

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE

March 21, 2003
Jefferson City, Missouri
Volume I

In the Matter of the Investigation)	
of the State of Competition in the)	Case No.
Exchanges of Sprint Missouri, Inc.)	IO-2003-0281

MORRIS L. WOODRUFF, Presiding
SENIOR REGULATORY LAW JUDGE

Associated Court Reporters

573-636-7551 *** 888-636-7551

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE

March 21, 2003
Jefferson City, Missouri
Volume I

In the Matter of the Investigation)
of the State of Competition in the) Case No.
Exchanges of Sprint Missouri, Inc.) IO-2003-0281

MORRIS L. WOODRUFF, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:

JENNIFER L. LEIBACH
ASSOCIATED COURT REPORTERS
714 West High Street
P.O. Box 1308
Jefferson City, Missouri 65109
(573) 636-7551

Associated Court Reporters

573-636-7551 *** 888-636-7551

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

2 WILLIAM K. HAAS, Associate General Counsel
3 P.O. Box 360
4 Jefferson City, Missouri 65101
5 (573) 751-7510
6 FOR: Staff of the Missouri Public Service
7 Commission

8 MICHAEL DANDINO

9 OFFICE OF THE PUBLIC COUNSEL
10 P.O. Box 7800
11 Jefferson City, Missouri 65102
12 (573) 751-5559
13 FOR: Office of the Public Counsel and the
14 Public

15 MARY ANN (GARR) YOUNG

16 WILLIAM D. STEINMEIER, P.C.
17 P.O. Box 104595
18 Jefferson City, Missouri 65110
19 (573) 634-8109
20 FOR: NALA/PCA

21 LISA CREIGHTON HENDRICKS

22 6450 Sprint Parkway
23 Overland Park, Kansas 66251
24 (913) 315-9363
25 FOR: Sprint Missouri, Inc.

26 SHELDON K. STOCK

27 GREENSFELDER, HEMKER & GALE
28 10 South Broadway
29 Suite 2000
30 St. Louis, Missouri 63102
31 (314) 241-9090
32 FOR: Fidelity Communication Services, Inc.

33

1 A P P E A R A N C E S (con't)

2

3 W. R. ENGLAND, III

4 BRYDON, SWEARENGEN, ENGLAND
312 East Capitol Avenue
5 P.O. Box 456
Jefferson City, Missouri 65102
6 (573) 635-7166
FOR: Green Hills Area Cellular Telephone

7

8 BRENT STEWART

9 KEEVIL & STEWART
10 1001 Cherry Street, Suite 302
Columbia, Missouri 65201
11 (573) 499-0635
FOR: ExOp of Missouri, Inc. d/b/a Unite

12

13 ANTHONY K. CONROY

14 One SBC Center #3516
St. Louis, Missouri 63101
15 (314) 235-6060
FOR: SBC Missouri

16

17 MARK W. COMLEY

18 NEWMAN, COMLEY & RUTH
601 Monroe, Suite 301
19 Jefferson City, Missouri 65102
(573) 634-2266
20 FOR: AT&T Communications of the Southwest

21 LELAND B. CURTIS

22 130 South Bemiston, Suite 200
St. Louis, Missouri 63105
23 (314) 725-8788
FOR: MCI World Com, Brooks Fiber
24 Communication, MCI Metro Access
Transmission

25

Associated Court Reporters

573-636-7551 *** 888-636-7551

1 P R O C E E D I N G S
2 (Written Entries of Appearance filed.)

3 JUDGE WOODRUFF: Let's go on the
4 record. We're here for a prehearing conference in
5 Case No. IO-2003-0281, and we'll begin by taking
6 entries of appearance, beginning with Sprint.

7 MS. HENDRICKS: Your Honor, would you
8 like the address with the entry of appearance?

9 JUDGE WOODRUFF: Yes, please.

10 MS. HENDRICKS: Lisa Creighton
11 Hendricks, 6450 Sprint Parkway, Overland Park,
12 Kansas, 66251, appearing on behalf of Sprint
13 Missouri, Inc.

14 JUDGE WOODRUFF: Thank you. And for
15 staff.

16 MR. HAAS: William K. Haas, appearing
17 on behalf of the staff of the Public Service
18 Commission. My address is Post Office Box 360,
19 Jefferson City, Missouri, 65102.

20 JUDGE WOODRUFF: And for Public
21 Counsel.

22 MR. DANDINO: Michael Dandino, Office
23 of the Public Counsel, Post Office Box 7800,
24 Jefferson City, Missouri, 65102, representing the
25 Office of Public Counsel and the Public.

1 JUDGE WOODRUFF: Okay. And for
2 Fidelity.

3 MR. STOCK: Sheldon K. Stock,
4 representing Fidelity Communication Services One
5 Inc., Suite 2000, 10 South Broadway, St. Louis,
6 Missouri, 63102.

7 JUDGE WOODRUFF: Thank you. And for
8 Green Hills.

9 MR. ENGLAND: Thank you, your Honor.
10 Let the record reflect the appearance of W.R. England
11 on behalf of Green Hills Telecommunication Services.
12 My address is Law Firm of Brydon, Swearengen &
13 England, Post Office Box 456, Jefferson City,
14 Missouri, 65102.

