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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

HEARING

July 18, 2006

Jefferson City, Missouri

Volume 1

In the Matter of the Application of)
Embarq Missouri, Inc., for Competitive)Case No.
Classification under Section 392.245.5,)IO-2006-0551
RSMo 2005)

NANCY M. DIPPELL, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.
ROBERT M. CLAYTON, III,
COMMISSIONERS.

REPORTED BY:
TRACY L. THORPE, CSR, CCR
MIDWEST LITIGATION SERVICES

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A P P E A R A N C E S

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P R O C E E D I N G S

JUDGE DIPPELL: This is Case No. IO-2006-0551
in the matter of Embarq Missouri, Inc.'s application for
competitive classification under Section 392.245.5 RSMo 2005.

My name is Nancy Dippell. I'm the Regulatory
Law Judge assigned to this matter. And we've come here today
for what I think will be a very short hearing for Commission
questions basically.

We're going to begin with entries of
appearance. Can we start with Staff?

MR. MEYER: Good afternoon. David Meyer on
behalf of the Staff of the Missouri Public Service Commission.
And our address is PO Box 360, Jefferson City, Missouri 65102.

JUDGE DIPPELL: And Embarq?

MS. GARDNER: Linda K. Gardner, 5454 West
110th Street, Overland Park, Kansas 66211, appearing on behalf
of Embarq, Missouri, Inc.

JUDGE DIPPELL: And Office of Public Counsel?

MR. DANDINO: Thank you, your Honor. Michael
Dandino, Deputy Public Counsel, Post Office Box 2230,
Jefferson City, Missouri 65102, representing the Office of
Public Counsel and the public.

JUDGE DIPPELL: Okay. I'd like to begin by
asking if there would be any objection to the Commission
entering the pleadings that have been filed into evidence?

1 MS. GARDNER: No objection.

2 MR. MEYER: No objection.

3 MR. DANDINO: No objection, your Honor.

4 JUDGE DIPPELL: Then the Commission will enter
5 those pleadings into evidence.

6 And I'm going to just go ahead and swear in
7 the couple of witnesses that came to answer Commission
8 questions today.

9 Mr. Meyer, if you'd like to introduce your
10 witness.

11 MR. MEYER: I have Walt Cecil from the
12 telecommunications department with me.

13 JUDGE DIPPELL: All right. Mr. Cecil, would
14 you raise your right hand?

15 (Witness sworn.)

16 JUDGE DIPPELL: Thank you. And Ms. Gardner?

17 MS. GARDNER: John Idoux, senior manager,
18 regulatory affairs for Embark, Missouri Inc.

19 JUDGE DIPPELL: Mr. Idoux, could you raise
20 your right hand?

21 (Witness sworn.)

22 JUDGE DIPPELL: Thank you. Okay then. I'd
23 like to just begin with Commission questions.

24 Commissioner Clayton?

25 COMMISSIONER CLAYTON: Since the Judge said

1 this was going to be a short hearing, which I'm not sure if
2 that's a warning or a threat, we'll try to get right to it.

3 First of all, I want to thank the parties for
4 coming down. Hopefully, this will not take too long. The
5 application in this instance is not a lengthy application, I
6 just wanted to ask some questions because I was confused
7 reading through some of the material about the facts involved
8 in the allegations and what's going on in each of these
9 exchanges. So I appreciate you all making yourselves
10 available for this.

11 First of all, I'd like to start with
12 Mr. Cecil. And if you'd like to stay at your seat, I don't
13 think the Judge has a problem with that.

14 JUDGE DIPPELL: That's fine.

15 WALT CECIL testified as follows:

16 QUESTIONS BY COMMISSIONER CLAYTON:

17 Q. I want to ask you some questions regarding the
18 Staff recommendation. And I want to make sure that I'm
19 looking at the correct document. The document I have in front
20 of me says Staff recommendation. It has been signed by David
21 Meyer and it adopts a memorandum prepared by Walt Cecil dated
22 July 10, 2006. Mr. Cecil, is this your recommendation and
23 your filing in this case?

24 A. Yes, it is.

25 Q. Okay. Is there any other evidence or

1 allegation made by the Staff in assessing the merits of the
2 application?

