

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
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6 TRANSCRIPT OF PROCEEDINGS  
7 Prehearing Conference  
8 October 16, 2003  
9 Jefferson City, Missouri  
Volume 1  
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12 In the Matter of the Spectra )  
Communications Group, LLC, d/b/a )  
13 CenturyTel, Proposed Revision to its )  
PSC MO. NO. 3 Long Distance Message ) Case No. IT-2004-0141  
14 Telecommunications Service Tariff to )  
Introduce the Promotional Macon )  
15 Expanded Calling Plan. )  
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19 KEVIN A. THOMPSON, Presiding,  
DEPUTY CHIEF REGULATORY LAW JUDGE.  
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23 REPORTED BY:  
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1 P R O C E E D I N G S

2 JUDGE THOMPSON: Good afternoon. My name is  
3 Kevin Thompson. I'm the Regulatory Law Judge assigned to  
4 preside over this matter, which is in the matter of the  
5 Spectra Communications Group, LLC, doing business as  
6 CenturyTel, proposed revision to its PSC Mo. No. 3 long  
7 distance message telecommunications service tariff to  
8 introduce the promotional Macon expanded calling plan, Case  
9 No. IT-2004-0141, Tariff No. JI-2004-0148.

10 We are here for a prehearing conference, and  
11 why don't we begin with oral entries of appearance with  
12 CenturyTel.

13 MR. DORITY: Thank you, Judge. Appearing on  
14 behalf of the applicant Spectra Communications Group, LLC,  
15 doing business as CenturyTel, Larry DORITY and James  
16 Fischer, Fischer & DORITY, PC. Our address is 101 Madison,  
17 Suite 400, Jefferson City, Missouri 65101.

18 JUDGE THOMPSON: Thank you, Mr. DORITY.  
19 Staff?

20 MR. BATES: Thank you, Judge. My name is  
21 Bruce H. Bates. I'm appearing on behalf of William Haas for  
22 the Missouri Public Service Commission Staff. My address is  
23 Post Office Box 360, Jefferson City, Missouri 65102.

24 JUDGE THOMPSON: Thank you. Then we have some  
25 intervenors. Let's see. The Missouri Independent Telephone

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1 Group.

2 MS. CHASE: Thank you, your Honor. Lisa  
3 Chase, Bryan Lade and Craig Johnson appearing on behalf of  
4 the Missouri Independent Telephone Group and Chariton  
5 Telecom Corporation, at Andereck, Evans, Milne, Peace &  
6 Johnson, LLC, 700 East Capitol, Jefferson City, Missouri  
7 65102.

8 JUDGE THOMPSON: Thank you. And the other  
9 intervenor, AT&T Communications of the Southwest?

10 MR. COMLEY: Your Honor, let the record  
11 reflect the entry of appearance of Mark W. Comley, Newman,  
12 Comley & Ruth, P.C., 601 Monroe, Jefferson City, Missouri,  
13 on behalf of AT&T Communications of the Southwest, Inc.

14 JUDGE THOMPSON: Thank you, Mr. Comley.

15 Let the record reflect that the Public Counsel  
16 is not currently present. Is there anyone else here,  
17 late-breaking intervenors? Okay. Very well.

18 This tariff was suspended, I think last week,  
19 and the Commission directed me to set this for a very prompt  
20 prehearing conference. The Commission is interested in  
21 resolving this matter as quickly as possible. And,  
22 therefore, we have not set the filing of a proposed  
23 procedural schedule off to a week from today. Instead,  
24 we're going to develop it on the record while we're all here  
25 today, which will be a change from our more typical

1 practice.

2                   Now, Mr. Bates, I think I saw you on the  
3 street during the lunch break and you told me you actually  
4 had a motion prepared. I wonder if you'd like to reveal  
5 that to us at this time.

6                   MR. BATES: Yes, your Honor. I did prepare a  
7 shell motion, and Mr. Dority asked to look at it and  
8 supplied some suggested dates, which are acceptable to  
9 Staff, as far as I know.

10                  JUDGE THOMPSON: But you have not had a chance  
11 to share this generally?

12                  MR. BATES: I have not. I just received it a  
13 short time ago, and I only have the one copy here. I'd be  
14 happy to read the dates out.

15                  MR. FISCHER: We have copies.

16                  MR. DORITY: We have copies.

17                  JUDGE THOMPSON: Why don't you read them out  
18 so that I know what they are? We can work from there.

19                  MR. BATES: According to this, the filing of  
20 direct testimony would be on November 13th, filing of  
21 rebuttal testimony on December 4th, filing of the list of  
22 issues on December 11th, filing of surrebuttal testimony on  
23 December 18th, filing of statements of positions, the order  
24 of opening statements and the order of cross-examination on  
25 December 30th, the evidentiary hearing on January 5th

1 through 7th of 2004. An expedited transcript would be filed  
2 on January 9th. The Initial Briefs would be due on  
3 January 16th, Reply Briefs on January 23rd, and a proposed  
4 request that the Commission issue its Order on or before  
5 February 12th, which would be 120 days beyond the  
6 October 15th tariff effective date.