15 JUDGE WOODRUFF: Thank you. And for
16 ExOp.

17 MR. STEWART: Charles Brent Stewart
18 with the Law Firm of Stewart & Keevil, LLC, 1001
19 Cherry Street, Suite 302, Columbia, Missouri, 65201,
20 appearing on behalf of ExOp Missouri -- of Missouri
21 Inc., d/b/a Unite.

22 JUDGE WOODRUFF: Thank you. And for
23 SBC.

24 MR. CONROY: Good morning, Judge.
25 Anthony Conroy, One SBC Center, Suite 3500, St.

1 Louis, Missouri, 63101, appearing on behalf of SBC
2 Missouri.

3 JUDGE WOODRUFF. Okay. For AT&T.

4 MR. COMLEY: Good morning, Judge
5 Woodruff. Appearing on behalf of AT&T Communications
6 and Southwest is Mark W. Comley, 601 Monroe, Suite
7 301, Post Office Box 537, Jefferson City, Missouri,
8 65102.

9 JUDGE WOODRUFF: For the MCI companies.

10 MR. CURTIS: Leland B. Curtis of the
11 Law Firm of Curtis, Oetting, Heinz, Garrett & Soule,
12 130 South Bemiston, Suite 200, St. Louis, Missouri,
13 63105, appearing on behalf of MCI World Com, MCI
14 Metro Access Transmission and Brooks Fiber
15 Communications.

16 JUDGE WOODRUFF: Thank you. And for
17 the National ALA Association.

18 MS. YOUNG: Thank you, Judge. Mary Ann
19 Young with William D. Steinmeier, PC, P.O. Box
20 104595, Jefferson City, Missouri, 65102, appearing on
21 behalf of the National ALA Association.

22 JUDGE WOODRUFF: Thank you. I believe
23 that's all the parties. Have I left anybody out?
24 All right. It looks like I've got everybody.

25 Sprint has filed a Motion for Joinder

1 to join some additional parties, and Ms. Young, I
2 believe they're members of your association. Do you
3 know -- have those parties contacted you or do you
4 have any knowledge about whether they have any
5 objection to being joined?

6 MS. YOUNG: Judge, I do represent just
7 the association and have not been contacted or
8 retained by the individual members. To my
9 observation, the CELUX, I don't believe were served
10 with a Motion for Joinder, and so I don't know that
11 they have officially been provided notification of
12 that by either the Commission or Sprint.

13 JUDGE WOODRUFF: Okay. Well, that was
14 just filed on the 17th, so they still have time to
15 respond.

16 MS. HENDRICKS: Your Honor, I can go
17 and find the address. If this is the problem, and
18 part of the reason I moved to join is I will be
19 serving discovery, and to get at the CELUX
20 themselves, it appears I cannot do it through the
21 association, so I will serve that upon the CELUX.

22 JUDGE WOODRUFF: Okay.

23 MS. YOUNG: And I guess, Judge, it
24 certainly would appear a Motion for Rehearing of the
25 Commission's Order that denied joinder of all

1 individuals CELUX that were listed by Sprint in a
2 previous pleading, and the motion on its face doesn't
3 appear to comply with the requirements for joinder,
4 and I would just make those observations, and that
5 perhaps since all the parties that Sprint believes
6 are necessary to the case are not present today,
7 maybe this Prehearing is premature and the filing of
8 the procedural schedule as well.

9 MS. HENDRICKS: Your Honor, if I could
10 respond. Sprint only moved initially to join three
11 CELUX's parties, and I believe every other CELUX,
12 including those who we are moving to join now, got
13 Notice of this proceeding from the Commission, but
14 the joinder request was only at that time for three
15 CELUXs.

16 JUDGE WOODRUFF: Okay. Well, I'm not
17 going to make any ruling on that motion at this time.
18 The ten days for parties to respond is not passed, so
19 we'll move on from there and see what happens.

20 Are there any other matters that anyone
21 wants to bring up while we're on the record? I don't
22 believe there are any other pending motions out there
23 other than the Motion for a Modified Procedural
24 Schedule. An order regarding that will be on agenda
25 for Tuesday, so.

1 MR. ENGLAND: Excuse me, your Honor.

2 JUDGE WOODRUFF: Yes.

3 MR. ENGLAND: Are you talking about a

4 Modified Protective Order or Procedure?

5 JUDGE WOODRUFF: I'm sorry, I'm talking

6 about a Modified Protective Order. Did I misspeak?

7 MR. ENGLAND: I thought you said

8 procedural schedule.

9 JUDGE WOODRUFF: Okay. Well, no,

10 there's not any procedural schedule out there, so

11 sorry to give everybody heart failure. Okay.

12 Well, the reason you are here is to

13 discuss this case and give me a road map on how you

14 want it proceed as far as procedural schedule. By

15 previous order, you're directed to give me a directed

16 procedure schedule by March 25th, which is, I

17 believe, next Tuesday, so I'll expect you to have

18 that discussion and give us some idea of what we need

19 to do.

20 And as I understand, if there's a law

21 day here December 15th, so we need to have an order

22 or a procedural schedule that gives us enough time to

23 make a decision by then, and with that, then, I'll

24 leave you to your discussions unless somebody has

25 something else they wanted to bring up.

1 Hearing nothing, then I'll leave you to
2 your discussions, and I thank you for coming today.

3 WHEREUPON, the on-the-record portion of
4 the prehearing conference was concluded.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25