3 A. No, they're not. It's completed.

4 Q. So everything that you all have filed is in
5 this recommendation?

6 A. Yes, it is.

7 Q. Okay. So the first thing I want to do, we
8 have five exchanges at issue in this case all relating to
9 residential service?

10 A. That's correct.

11 Q. Okay. We have no business service competitive
12 classification application before us. Correct?

13 A. That's correct.

14 Q. Okay. In each of the five exchanges, Buckner,
15 Lake Lotawana, Oak Grove, Odessa and Pleasant Hill, has the
16 Staff verified the existence of wireless service being
17 available in each of those exchanges? I'll ask that question
18 first.

19 A. Yes, we have.

20 Q. And in assessing whether that wireless service
21 is available, what did you do?

22 A. We contacted the companies that were
23 identified by Sprint. We received affidavits from some of the
24 companies, not all of them. And in each of the affidavits we
25 received sworn statements indicating that they had at least

1 two customers -- not necessarily exclusively residential, but
2 two customers in each exchange.

3 Q. Okay. So in each of those exchanges you have
4 some evidence that at least two customers are being served by
5 a wireless company in each of those five exchanges?

6 A. Yes, I do.

7 Q. At least one company is providing that
8 wireless service?

9 A. At least one company is providing wireless
10 service.

11 Q. Okay. And also, did you determine whether or
12 not there were local numbers available for the wireless
13 service?

14 A. Yes, I did.

15 Q. Okay. In each of those exchanges are the
16 circumstances the same or are they different? Could you
17 describe what you found?

18 A. We approached Sprint for their numbering
19 resources. They provided copies of the LERG. Pardon me,
20 Embarq. We approached Embarq. I'm sorry. That's a habit I'm
21 going to have to --

22 Q. Freudian slip.

23 A. A slip, yes. We received copies of the LERG
24 indicating assignments of phone numbers to various wireless
25 carriers and indeed to wireline carriers as well in each of

1 those exchanges. Numbers are available.

2 Q. Okay. But when you say "numbers are
3 available," the numbers are held by the wireless provider?

4 A. Yes, they --

5 Q. When a customer calls up to subscribe to
6 service, they live in Buckner, they can get a Buckner phone
7 number?

8 A. That's correct.

9 Q. And the same would be the case for each of the
10 other four exchanges?

11 A. There's what the information indicates.

12 Q. There's also some reference regarding the MCA,
13 the Metropolitan Calling Area, and I suppose some analysis
14 associated with local calling scope. Is my memory correct?

15 A. Yes. I did refer to the MCA in my memorandum.

16 Q. However, there would be no need to review the
17 MCA if there is indeed an NXX for each of these exchanges
18 available by one wireless provider?

19 A. That is true.

20 Q. There's no need to even look at the MCA and --

21 A. That is true.

22 Q. -- and other local calling scope issues?

23 A. That's correct.

24 Q. Okay. Good. Good. Okay. Now, I want to
25 talk about the wireline provider. And this is where my

1 greatest confusion came up because, Mr. Cecil, your memorandum
2 makes reference to some prior testimony. And the Judge and I
3 went through some of that testimony from other cases and I
4 suppose I want to be consistent in how we review this case by
5 what we have done in prior cases.

6 On page 5 of 6 under your heading Comcast,
7 four paragraphs down you make reference to service provided by
8 Digital Voice, that's capital D, capital V, similar to local
9 voice service provided by News Press and Gazette d/b/a St. Joe
10 Cablevision and Agency St. Joseph and Savannah. Can you tell
11 me what ILEC serves Agency St. Joseph and Savannah?

12 A. The case was filed by -- brought by Spectra.
13 In Agency, it is Spectra.

14 Q. Is Agency competitively classified?

15 A. I don't recall, to be honest.

16 Q. Where was the analysis associated --

17 A. The analysis --

18 Q. -- with the News Press and Gazette St. Joe
19 Cablevision from then?

20 A. The analysis was to reflect the technology
21 used by News Press Gazette with Sprint, the CLEC, was
22 providing technologically a similar service -- for my
23 purposes, an identical service as that provided by Comcast,
24 and that the Commission had looked at that type of arrangement
25 and approved it in this case.

