

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

SCHEDULING CONFERENCE

August 2, 2004

Jefferson City, Missouri

Volume 1

In the Matter of BPS Telephone)
Company's Election to be)
Regulated under Price Cap) Case No. IO-2004-0597
Regulation as Provided in)
Section 392.245, RSMo 2000)

NANCY M. DIPPELL, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

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

2 JUDGE DIPPELL: Okay. Let's go ahead, then, and go
3 on the record.

4 This is Case No. IO-2004-0597, In the Matter of
5 BPS Telephone Company's Election to be Regulated under Price
6 Cap Regulation as Provided in Section 392.245 by the statutes
7 of Missouri, 2000.

8 My name is Nancy Dippell, and I'm the Judge
9 assigned to this matter. And we've come here today for a
10 scheduling conference.

11 I'm going to let the attorneys make entries of
12 appearance to begin.

13 Would you begin, Mr. Snodgrass?

14 MR. SNODGRASS: Yes. Thank you, Judge.

15 Good morning. My name is Cliff Snodgrass. I
16 represent the Staff of the Missouri Public Service Commission
17 this morning. My formal business address is the Governor's
18 Office Building, Suite 800, 200 Madison Street, P. O. Box 360,
19 Jefferson City, Missouri 65102.

20 JUDGE DIPPELL: Mr. England?

21 MR. ENGLAND: Thank you, Your Honor.

22 Let the record reflect the appearance of W. R.
23 England and Sondra B. Morgan, appearing on behalf of
24 BPS Telephone Company. Our address is Brydon, Swearngen &
25 England, P.C., Post Office Box 456, Jefferson City, Missouri

1 65102.

2 MR. DANDINO: Good morning, Your Honor.

3 Michael Dandino, Office of the Public Counsel, Post
4 Office Box 2232, Jefferson City, Missouri 65102, representing
5 the Office of Public Counsel and the Public.

6 JUDGE DIPPELL: All right. Well, like I say, we --
7 we really came here this morning for a scheduling conference.
8 I did not set it by telephone. I thought since everybody was
9 local -- although Mr. England may not have wanted to walk over
10 in the rain this morning, I don't know.

11 So is there anything that needs to go on the record
12 before I let you all just discuss the procedural schedule and
13 so forth in this?

14 MR. SNODGRASS: I don't think so. I think -- but I
15 think we'd probably like an opportunity to discuss what
16 options we have here, Your Honor, and then bring those to you.

17 JUDGE DIPPELL: Okay. I did not set a time for you
18 all to file a proposed procedural schedule. But I would go
19 ahead -- I would -- I would like you to, if you could, file
20 that a week from today.

21 That's -- and I did bring down a copy of the most
22 recent Commission calendar; however, there's typically some
23 tentative dates that don't show up on this calendar.

24 So if you pick dates for a hearing, you might
25 contact me and -- and let me check on that for you to make

1 sure they're actually available, and -- if a hearing is
2 necessary.

3 MR. SNODGRASS: That would be one option we'd be
4 discussing today, whether a hearing is necessary in this case,
5 Judge.

6 JUDGE DIPPELL: We just did, as you all I'm sure
7 are all aware a similar case would be the ALLTEL case where
8 that was stipulated as to the facts.

9 I would suggest, if you do a stipulation such as
10 that, that some of the Commission questions, even in regard to
11 that stipulation, were such things as like how many lines the
12 ALEC has served in the area and that kind of thing.

13 If you can stipulate to those kinds of facts, I'm
14 sure more information like that helps the Commission.

15 Let's see. What else did I write down?

16 Also if there are cites to the record in the
17 previous BPS Price Cap case, IO-2003-0012, then you might
18 stipulate to what facts in that record -- or parts of that
19 record might be used also by the Commission.

20 And if -- and again, I'm not saying you're going to
21 do it this way. But if you do it this way and you do a
22 stipulation, I would appreciate seeing a stipulation or a
23 waiver as to the hearing, you know, specifically in that
24 stipulation also so it's clear.

25 I would suggest allotting time for oral arguments

1 even if you do some kind of stipulation. Sometimes the
2 Commissioners will still have questions.

3 As it turned out in that previous case, the
4 Commissioners didn't feel it was necessary to hear any further
5 arguments, and they didn't have any additional questions. But
6 they may have thought of some since then, so --

7 And I personally like the way that that was
8 structured, having the briefs filed before the oral arguments
9 in that case. That was helpful also. But those are just some
10 of my thoughts.

11 I don't -- I haven't really looked at the
12 Commission's calendar too closely. Looks like November is
13 pretty clear, and there are some hit-and-miss weeks in
14 September and October.

15 So I would hope that we could get that taken care
16 of before the end of the year. And that would be helpful for
17 my schedule as well.

18 Do you have any questions for me?

19 (No response.)

20 JUDGE DIPPELL: All right. Then I guess that's all
21 of the portion of the on-the-record conference, and we can go
22 off the record.

23 Thank you.

24 WHEREUPON, the on-the-record portion of the
25 scheduling conference was concluded.