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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application)
of Time Warner Cable Information)
Services (Missouri), LLC, for a)
Certificate of Service Authority)LA-2004-0133
To Provide Local and Interexchange)
Voice Service in Portions of the)
State of Missouri and to Classify)
Said Service as Competitive.)

PREHEARING CONFERENCE

VOLUME II

TRANSCRIPT OF PROCEEDINGS

January 30, 2004

10:00 a.m.

Missouri Public Service Commission
200 Madison Street, Suite 305
Jefferson City, Missouri

REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR
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A P P E A R A N C E S

For Sprint, Inc., and Sprint Missouri:

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For CenturyTel of Missouri, LLC, Spectra Communications Group, LLC, doing business as CenturyTel, and Alltel Missouri, Inc.:

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9 For Fidelity Communication Services I, II and III, Inc.,
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25 For Time Warner:

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1 For BPS Telephone Company, Cass County Telephone Company,
New Florence Telephone Company, Citizens Telephone of
2 Higginsville, Missouri, Inc., Craw-Kran Telephone Telephone
Cooperative, Inc., Ellington Telephone Company, Farber
3 Telephone Company, Fidelity Telephone Company, Goodman
Telephone Company, Inc., Seneca Telephone Company, Ozark
4 Telephone Company, Granby Telephone Company, Grand River
Mutual Telephone Corp., Lathrop Telephone Company, Green
5 Hills Telephone Corp., Holway Telephone Company, KLM
Telephone Company, Iarno Telephone Company, Kingdom
6 Telephone Company, Le-Ru Telephone Company, McDonald County
Telephone Company, Mark Twain Rural Telephone Company,
7 Miller Telephone Company, New London Telephone Company,
Orchard Farm Telephone Company, Stoutland Telephone Company,
8 Oregon Farmers Mutual Telephone Company, Peace Valley
Telephone Company, Inc., Rock Port Telephone Company and
9 Steelville Telephone Exchange, Inc.:

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24 Phonetic spelling: (ph.)
Exactly as Stated: (sic)

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TRANSCRIPT OF PROCEEDINGS

JUDGE JONES: This is a prehearing conference for Case No. LA-2004-0133. My name is Kinard Jones. I'm presiding judge over this matter.

Beginning with the staff of the Commission, will all those present please introduce -- introduce yourselves?

MR. HAAS: William K. Haas appearing on behalf of Public Service-- staff of the Public Service Commission. My address is Post Office Box 360, Jefferson City, Missouri, 65101.

MR. DEFORD: Paul DeFord from Lathrop & Gage, 2345 Grand Boulevard, Kansas City, Missouri, 64108, appearing on behalf of Time Warner. I would also move the admission of Ms. Julie Patterson per hoc vice of Ms. Patterson, a member of the bar of New York, New Jersey and Washington D.C.

JUDGE JONES: Okay. Well, I'll deal with that after we have the remaining entries of appearance.

MR. DORITY: Good morning, Judge. Larry DORITY with the firm of Fischer &

1 Dority, PC. Our address is 101 Madison, Suite
2 400, Jefferson City, Missouri 65101. I'm
3 appearing on behalf of CenturyTel of Missouri
4 LLC, Spectra Communications Group, LLC, doing
5 business as CenturtyTel and Alltel Missouri,
6 Inc.

7 MR. LADE: Bryan D. Lade and Craig
8 Johnson with the Firm of Andereck, Evans
9 Milne, Peace & Johnson, 700 East Capitol
10 Avenue, Jefferson City, 65201 -- or 102,
11 appearing on behalf of the MITG companies.

12 MR. DANDINO: Michael Dandino,
13 Office of Public Counsel, Post Office Box 2230
14 Jefferson City, Missouri, 65102, representing
15 the Office of the Public Counsel and the
16 public.

17 JUDGE JONES: Thank you. Anyone
18 else present?

19 MS. YOUNG: Mary Ann Young with
20 William D. Steinmeier, P.O. Box 104959,
21 Jefferson City, Missouri, 65110, appearing on
22 behalf of the XSpedius Management Companies.

23 MR. ROSS: Good morning. Jason Ross
24 with the law firm of Greensfelder, Hempker &
25 Gale, PC, 10 South Broadway, Suite 2000, St.

1 Louis, Missouri, 63102, appearing on behalf of
2 the Fidelity CLECs, which are Fidelity
3 Communication Services I, II and III and
4 Fidelity Cablevision, Inc.