1 Q. And associated with competitive classification
2 for Agency we had?

3 A. If you'll give me a moment, please.

4 Q. I couldn't find Agency. That's what really
5 threw me off. If you don't have it handy, I can move on to
6 the other exchanges.

7 I'll tell you what, Mr. Cecil. I don't want
8 to interrupt you while you're going through that, but I may be
9 able to jump around here if you don't have the material.

10 The reference in that paragraph is to
11 Supplemental Direct Testimony, John Van Eschen, filed
12 September 23, 2005 in TO-2006-0093, which I believe was the
13 SBC 30-day competitive classification case.

14 Savannah is served by Spectra. So I was
15 confused why Savannah would be included in that reference or
16 if there's something that I'm missing.

17 A. The reference was intended to show that the
18 technology that was used between the companies had been
19 approved. I apologize for the confusion. And if I -- if I
20 was less than clear, apparently I was, but my intention was
21 that the Commission has looked at this particular kind of
22 arrangement -- not so much in a particular exchange, but at
23 this arrangement and then, of course, it did make a decision.

24 And Savannah was approved by the testimony I'm
25 holding in front of me from Mr. Van Eschen. At the moment I

1 cannot find a reference to Agency.

2 Q. Savannah would have been included in a filing
3 associated with Spectra d/b/a CenturyTel that included, I
4 believe, Savannah, Macon --

5 A. Yes, sir.

6 Q. -- Lewistown --

7 A. Yes.

8 Q. -- Ewing and there was a fifth one.

9 A. La Belle.

10 Q. La Belle.

11 A. La Belle.

12 Q. I voted no in that case, just to refresh your
13 memory. And I have to go by memory because my file has
14 disappeared and I can't find my notes.

15 A. I know the --

16 Q. As I recall, my greatest concern was that the
17 small towns in Lewistown, La Belle and Ewing did not have
18 wireless numbers available to them. They'd have to get a
19 Kirksville number, Quincy number, Hannibal number, something
20 like that, which would not enable local calling. I don't
21 recall the evidence associated with Savannah.

22 Is it your testimony that the wireline
23 provider was News Press and Gazette d/b/a St. Joe Cablevision
24 in a similar arrangement?

25 A. Yes, it is. Yes.

1 Q. Okay. You're sure?

2 A. Yes.

3 Q. And St. Joe would have been in the SBC

4 classification case, and that's the same?

5 A. Yes, sir.

6 Q. Okay. Now, in the next paragraph you make

7 reference to Big River Telephone and Southeast Missouri or --

8 and SEMO in Southeast Missouri -- and I'm not sure what SEMO

9 is -- in the Amended Direct Testimony of John Van Eschen filed

10 September 22nd, the same case, would be the SBC case.

11 And it was my recollection in reviewing the

12 Report and Order, that the Commission did not accept that type

13 of service provided by Big River Telephone in reviewing the

14 exchange of Sikeston, which was one of those exchanges. Could

15 you tell me if that's correct or incorrect?

16 A. Sikeston was not approved.

17 Q. Based on what? Do you recall?

18 A. The Report and Order that I read in the case.

19 I'll have to --

20 Q. But wasn't the wireline provider Big River

21 Telephone, which is the same entity that you're referencing

22 here as support for supporting this competitive classification

23 request?

24 A. I apologize. Would you ask your question

25 again?

1 COMMISSIONER CLAYTON: Could the court
2 reporter read my question?

3 THE COURT REPORTER: "Question: But wasn't
4 the wireline provider Big River Telephone, which is the same
5 entity that you're referencing here as support for supporting
6 this competitive classification request?"

7 BY COMMISSIONER CLAYTON:

8 Q. In Sikeston that was rejected. This is where
9 I'm confused because I think -- I think the Commission granted
10 competitive classification in other Big River exchanges, but
11 not Sikeston. What I want is clarification of what the
12 difference is, if any, from the mind of Staff.

13 A. My recommendation was based upon the approval
14 with Big River and SEMO's arrangement in the exchanges of
15 Advance, Bell City, Delta, Wyatt, Pocahontas, New Wells.