7 JUDGE THOMPSON: Okay. Have you ascertained  
8 that those hearing dates are, in fact, open?

9 MR. BATES: They are open to counsel for  
10 Staff.

11 JUDGE THOMPSON: I mean on the Commission  
12 calendar are they open?

13 MR. BATES: I did not have time to check the  
14 Commission calendars.

15 JUDGE THOMPSON: I think that's going to be  
16 the controlling choke point here, because I think the  
17 Commission calendar is more full than I've ever seen it in  
18 the time I've been here. Every utility has come in with a  
19 rate case simultaneously. We've got to send thank you notes  
20 for that.

21 MR. BATES: I'd be happy to go upstairs and  
22 check if you'd like.

23 JUDGE THOMPSON: I think we'll have to do  
24 that, because that's going to drive everything else really.

25 MR. BATES: And are there any other dates that

1 I should be checking on besides that or simply the first  
2 three days in a row that are available?

3 MR. JOHNSON: Judge?

4 JUDGE THOMPSON: Sir?

5 MR. JOHNSON: Pardon me for interrupting, your  
6 Honor, but I was wondering whether three days was calculated  
7 or whether it was just guesstimated, and I was wondering if  
8 there might be a likelihood of trying this case in less than  
9 three days, in which case you might be able to find two  
10 consecutive day spots on the calendar before he goes up and  
11 checks it.

12 MR. DORITY: If I may respond?

13 JUDGE THOMPSON: Yes, sir.

14 MR. DORITY: It was primarily a guesstimate,  
15 Craig, knowing that the Commission likes to err on the side  
16 of having more time reserved than less. We may well be able  
17 to try this in one or two days, but three was -- we picked,  
18 and I did not have a chance to check the hearing calendar.  
19 I know from a previous case in which I was involved that  
20 there may be a conflict with the water case, I'm not sure,  
21 during that first week, but --

22 JUDGE THOMPSON: I think that there might be.  
23 The water case starts December 15th, goes for a week and a  
24 half and breaks and comes back.

25 MR. DORITY: It was somewhat fluid, and that's

1 why I went ahead and did that. In terms of the actual  
2 schedule itself, Judge, we simply looked at a -- knowing the  
3 Commission's desire to resolve this matter as quickly as  
4 possible, we simply looked 120 days out from the tariff's  
5 suspension and simply worked backwards trying to build into  
6 the proposed schedule the normal time frames that the  
7 Commission has utilized in the past. That brought us to  
8 that hearing date.

9 JUDGE THOMPSON: You did a fine job putting  
10 this together, but I think we're certainly going to have to  
11 take a look at the hearing calendar and see what's  
12 available, and perhaps we might have to make some  
13 adjustments to it based on that.

14 Bruce, did you want to go up and check the  
15 hearing calendar? We'll go ahead and recess until you come  
16 back.

17 (Discussion off the record.)

18 JUDGE THOMPSON: We've examined the hearing  
19 calendar maintained by the adjudication division and  
20 determined that the earliest available and reasonably  
21 appropriate hearing dates will be Tuesday, January 20th,  
22 2004 through Friday, January 23rd, 2004. And those four  
23 dates then will be reserved just in case unexpectedly the  
24 case will, in fact, require three days or close to three  
25 days. Any days we don't need can be relinquished when it's

1 seen that they will not be necessary.

2                   So are those dates acceptable to all of the  
3 parties?

4                   MR. DORITY: Yes, your Honor.

5                   MR. BATES: Yes, sir.

6                   MS. CHASE: Yes, your Honor.

7                   JUDGE THOMPSON: Then I will leave you to fill  
8 in the rest of the dates for the other procedural matters  
9 according to the normal intervals. Given that we've got the  
10 hearing dates, you know how long is available for filing of  
11 testimony. Afterwards I guess we'll do two rounds of  
12 simultaneous Briefs. Is that acceptable?

13                   Originally you wanted a decision by  
14 February 12th. You'll probably have to kick that out  
15 another couple weeks in view of the hearing being later than  
16 had originally been anticipated, but certainly by the end of  
17 February. How's that? That work?

18                   MR. BATES: Your Honor, do I understand that  
19 when we agree upon the dates today, you would like a motion  
20 for establishment of procedural schedule filed in the normal  
21 manner this afternoon?

22                   JUDGE THOMPSON: That would be great, this  
23 afternoon or tomorrow.

24                   MR. DORITY: Judge, in terms of the decision  
25 rendered by the end of February, how much time should we

1 allow between the filing of the Reply Briefs and the  
2 Commission taking it up?

3 JUDGE THOMPSON: A couple weeks. We'll try to  
4 get it done as quickly as we can.

5 Anything else at this point? Hearing nothing  
6 else, the prehearing conference will be adjourned. Thank  
7 you all very much for appearing today on such short notice  
8 and working cooperatively to get this thing set. Thank you.

9 WHEREUPON, the recorded portion of the  
10 prehearing conference was concluded.

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