5 MS. HENRICKSON: Pamela Henrickson,
6 Goller, Gardner & Feather, 131 East High,
7 Jefferson City, Missouri, 65101. We're
8 appearing on behalf of Sprint Corporate and
9 Sprint Missouri.

10 MR. FISCHER: James Fischer, Fischer
11 & Dority, PC, 101 Madison, Suite 400,
12 Jefferson City, Missouri, 65101, appearing
13 today on behalf of Southwestern Bell
14 Telephone, LP, doing business as SBC Missouri.

15 MR. HARRISON: I'm Greg Harrison
16 with the Cable Association of Missouri. I'm
17 just here as an observer.

18 JUDGE JONES: Okay.

19 MR. COMLEY: Mark W. Comley, Newman,
20 Comley and Ruth, 601 Monroe, Suite 301,
21 Jefferson City, Missouri, 65101, appearing on
22 behalf of AT&T Communications of the
23 Southwest, Inc.

24 MS. MORGAN: Sondra B. Morgan and
25 W.R. England, III, the law firm of Brydon,

1 Swaengen & England, Post Office Box 456,
2 Jefferson City, Missouri, 65102, appearing on
3 behalf of small telephone companies.

4 JUDGE JONES: Any other attorneys
5 present that wish to enter their appearance?
6 Okay. Seeing none, Ms. Patterson, Mr. DeFord
7 stated that you are an attorney in New York,
8 New Jersey and Washington?

9 MS. PATTERSON: That's correct.

10 JUDGE JONES: And Mr. DeFord, do you
11 vouch for Ms. Patterson?

12 MR. DEFORD: Yes, sir.

13 JUDGE JONES: And are you in good
14 standing here in Missouri?

15 MR. DEFORD: Yes, sir.

16 JUDGE JONES: Your motion for per
17 hoc vice is granted.

18 MS. PATTERSON: Thank you, sir.

19 JUDGE JONES: This prehearing
20 conference is being held because parties in
21 this matter have objected to Time Warner being
22 granted a certificate to provide local
23 exchange rather than basic local exchange
24 service. And the purpose of this prehearing,
25 as all prehearings is two fold, to bring the

1 parties together to better understand and
2 discuss the issues, thereby facilitating an
3 agreement and to satisfy the Commission that
4 the parties have met at least once prior to
5 proceeding to hearing.

6 As all of you are aware, this matter
7 began regarding discussion over the protocol.
8 Not all of the party intervened for that
9 purpose. That purpose has now been frustrated
10 in this case. Voice over internet protocol is
11 being withdrawn as an issue. However, the
12 Commission is considering whether and how to
13 proceed with discussion regarding VOI outside
14 of this case. I'm sure you all will be made
15 aware when that happens it happens.

16 Are there any questions regarding voice
17 over internet or this prehearing conference
18 from anyone?

19 MR. DEFORD: Your Honor, I think if
20 we just have an opportunity to talk with the
21 parties for a few minutes, we may be able to
22 resolve this fairly quickly.

23 JUDGE JONES: Okay. You mean the --
24 the distinction between -- or the conflict
25 over local and basic local exchange?

1 MR. DEFORD: Yes. I -- your Honor,
2 Time Warner is willing to amend the
3 application to request for both basic local
4 and local.

5 JUDGE JONES: Okay.

6 MR. DEFORD: Frankly, we don't
7 necessarily believe it fits within either
8 particularly. But if it satisfies the
9 concerns of the other parties and if everyone
10 indeed believes that the service offering that
11 we have described in detail in our application
12 fits within, you know, that category, then
13 we'll amend the application to satisfy those
14 concerns.

15 JUDGE JONES: Well, you have this
16 room until at least 2:00 this afternoon to --
17 to discuss that. And I'll leave you to
18 yourselves. If -- if staff of the commission
19 can take the reigns on filing some memorandum
20 of some sort to -- to lay out what occurred
21 during this prehearing -- whether or not there
22 was an agreement during the prehearing
23 conference, I'll appreciate that.

24 MR. HAAS: Yes, sir.

25 JUDGE JONES: Is there anything else

1 anyone would like to discuss prior to going
2 off the record? Seeing nothing, then, we will
3 conclude the prehearing conference, the on the
4 record portion of the prehearing conference.
5 Thank you.

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