16 Q. Are you looking at the SBC Report and Order?
17 Is that what you have there?

18 A. Actually, I'm looking at a page of notes, but
19 it was drawn from the Report and Order. I'll have to go back
20 and find it in the Report and Order.

21 Q. Read those towns off again, those exchanges.

22 A. Yes, sir. Advance, Bell city, Delta, Wyatt,
23 Pocahontas, and New Wells.

24 Q. On page 23 of the SBC Report and Order,
25 there's a reference to San Antonio and there's a reference and

1 Sikeston. It makes reference to Big River Telephone
2 Telecommunications and the service they're providing. And the
3 Report and Order says that that type of service is incomplete.
4 What's the difference between San Antonio,
5 Sikeston and Pocahontas, New Wells, Bell City and whoever else
6 you mentioned there? And you may not know. You weren't the
7 witness in this case.

8 A. I'm afraid I don't know.

9 COMMISSIONER CLAYTON: Do you know, Mr. Van
10 Eschen?

11 MR. VAN ESCHEN: My recollection was that Big
12 River provides service a couple of different --

13 COMMISSIONER CLAYTON: Why don't you come on
14 up here and be sworn in?

15 JUDGE DIPPELL: Come forward.

16 COMMISSIONER CLAYTON: I apologize. This is
17 where my confusion came in, because reading your
18 recommendation, there were some mixes of exchanges. And the
19 Commission also made different findings on various exchanges
20 where this type of service was referenced.

21 Now, I voted a certain way, the Commission did
22 a certain thing. I want to make sure I'm clear on what type
23 of service is being covered. And I know you weren't the
24 witness, so this may be kind of putting you on the spot for
25 cases that weren't yours in the first place and I apologize

1 for that.

2 (Witness sworn.)

3 JUDGE DIPPELL: Thank you. That's what you
4 get for coming to the hearing.

5 JOHN VAN ESCHEN testified as follows:

6 QUESTIONS BY COMMISSIONER CLAYTON:

7 Q. Thank you for your service.

8 A. Sure. My recollection is that Big River
9 provides service in a couple of different ways. One way is
10 through really a UNE-P arrangement. And I think that was an
11 issue in some of the cases, at least in the 30-day proceeding.
12 And in a 30-day proceeding, if you're providing service on a
13 UNE-P arrangement, technically a company like Big River does
14 not have any facilities of its own or an affiliate.

15 Another way that Big River provides phone
16 service is through a partnership with SEMO. And SEMO is a
17 cable TV company that operates in southeast Missouri. There
18 was some confusion over is it SEMO that's providing local
19 voice service to customers in some of the exchanges that
20 Mr. Cecil was referring to, I think Pocahontas, New Wells,
21 that group of exchanges.

22 And in the end, I'd have to say from my
23 perspective, it was Big River that claimed responsibility for
24 providing local voice service and not SEMO. SEMO's facilities
25 were being used, at least through the outside plan

1 arrangements of SEMO. And Big River was using its own switch
2 in serving those customers under that arrangement.

3 Q. So Big River and SEMO are two different
4 companies. SEMO being a cable company?

5 A. Right.

6 Q. And Big River's a telephone company clearly?

7 A. Yeah. It's a CLEC.

8 Q. So Big River Telephone -- as I recall in
9 reviewing the Report and Order, there was some reference to a
10 migration of customers from a UNE-P to a facilities-based type
11 of service --

12 A. Right.

13 Q. -- but it hadn't happened yet?

14 A. Right.

15 Q. Or there was no proof that any customers had
16 actually shifted or that the facilities were in place to
17 accept new customers?

18 A. Right. And it was kind of a sensitive time
19 because there was -- it was right in the middle of a migration
20 order. And it was a little bit unclear at the time as to
21 whether are they still serving these customers under a UNE-P
22 arrangement or something else.

23 Q. Okay. So there are different types of service
24 that would be available by Big River. Now, Big River is a
25 CLEC. Is it offering a VoIP service?

1 A. I guess I could -- I would have to say, you
2 know, they're providing a local voice service, in my mind.
3 Whether, you know, it's a -- whether it uses Internet protocol
4 technology or not, I don't know.

