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STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

March 18, 2013

Jefferson City, Missouri

Volume 1

(Starting time of conference: 8:30 a.m.)

1 STATE OF MISSOURI

2 PUBLIC SERVICE COMMISSION

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4 TRANSCRIPT OF PROCEEDINGS

Procedural Conference

March 18, 2013

5 Jefferson City, Missouri

Volume 1

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7

In The Matter Of The Application)
8 Of Southwestern Bell Telephone)
Company d/b/a AT&T Missouri, For) File No. IK-2013-0394
9 Approval Of An Interconnection)
Agreement Under The)
10 Telecommunications Act Of 1996)
With 365 Wireless, LLC)

11

12 HAROLD STEARLEY, Presiding

13 DEPUTY CHIEF REGULATORY LAW JUDGE

14

15

16

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FOR 360 WIRELESS, LLC:
MR. DONNIE McKINNICK (via telephone)

1 (Starting time of hearing: 8:30 a.m.)

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

3 JUDGE STEARLEY: Good morning. It's Monday, March
4 18th, 2013. Commission has set this time for a Procedural
5 Conference in File No. IK-2013-0394, which is captioned as
6 In The Matter Of Application Of Southwestern Bell
7 Telephone Company doing business as AT&T Missouri, For
8 Approval Of An Interconnection Agreement Under The
9 Telecommunications Act Of 1996 With 365 Wireless, LLC.

10 My name is Harold Stearley, and I'm the Presiding
11 Officer for this matter. We'll begin by taking entries of
12 appearance, starting with AT&T Missouri.

13 MR. BUB: Thank you, your Honor. Let the record
14 reflect the appearance of Leo Bub for AT&T Missouri.

15 JUDGE STEARLEY: Thank you, Mr. Bub.

16 For Alma Communications Company, et al.

17 MR. JOHNSON: Yes, your Honor. It's Craig Johnson
18 with Johnson and Sporletter, 304 East High Street, Suite
19 200, Jefferson City, Missouri, 65102, appearing for Alma,
20 et al.

21 JUDGE STEARLEY: Thank you, Mr. Johnson.

22 For the Small Telephone Company Group?

23 MR. MCCARTNEY: Thank you, your Honor. Brian
24 McCartney with the law office of Brydon, Swearingon, and
25 England, P.C., 312 East Capitol Avenue, Jefferson City,

1 Missouri, 65101, appearing today on behalf of the Small
2 Telephone Company today.

3 JUDGE STEARLEY: Thank you, Mr. McCartney.

4 And for the Staff of the Commission?

5 MS. DALE: Thank you. Colleen M. Dale, Senior
6 Counsel, representing the Staff of the Missouri Public
7 Service Commission, P.O. Box 360, Jefferson City,
8 Missouri, 652 -- 65202. Sorry. And I have with me a
9 Staff member, Kari Salsman, K-a-r-i S-a-l-s-m-a-n.

10 JUDGE STEARLEY: Thank you, Ms. Dale.

11 And we'll let the record reflect that the Office
12 of the Public Counsel has not entered an appearance.

13 Any preliminary matters?

14 MR. BUB: Judge, this is Leo Bub. I've just got a
15 note from my assistant that the folks at 365 are trying to
16 dial in. So, we should be hearing them join shortly.

17 JUDGE STEARLEY: We can wait a moment.

18 MR. McKINNICK: This is Donnie at 360. I will
19 conference in Joe, our Vice-President.

20 JUDGE STEARLEY: All right. You're just in time
21 to enter your appearance.

22 MR. McKINNICK: Hold on one second. Let me get to
23 Joe. One second.

24 MR. WHITE: Gentlemen, hello.

25 JUDGE STEARLEY: Hello.

1 MR. McKINNICK: Okay. We have Joe and Donnie from
2 365 Wireless on.

3 JUDGE STEARLEY: All right. This is Judge
4 Stearley.

5 MR. WHITE: Good morning.

6 JUDGE STEARLEY: Good morning. If you would go
7 ahead and please enter a formal appearance into our
8 record.

9 MR. McKINNICK: This is Donnie McKinnick with 365
10 Wireless.

11 MR. WHITE: And Joe White, Vice-President of
12 Operations for 365 Wireless, as well.

13 JUDGE STEARLEY: All right. Thank you, gentlemen.

14 Um, this is the on-the-record portion of this
15 procedural conference. It shouldn't take long, and then
16 I'll be leaving you all to have your discussions.

