

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

**STAFF OF THE MISSOURI PUBLIC SERVICE
COMMISSION VS.
BPS TELEPHONE COMPANY**

CASE NO. TC-2002-1076

FILED

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ORIGINAL

*Missouri
Public Service Commission*

**PREHEARING CONFERENCE
VOLUME 1**

APRIL 20, 2004

JEFFERSON CITY, MISSOURI

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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

April 20, 2004
Jefferson City, Missouri
Volume 1

Staff of the Missouri Public)
Service Commission,)
Complainant,)
vs.) Case No.: TC-2002-1076
BPS Telephone Company,)
Respondent.)

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

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14 Commission.

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

2 JUDGE DIPPELL: We can go ahead and go on the
3 record. This is Case No. TC-2002-1076, Staff of the
4 Missouri Public Service Commission versus BPS Telephone
5 Company. My name is Nancy Dippell, and I am the Judge
6 assigned to this matter.

7 We've come here today for a prehearing
8 conference -- really a conference to discuss the
9 schedule and investigation and so forth of this case.

10 I'll let you go ahead and begin with entries
11 of appearance. And would Staff begin for us?

12 MR. SNODGRASS: Yes. Good morning, Your
13 Honor. My name's Cliff Snodgrass. I represent the
14 Staff of the Missouri Public Service Commission today.
15 My business address is Suite 800, 200 Madison Street,
16 P. O. Box 360, Jefferson City, Missouri 65102.

17 MR. ENGLAND: Thank you, Your Honor. Let the
18 record reflect the appearance of W. R. England and
19 Sondra B. Morgan on behalf of the BPS Telephone
20 Company. Our mailing address is Post Office Box 456,
21 Jefferson City, Missouri 65102.

22 MR. DANDINO: Michael Dandino, Office of the
23 Public Counsel, Post Office Box 2230, Jefferson City,
24 Missouri 65102, representing the Office of Public
25 Counsel and the Public.

1 JUDGE DIPPELL: Okay. Like I say, I -- I
2 scheduled this because Staff has indicated that they
3 will need to conduct a new investigation to go forward
4 with this case, and the Commission has decided that the
5 case should go forward.

6 So I guess the first thing that I would like
7 to ask of Staff is if you have any kind of a time line,
8 how long you think it will take to conduct a new
9 investigation?

10 MR. SNODGRASS: I think we do. And just to
11 confirm that, I'd like to have David Winters speak to
12 that.

13 Come on up here, Dave.

14 MR. WINTERS: The Staff's reviewed the
15 information. Our test year was -- ended 12/31/2001.
16 We believe that the current test year would probably be
17 12/31/2003, and we would probably need a minimum of
18 180 days to start -- from the start of our audit work
19 to the completion date of our files.

20 JUDGE DIPPELL: And, Mr. Snodgrass, is -- I'm
21 just kind of talking out loud here, but is there any --
22 is there any benefit in amending your complaint with
23 new information versus filing a new complaint and a new
24 case?

25 MR. SNODGRASS: Well, I -- I think that the

1 thrust of Staff's -- of Staff's point here is that we
2 do need to get new information. So I haven't really --
3 hadn't thought about that particular question.

4 How do you feel about that, Dave? Do we need
5 to amend our complaint in this matter because of the
6 new audit?

7 MR. WINTERS: The -- the problem we run into
8 is the telecommunications industry is so dynamic right
9 now, and the changes are so material that whether or
10 not our complaint, as such, really represents that
11 the -- where we're -- where we would be at today if we
12 had to file it. And that's why we would have to update
13 and bring it up to the 2003 test year.

14 JUDGE DIPPELL: And I was just wondering if --
15 I hate seeing a 2002 case on the books, so I was just
16 wondering if there would be any benefits or detriments
17 to closing this case -- or having a new complaint filed
18 by Staff when they get their information versus -- and
19 closing this old one.

20 It's -- it's really a -- I think a procedural
21 matter.

22 MR. SNODGRASS: We're -- we're willing to look
23 at that option, Judge.

24 JUDGE DIPPELL: I -- I'm certainly not
25 directing you to do that, but I'm --

1 MR. SNODGRASS: I understand that. But we'll
2 think about that.

3 JUDGE DIPPELL: Like I say, just thinking out
4 loud really.

5 Well, I will definitely order -- I would like
6 you all today to discuss what your schedules and time
7 lines are gonna be and what you think -- what kind of
8 discovery and that kind of thing.

9 And I don't know -- like I say, the Commission
10 decided that this case should go forward unless a Judge
11 should tell it that it should not go forward, like it
12 has once before.

13 So I don't think I really have anything
14 further. If you all want to discuss the -- how is this
15 gonna go forward, and then I'll probably just ask for a
16 status report in, like, 60 days or something to find
17 out where -- how the investigation is progressing.

18 And if --

19 MR. SNODGRASS: Judge, would that status
20 report be from our prehearing conference negotiations
21 or --

22 JUDGE DIPPELL: Well, maybe -- maybe that
23 would be a good suggestion. Maybe I should ask for a
24 status report after your prehearing conference
25 discussions to find out what kind of a time line --

1 procedural schedule you all expect this to take.

2 And then we can -- if -- if I'm -- I'm kind of
3 assuming that there's gonna need to be some time in
4 here for some discovery and some further data
5 collection.

6 So I'm assuming that this case is not going to
7 progress as quickly as it would have if we hadn't had
8 the stall that we did. So that's probably a better
9 idea.

10 I -- I think I'll direct you all to give me a
11 status report in a week as to what you --

12 MR. SNODGRASS: In a week?

13 JUDGE DIPPELL: Yeah, as to what your
14 discussions were and what kind of time lines you're
15 seeing on this. And we'll --

16 MR. SNODGRASS: Do you want those from the
17 separate parties or is a joint report -- I think I
18 would prefer --

19 JUDGE DIPPELL: Joint would be fine, unless
20 you all can't agree --

21 MR. SNODGRASS: Okay.

22 JUDGE DIPPELL: -- and then I think you may
23 have --

24 MR. SNODGRASS: All right.

25 JUDGE DIPPELL: And then you may file

1 separately, and then I'll -- I'll determine a
2 procedural schedule from there --

3 MR. SNODGRASS: All right.

4 JUDGE DIPPELL: -- and keep this moving along.

5 Are there any things that you all want to
6 bring to my attention or discuss with me?

7 (No response.)

8 JUDGE DIPPELL: All right. Then I will leave
9 you all to your discussions. We can go off the record.

10 Thank you.

11 MR. SNODGRASS: Thank you, Judge.

12 WHEREUPON, the on-the-record portion of the
13 prehearing conference was concluded.

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