5 Q. They're certificated?

6 A. But they are, in my opinion, offering a local
7 voice service in a similar manner as some other arrangements
8 throughout the state that might involve a cable TV company.
9 St. Joe Cablevision is another that -- you know, some might
10 argue that they're providing a voice over the Internet type of
11 service, you know. In my mind, they're providing a local
12 voice service.

13 COMMISSIONER CLAYTON: Okay. Let me go back
14 to Mr. Cecil. He's had time to recoup. But don't go
15 anywhere.

16 MR. VAN ESCHEN: All right.

17 COMMISSIONER CLAYTON: I mean, you can sit
18 down. I'm not afraid of issuing a subpoena.

19 WALT CECIL testified as follows:

20 QUESTIONS BY COMMISSIONER CLAYTON:

21 Q. Mr. Cecil, describe the type of service that's
22 being provided by Digital Voice or Comcast or how that type of
23 service works.

24 A. Comcast -- Comcast is a Cablevision company
25 and it has an affiliate that provides voice services. I'm

1 hesitant to describe them as VoIP, because there's so many
2 different ways VoIP can be provided.

3 Q. It would be an IP-enabled service?

4 A. That's a very way to describe it, yes. That's
5 a very good way.

6 Q. You've got to know the technology, Walt.

7 A. Thank you. I need to learn that.

8 Comcast, the Cablevision company, provides the
9 facilities whereby the customer end-user is connected into a
10 network. They collect the signal at something akin to their
11 central office. I believe it's called head-end or something
12 like that. And then the signal sent to the Digital Voice
13 company, which is a Comcast affiliate. It's owned by the
14 corporate structure.

15 I'm not entirely certain how that arrangement
16 is made, but nevertheless, the local Cablevision company
17 collects the signals and sends it to the Comcast Digital Voice
18 affiliate and they convert the signal to an IP.

19 Q. Okay. Is Digital Voice dependent on a
20 broadband network? Do you have to have a broadband connection
21 in your house to get digital voice?

22 A. As in something akin to something being
23 offered by Vonage? Is that what you're asking? The answer to
24 that is no.

25 Q. Do you need a broadband connection? Do you

1 have to have broadband service? Do you have to have DSL?

2 A. Yes, you do need --

3 Q. A cable modem?

4 A. -- you do need a broadband connection to get

5 to Digital Voice.

6 Q. Now, the statute makes reference to a statute

7 that is dependent upon a broadband network. Correct?

8 A. It references that in terms of a third party

9 as in something like --

10 Q. Okay. Okay. So this service is dependent on

11 a broadband network?

12 A. Yes, it is.

13 Q. Okay. And what you're saying is that this is

14 just not a third-party broadband network?

15 A. That's correct.

16 Q. So does the statute define an affiliate or

17 what has to be an affiliate or how the companies are

18 connected? Is there a definition of what a third party is?

19 A. I'm unaware of what the definition is. I'm

20 unaware of that.

21 Q. So you would agree that in each of these

22 exchanges Digital Voice is providing the only wireline

23 competition?

24 A. That we found, yes.

25 Q. That you found. That it is dependent and

1 requires some sort of Internet broadband connection?

2 A. It requires a broadband connection, yes.

3 Q. So you have to buy the broadband connection

4 service and then you have to buy the wireline telephone

5 service in addition to that. Correct?

6 A. Comcast references on their website that you

7 can buy their telephone service as a stand-alone product.

8 It's very pricey, but you can -- you can buy it. They prefer

9 to sell a bundle of other services.

10 Q. But I didn't think Comcast was providing

11 service in this area. You said Digital Voice is the only

12 entity that's providing service.

13 A. It is between the two companies, Comcast the

14 Cablevision company and then Comcast Digital Voice affiliate.

15 Q. Well, is Digital Voice a separate company? Is

16 it a separate company from Comcast?

17 A. That's unclear. I --

18 Q. Indeed.

19 A. It is. It's very unclear. It is -- I don't

20 know how the corporate structure of the Comcast group is

21 established, but they are -- at worst, they're siblings in the

22 same family of companies.

23 JOHN IDOUX testified as follows:

24 QUESTIONS BY COMMISSIONER CLAYTON:

25 Q. Okay. Mr. Idoux, can you shed some light on

1 this? Are you aware of this type of service? Have you scoped
2 it out, checked on the competition? Do you know what's going
3 on?

