS: Charter Fiberlink Missouri,

1     LLC, is represented by Kennard B. Woods.

2                     JUDGE WOODRUFF:  Thank you.  And I  
3     believe that's all the parties.  Has anyone else  
4     joined us on the phone?

5                     (NO RESPONSE.)

6                     JUDGE WOODRUFF:  All right.  I will note  
7     for the record that Mr. Dandino, Mr. Garcia and  
8     Mr. Woods are taking part by telephone.

9                     And I've set this prehearing conference  
10    to allow the parties to get together to discuss  
11    possible resolutions of this case, and if you can't  
12    resolve the case, we'll need to have a procedural  
13    schedule established to lead us to a hearing if that  
14    is necessary.

15                    And AT&T requested that the Commission  
16    approve its request by August 1st, and so we'll  
17    need -- if you need any procedural schedule, we'll  
18    need something that allows the Commission to make a  
19    decision by that time.

20                    MR. DANDINO:  Your Honor, this is Mike  
21    Dandino.  If -- how many -- do you need at least six  
22    weeks before the August 1st deadline for it to be  
23    submitted to the Commission?

24                    JUDGE WOODRUFF:  Oh, probably not that  
25    long.  If we have to have a hearing and briefs

1 following, of course we'd have to be doing it on an  
2 expedited basis, but if you can get final briefs to  
3 me let's say middle of July, we'd be able to have an  
4 order issued.

5 MR. DANDINO: We weren't thinking about  
6 that late, but I just wanted to know what date, what  
7 the outward limit was for a procedural schedule.

8 JUDGE WOODRUFF: And of course a lot of  
9 that will depend on how extensive the record's gonna  
10 be as well, so as you discuss this, you can keep me  
11 in mind as I have to try and write this thing.

12 MR. DANDINO: As long as the order isn't  
13 as long as the White Pages.

14 JUDGE WOODRUFF: Yes. I think I can say  
15 it will not be.

16 MR. BUB: Your Honor, this is Leo Bub.  
17 One of the things that we noticed in the initial  
18 comments of Public Counsel was a desire to work  
19 together on this initiative to, you know, make sure  
20 that the public interest was protected, that those  
21 that continue to want to receive the printed White  
22 Pages, you know, would be able to receive those, but  
23 at the same time work together on this green  
24 initiative to, you know, eliminate books that, you  
25 know, that weren't used.

1                   We really welcome that, and one thing in  
2   their comments was an idea that maybe we could work  
3   together towards some type of stipulation that would  
4   protect all parties' interest, and we're very  
5   interested in doing that, and we think this case  
6   could be resolved in that matter if we could all work  
7   together.

8                   But we do believe that as a fallback, we  
9   probably need to sketch out some type of a procedural  
10  schedule in case we can't reach resolutions on that.  
11  Maybe the two can work simultaneous.

12                  One thing that we were thinking of as  
13  far as a procedural schedule, you know, we know the  
14  Commission would like to have briefs. Maybe we could  
15  do something like a simultaneous brief rather than  
16  the protracted three-step briefing process that we  
17  normally do, and we could maybe also, you know, look  
18  toward having some type of a streamlined hearing.

19                  And we would talk about this, you know,  
20  off line, but one of the things that we've done in  
21  other cases is have a commission hearing with,  
22  instead of surrebuttal testimony, maybe live  
23  surrebuttal so that may shorten the prefiled  
24  testimony, and in this type of case where there  
25  really aren't that many issues and the issues are

1 relatively simple, a live hearing would be a  
2 possibility as well.

3                   You know, we're open to discussing any  
4 of those. But our main hope today, to talk with  
5 other parties and at least begin to work toward some  
6 type of a stipulation that would address the  
7 concerns.

8                   MR. DANDINO: I --

9                   MR. WOODS: Your Honor, this is Ken  
10 Woods. And I'm sorry to interrupt, but I just wanted  
11 to advise the judge that Carrie Cox had called the  
12 Commission which had verified the number that I gave  
13 her to call in, and the Commission said, quote, they  
14 think the judge hasn't opened the bridge.

15                   MS. COX: I just got in.

16                   JUDGE WOODRUFF: There you are. Okay.

17                   MR. BUB: Welcome, Carrie.

18                   MR. WOODS: I'm sorry to interrupt.

19                   MR. DANDINO: No problem. Your Honor,  
20 this is Mike Dandino, and I just wanted to say we  
21 concur with what Mr. Bub was saying. And does the  
22 Commission have any problem about having like a two-  
23 track procedural schedule, have one if we're gonna do  
24 it by stipulation and another one if we're gonna do  
25 it by hearing? Or maybe that's not even necessary to

1 bring up now.

2 JUDGE WOODRUFF: No, I'm open to any  
3 suggestions you have.

4 MR. DANDINO: Okay.

5 MR. BUB: Mike, I think that's a good  
6 thought at least to keep in mind, because by  
7 reserving some type of a hearing day, a lot of times  
8 when we do present stipulations where the parties are  
9 all agreeable, you know, the Commission may have  
10 questions. So instead of using the hearing date for  
11 a contested hearing, maybe that might be wise to hold  
12 in our back pocket as a date to allow the Commission  
13 to ask questions of the parties.

14 MR. DANDINO: Sure.

15 JUDGE WOODRUFF: That's fine as well.  
16 All right.

17 MR. GARCIA: Judge, this is Ricardo  
18 Garcia for CWA. I did have a question about allowing  
19 some time of written discovery or process to allow  
20 written discovery.

21 JUDGE WOODRUFF: Okay. Again, I'm open  
22 to that suggestion as well. Whatever the parties can  
23 work out. You don't have to discuss that with me  
24 present. For the parties who don't appear here, in a  
25 moment I'm gonna go off the line, I'm gonna leave the



1 room and leave you to your discussions and you can  
2 come up with whatever plan you think is appropriate.

3 I'll ask you to submit that to me,  
4 whatever plans you have, by a week from today, which  
5 is May 19th.

6 MR. GARCIA: Okay.

7 MR. WOODS: This is Ken Woods. I for  
8 some reason had lost my connection for a minute or  
9 two, but it sounds like, Judge, that you just  
10 suggested that the party or parties get together and  
11 try to work on a schedule.

12 JUDGE WOODRUFF: Well, that's what I'm  
13 gonna ask the parties to do here today.

14 MR. WOODS: Okay. I'm sorry.

15 JUDGE WOODRUFF: You may have missed  
16 what I said, but I'm gonna be leaving the room in  
17 just a moment and we'll go off the record so we don't  
18 have to have all this transcribed, and I'll just  
19 leave you to your discussions. And I indicated that  
20 I would like to have a proposed procedural schedule  
21 or whatever the parties agree is appropriate by a  
22 week from today, which is May 19th.

23 All right. Anything else that you need  
24 to bring up to me while I'm still here?

25 (NO RESPONSE.)

1 JUDGE WOODRUFF: All right. Hearing  
2 nothing, then, we are off the record and we are  
3 adjourned, or the on-the-record portion of this is  
4 adjourned, and I'll leave you to your discussions.

5 (WHEREUPON, the recorded portion of the  
6 prehearing conference was concluded.)

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