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9 FOR: Staff of the Missouri Public
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1 P R O C E E D I N G S

2 JUDGE VOSS: Let's go on the record. Good
3 afternoon. We're here for a prehearing conference in
4 Commission Case No. TC-2006-0354, regarding a complaint
5 filed by Mr. R. Mark against Southwestern Bell Telephone
6 Company, doing business as AT&T Missouri.

7 My name is Cheryl Voss. Due to Steve Reed
8 leaving the adjudication division of the Commission last
9 month, I've been assigned as Regulatory Law Judge to this
10 case.

11 Let's start with entries of appearance,
12 beginning with AT&T, Staff and then Mr. Mark.

13 MR. GRYZMALA: Good afternoon, your Honor.
14 My name is Bob Gryzmala, representing AT&T -- I'm sorry --
15 Southwestern Bell Telephone, LP, d/b/a AT&T Missouri, One
16 AT&T Center, Room 3516 in St. Louis, Missouri 63101.

17 MR. HAAS: Good afternoon. My name is
18 William Haas. I represent the Staff of the Public Service
19 Commission in this matter. My address is Post Office
20 Box 360, Jefferson City, Missouri 65102.

21 JUDGE VOSS: Let the record reflect that
22 Mr. Mark is not in attendance today, and neither is the
23 Office of Public Counsel. Mr. Mark is not present, but
24 yesterday the Commission received a piece of return as
25 undeliverable mail from the Post Office. That piece of

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1 mail was Mr. Mark's copy of the Commission Order dated
2 June 22nd, 2006, which informed the parties, among other
3 things, of this prehearing.

4 The records department has no means to
5 contact Mr. Mark. And I'll be presenting this information
6 to the Commission at agenda next week. I realize this
7 prehearing will be of limited use, and I'd like to
8 apologize to the parties for any time wasted in attending
9 due to Mr. Mark's absence.

10 And that said, do the parties have any
11 issues they would like to address before we conclude the
12 on-the-record portion of the prehearing?

13 MR. HAAS: Judge Voss, I would add that
14 yesterday afternoon Staff member Bill Voight faxed a copy
15 of that scheduling order to Mr. Mark.

16 JUDGE VOSS: Thank you.

17 MR. GRYZMALA: Your Honor, I think my only
18 point would be that it may well be worth considering
19 ordering or directing Mr. Mark to provide some means by
20 which the Commission, your Honor and the other parties
21 might be able to communicate with Mr. Mark. I can
22 appreciate that there may be some way to reach him by way
23 of his fax machine, which he indicates he uses, but he has
24 not provided a valid address so far as we know. I can
25 tell you that we likewise had a mailing to Mr. Mark within

1 the last week that was returned undeliverable.

2 So it might be fair at this point to direct
3 Mr. Mark to provide a valid address at which he can be
4 reached and perhaps a telephone number in the event of any
5 other communications that might be necessary on a last-
6 minute basis.

7 JUDGE VOSS: Thank you. Anyone else have
8 any comments? I will definitely bring these points up to
9 the Commission next week and see what they think we should
10 do going forward, whether they want to make an exception
11 to serving him through the fax machine or what they may
12 decide, and I'll let all the parties know through issuing
13 of an Order.

14 MR. GRYZMALA: I would perhaps also add
15 that, although I wouldn't make a commitment, your Honor, I
16 would suggest that if a subsequent prehearing conference
17 is again set, we would be of a mind to move to strike the
18 complaint or to dismiss the case in the event that there
19 is a subsequent occurrence of Mr. Mark's declining to
20 show.

21 That's not to say that he affirmatively
22 declined today, but I'm just saying once we have
23 sufficient address, fair and sufficient notice, that he
24 ought to be made to appear as the Commission asked for.

25 JUDGE VOSS: If that happens, you're

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1 certainly welcome to file or make any motion to that
2 effect that you'd like to be addressed by the Commission.

3 MR. GRYZMALA: Thank you.

4 JUDGE VOSS: Thank you. If there's no
5 further comments, this will conclude the on-the-record
6 portion of the prehearing.

7 WHEREUPON, the recorded portion of the
8 prehearing conference was concluded.

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