4 A. I'm aware of the type of service. I am not
5 aware of the Comcast corporate structure to know which
6 subsidiary is responsible for which end of the service. I do
7 know that it's 100 percent owned by entities other than
8 Embarq, that Embarq has no affiliation, no ownership interest.
9 So, in essence, it is owned in whole by an entity other than
10 the ILEC. And I believe that would be the statutory trigger.

11 Q. So when the statute says third party, it
12 means -- third party means not Embarq is what that means --

13 A. I believe.

14 Q. -- that broadband connection?

15 A. Absolutely. I believe that is what it means
16 in this particular case. We're not going under the 60-day
17 filing where it talks about the third-party independent
18 service like Vonage. But in this particular case also, all of
19 the --

20 Q. Maybe I'm confused. See, I may be confusing
21 the statutes, so feel free to correct me without penalty.
22 30-day classification is under Subsection 5. It's point 5,
23 sub 6. It says -- well, that's not the right one. Hang on
24 just a second.

25 MR. CECIL: It's 2.

1 BY COMMISSIONER CLAYTON:

2 Q. Is it 2? A provider of local voice service
3 that requires the use of a third-party unaffiliated broadband
4 network or dial-up shall not be considered --

5 A. And that's the Vonage.

6 Q. So Vonage could not count --

7 A. Correct.

8 Q. -- as a wireline provider. Correct?

9 A. Not under the 30-day tract, that is correct.

10 Q. And we're under the 30-day tract?

11 A. That is correct.

12 Q. Okay. So Comcast, which is a cable company --
13 a cable company offers service differently than a company such
14 as Digital Voice. Digital Voice is an IP-related service that
15 goes over the Internet while a cable company would potentially
16 offer, I guess, either -- either IP or not over its own cable
17 system, wouldn't it?

18 A. I believe Digital Voice is the branding name
19 of Comcast service. Either way, it's 100 percent owned --
20 wholly owned by Comcast.

21 Q. Okay.

22 A. Because it's not a third party by any means.

23 Q. Okay.

24 A. And to qualify under the 30-day, I mean, only
25 part of this -- part of the telecom infrastructure needs to be

1 owned by Comcast. But in this particular example it's all
2 owned by either Comcast or Comcast affiliate.

3 Q. So Vonage would always find under this
4 definition because it doesn't have its own broadband network,
5 it doesn't have its own pipes out or it's own loops that go
6 out to the houses. Correct? You're always going to have to
7 procure a second service --

8 A. Correct.

9 Q. -- with Vonage or you're going to have to
10 purchase the service from another provider?

11 A. Correct.

12 Q. Now --

13 A. I mean, the Comcast Service is very similar to
14 the Mediacom service that you have here in Jefferson City. I
15 mean, the only difference would be Mediacom doesn't provide
16 all of the back-office interconnections. They use another
17 partner.

18 Q. Let me stop you right there, because This is
19 where my confusion was coming around. There was a statement
20 by someone earlier that said that Digital Voice -- or that
21 Comcast offers the service independent and aside from having
22 to get a broadband connection. Is that correct? Can you get
23 Comcast or Digital Voice phone service without having to buy a
24 broadband connection?

25 A. You can get stand-alone phone service from

1 Comcast.

2 Q. In each of these exchanges?

3 A. In each of these exchanges. As Walt said, the
4 price points are going to be, you know, different than if you
5 bundle it with another offer.

6 Q. I understand. I understand.

7 A. It is available.

8 Q. You can buy stand-alone service?

9 A. You can buy stand-alone service with local
10 numbers.

11 Q. With local numbers.

12 COMMISSIONER CLAYTON: And you confirmed that,
13 Mr. Cecil, is that --

14 MR. CECIL: Yes.

15 COMMISSIONER CLAYTON: Did you look at that or
16 did you just not look at it, I guess?

17 MR. CECIL: No. I'm able to confirm that.

18 COMMISSIONER CLAYTON: You're able to confirm
19 that. Okay. And there are local numbers associated with the
20 wireline affiliate --

