

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4
5
6 TRANSCRIPT OF PROCEEDINGS
7 Pre-hearing Conference
8 December 10, 2007
9 Jefferson City, Missouri
10 Volume 1
11

12 In the Matter of the Review of)
13 the Competitive Classification)Case No.
14 Of the Exchanges of Embarq)IO-2008-0092
Missouri, Inc. d/b/a Embarq)

15 MORRIS WOODRUFF, Presiding
16 DEPUTY CHIEF REGULATORY LAW JUDGE
17 JEFF DAVIS, Chairman,
18 CONNIE MURRAY,
19 ROBERT M. CLAYTON III,
20 LINWARD "LIN" APPLING,
21 TERRY JARRETT,
22 COMMISSIONERS
23

24 REPORTED BY:
25 MINDY VISLAY, CCR
MIDWEST LITIGATION SERVICES

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

2

3 KEVIN K. ZARLING, Attorney at Law
4 400 West 15th Street
5 Suite 1400
6 Austin, TX 78701
7 (512) 867-1075

8 FOR: Embarq Missouri, Inc.

9

10 MICHAEL DANDINO, Deputy Public Counsel
11 200 Madison Street
12 P.O. Box 2230
13 Jefferson City, MO 65102
14 (573) 751-5565

15

16 FOR: The Office of Public Counsel.

17

18 WILLIAM K. HAAS, Deputy General Counsel
19 P.O. Box 360
20 200 Madison Street
21 Jefferson City, MO 65102
22 (573) 751-3234

23

24 FOR: Staff of the Missouri Public
25 Service Commission.

26

27

28

29

30

31

32

33

34

35

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

2 JUDGE WOODRUFF: This is the pre-hearing
3 conference in Case No. IO-2008-0092 which involves the
4 review of the competitive classification of the
5 exchanges of Embargo Missouri.

6 And we'll begin today by taking entries of
7 appearance beginning with Embargo.

8 MR. ZARLING: Thank you, Your Honor, my
9 name is Kevin K. Zarling representing Embargo Missouri,
10 Inc. My business address is 400 West 15th Street,
11 Suite 1400, Austin, Texas 78701.

12 JUDGE WOODRUFF: And for Staff.

13 MR. HAAS: Good afternoon, William K. Haas
14 appearing on behalf of the Staff of the Public Service
15 Commission. My address is Post Office Box 360,
16 Jefferson City, Missouri 65102.

17 JUDGE WOODRUFF: And for Public Counsel.

18 MR. DANDINO: Thank you, Your Honor,
19 Michael Dandino, Deputy Public Counsel, Office of
20 Public Counsel, Post Office Box 2230, Jefferson City,
21 Missouri 60102, representing the Office of Public
22 Counsel and the public.

23 JUDGE WOODRUFF: And I believe that's all
24 the parties.

25 The reason I called this pre-hearing conference

1 was to give the parties a chance to discuss how we
2 need to proceed in this case.

3 As you know, we are going to be having a hearing.
4 And I'll ask the parties at this point; do we
5 anticipate doing pre-file testimony, or is this
6 something we can do as a live hearing?

7 MR. DANDINO: We had a discussion last
8 Friday trying to kind of go through this. And I think
9 what we are going to try to do is at least kind of
10 follow what's going on in -- what is it -- CenturyTel,
11 and kind of see if we can at least stipulate to some
12 of the facts, or if that is -- at least in our office
13 file some testimony with a very brief hearing, more to
14 the nature of a question and answer.

15 JUDGE WOODRUFF: Okay.

16 MR. DANDINO: If that goes with what a few
17 of the other counsel say.

18 JUDGE WOODRUFF: I'm open to any ideas
19 you'll have.

20 Mr. Zarling, what is Embarq's position?

21 MR. ZARLING: We have discussed this last
22 week, and that will work for Embarq, too.

23 Probably the only question is timing, and I know
24 that Mr. Haas has to talk to Staff to see what works
25 for them, so let him weigh in.

1 MR. HAAS: Yes, we had discussed the
2 procedure, and we hope to follow the same procedure
3 that was followed in the CenturyTel case.

4 And I guess once we get off the record we can
5 discuss calendar.

6 JUDGE WOODRUFF: Okay. That's fine.

7 I assume we are probably looking at after the
8 holidays?

9 MR. DANDINO: Yes.

10 MR. ZARLING: Yes.

11 MR. HAAS: Yes.

12 JUDGE WOODRUFF: That's fine. I'll leave
13 you to discussions and ask you to file something by
14 Friday of this week -- the 14th -- letting me know
15 what your proposal is, and I'll take a look at it.
16 And if it looks acceptable to me, I'll issue an order
17 implementing it.

18 MR. HAAS: Your Honor, since we are looking
19 at January, can we have until next Monday? I'm going
20 to be out of the office Thursday and Friday.

21 JUDGE WOODRUFF: That's fine, the 17th
22 then.

23 MR. ZARLING: You know, Judge, just to try
24 and avoid too much back and forth -- and one of the
25 counsel will interject if I'm getting ahead of

1 ourselves here a little bit -- but we had discussed
2 tentatively some dates, you know, weeks that we would
3 look at in January possibly for a hearing.

4 So, if you have any idea what the Commission's
5 availability is? We had talked about, I think, the
6 third week of January, January 14th maybe, we might
7 have proposed to have a hearing.

8 JUDGE WOODRUFF: Mr. Haas, have you checked
9 on the calendar upstairs on that?

10 MR. HAAS: No, I haven't.

11 JUDGE WOODRUFF: I haven't either. I don't
12 think there's anything particularly exciting going on
13 in January. Although, I know the Aquila/KCPL merger
14 is going to be back on in January some time, but I
15 don't know that that's been set yet.

16 MR. ZARLING: Well, then I think, Counsel,
17 we'll just exchange e-mails or reconvene and try to
18 nail down dates. I hope we can figure out when the
19 Commission is available. I guess Mr. Haas has access
20 to that information?

21 JUDGE WOODRUFF: It's all up on the board.

22 Well, anything else anyone wants to bring up while
23 we are on the record?

24 MR. DANDINO: No, I think we are good.

25 JUDGE WOODRUFF: With that then, we are off

1 the record.

2 (WHEREIN, the recorded portion of the pre-hearing
3 conference was concluded.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2

3

4 I, Mindy Vislay, Certified Court Reporter with the
5 firm of Midwest Litigation Services, and Notary Public
6 within and for the State of Missouri, do hereby
7 certify that I was personally present at the
8 proceedings had in the above-entitled cause at the
9 time and place previously described; that I then and
10 there took down in Stenotype the proceedings had; and
11 that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such
13 time and place.

14

15

16

17

Mindy Vislay, CCR

18

Notary Public (County of Cole)

19

My commission expires March 19, 2011

20

21

22

23

24

25