17 Are there any preliminary matters, though, that we
18 need to address?

19 MS. DALE: I don't believe so.

20 MR. McCARTNEY: No.

21 JUDGE STEARLEY: We all know we're on a limited
22 time schedule here in terms of approval. Do you agree?

23 MR. McCARTY: (Nods head.)

24 JUDGE STEARLEY: I'm assuming, if I've read
25 everything correctly, that what people are trying to avoid

1 is an incident similar to what happened with the mother
2 entity not too long ago.

3 MS. DALE: Yes.

4 JUDGE STEARLEY: So, I will leave it to your
5 creative wisdom to come up with some way to prevent that
6 from happening.

7 If there is nothing else for me to do, we'll go
8 off the record and I'll leave you to your --

9 MR. BUB: Judge Stearley, have you calculated the
10 last date the Commission has to approve or reject?

11 JUDGE STEARLEY: Sunday, May 12th. So, you're
12 really looking at Friday, the 10th.

13 MR. MCCARTNEY: How many days would we need, based
14 on --

15 JUDGE STEARLEY: We can make a shorter effective
16 date but, you know, we'll have -- unless parties are
17 willing to waive -- people are wanting to go to hearing --
18 we have a 10-day hearing notice. I'm assuming, under this
19 type of time line, we would not be looking at prefile
20 testimony but live testimony?

21 MS. DALE: Uh-huh.

22 JUDGE STEARLEY: See, May 10th, you're looking at
23 the 8th, whatever would be before. Probably want
24 something available for the Commission to start reviewing
25 that the third week of April. Could be done the fourth

1 week of April, but it would be pushing it.

2 MR. MCCARTNEY: Do you want proposed findings and
3 conclusions?

4 JUDGE STEARLEY: It makes things considerably --
5 you will be able to back it up closer.

6 MS. DALE: If we go to hearing, what's your
7 preference about stipulations of fact?

8 JUDGE STEARLEY: I always prefer a joint
9 stipulation, and that would just be material facts.
10 That's just cleaner and can take those things off, narrow
11 the issues.

12 Okay. Anything else?

13 MR. WHITE: This is Joe White from 365 Wireless.
14 I just wanted to -- we understand the concern about
15 driving traffic through the different dialects, and we've
16 dealt with similar high-low type discussions in the past.
17 We want to see if there's a way to get an agreement
18 together where we all sign off on the fact we will not
19 tran to transport and will compensate to any traffic that
20 we can transmit or that comes across. Try to get
21 something together and let the --

22 JUDGE STEARLEY: Before you go too much farther,
23 if we don't need to be on the record, I'll end the on-the-
24 record portion and get out of the room, because I don't
25 want to hear any private settlement negotiations which

1 would be confidential.

2 MS. DALE: Okay.

3 MR. WHITE: I'm sorry. I thought we were off the
4 record.

5 JUDGE STEARLEY: That's okay.

6 MR. WHITE: My apologies.

7 JUDGE STEARLEY: They'll vouch for me when I
8 actually do leave the room so you'll know for sure.

9 MR. MCCARTNEY: Will you be available for any
10 hearing dates?

11 JUDGE STEARLEY: Right. I'm sorry not to bring
12 over our calendars, but I know we don't have too much on
13 for the month of April. I know we have a hearing the 2nd
14 through 4th that's currently scheduled for the Transource
15 case.

16 MS. DALE: I don't think we'll be ready for then.

17 JUDGE STEARLEY: All right. We'll conclude the
18 on-the-record portion, and I will officially disappear.

19 MR. McCARTY: Thank you, Judge.

20 JUDGE STEARLEY: Thank you all very much.

21 (Adjournment.)

22 (Whereupon, the record ended at 8:40 a.m.)

23 * * * * *

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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, Pamela S. Gentry, Certified Court
6 Reporter with the firm of Midwest Litigation Services, do
7 hereby certify that I was personally present at the
8 proceedings had in the above-entitled cause at the time
9 and place set forth in the caption sheet thereof; that I
10 then and there took down in Stenotype the proceedings had;
11 and that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such time
13 and place.

14 Given at my office in the City of
15 Jefferson, County of Cole, State of Missouri.

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21 _____
Pamela S. Gentry, CCR #426

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TRANSCRIPT OF PROCEEDINGS 3/18/2013

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