21 MR. CECIL: Yes.

22 COMMISSIONER CLAYTON: -- or the wireline
23 company?

24 MR. CECIL: Yes.

25 BY COMMISSIONER CLAYTON:

1 Q. Mr. Idoux, Sprint has filed how many
2 competitive classification cases, 30-day cases?

3 A. This is the third one. Sprint, Missouri filed
4 two.

5 Q. You all had one where -- was it Green Hills
6 was the cable provider providing competition; is that correct?

7 A. That was before Senate Bill 237. If you count
8 that one, this would be No. 4. The very first one was like
9 two days after the law went into effect, Case No. IO-2006-0092
10 for exchanges in and around the KCI area. And Time Warner was
11 one of our wireline --

12 Q. Is that a cable provider?

13 A. Time Warner?

14 Q. Yes.

15 A. Yes. Residential services included
16 Ferrelview, Platte City and Weston. And we received
17 Commission approval. The vote there was 4:1. The second
18 one --

19 Q. Was I the one?

20 A. No.

21 Q. I wasn't. Okay.

22 A. It was Commissioner Gaw. And it had nothing
23 to do with the VoIP issue, according to his dissenting
24 opinion.

25 The second one was Jefferson City earlier this

1 year.

2 Q. And who was the wireline competitor?

3 A. Mediacom.

4 Q. Cable company?

5 A. Yes.

6 Q. Okay. So is this service that's being offered

7 by Digital Voice through Comcast the same type of service

8 that's being offered through Mediacom and through Time Warner?

9 A. Absolutely.

10 Q. Okay. I feel silly for doing this. My

11 confusion in reading through was the citations for prior

12 cases, the references to certain types of service where we

13 supposedly had approved that service elsewhere.

14 And the fact that Digital Voice is a

15 non-certificated affiliate providing service using some sort

16 of broadband network through the cable company threw me off

17 that maybe it wasn't something we'd already seen before and it

18 sounds like I'm mistaken in that assumption.

19 A. They're offering local voice service --

20 actually they call it all-distance. You can call your

21 neighbor or you can call across the country. They have E-911

22 service, they have local numbers. I mean, it is local phone

23 service. They have operator service.

24 Q. That can be purchased independently of --

25 A. Correct.

1 Q. -- broadband connection?

2 COMMISSIONER CLAYTON: I guess that's all I

3 got. I got nothing else up here to ask, I don't think.

4 And, Mr. Cecil, you verified that there are

5 more than one customer being served by that wireline

6 service --

7 MR. CECIL: Yes, I did verify.

8 COMMISSIONER CLAYTON: -- in each of

9 exchanges?

10 MR. CECIL: I did.

11 COMMISSIONER CLAYTON: Thank you all very much

12 for coming down.

13 If anyone has any comments, Mr. Dandino, if

14 you have any comments or if anyone needs to clarify anything,

15 that would be great.

16 JUDGE DIPPELL: Yeah, let me just ask if there

17 would be any questions from the opposing counsel for the

18 witnesses and clarifications. And, Mr. Dandino, did you have

19 any questions that you wanted to ask?

20 MR. DANDINO: I have no questions or comments.

21 Thank you.

22 JUDGE DIPPELL: Mr. Meyer?

23 MR. MEYER: I have nothing to add. Thank you.

24 JUDGE DIPPELL: Ms. Gardner?

25 MS. GARDNER: I have nothing either. Thank

1 you.

2 JUDGE DIPPELL: And would counsel like to make

3 closing arguments in lieu of briefs, or would you like to

4 waive those as well?

5 MR. DANDINO: How much time are you allowing

6 for arguments? No, your Honor.

7 JUDGE DIPPELL: Mr. Meyer, would you like to

8 make any closing remarks?

9 MR. MEYER: I don't believe so. Thank you.

10 JUDGE DIPPELL: Ms. Gardner?

11 MS. GARDNER: Just a sentence, which is

12 basically this is the same thing as the Mediacom and Time

13 Warner that has already been approved. Thank you.

14 JUDGE DIPPELL: All right. Seeing nothing

15 further then, that will conclude this hearing and the hearing

16 is adjourned. Thank you.

17 WHEREUPON, the hearing was concluded.

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