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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

FRANCES LANGERUD,)
)
Complainant,)
)
V.) Case No. TC-2002-349
)
CENTURYTEL,)
)
Respondent.)

PREHEARING CONFERENCE
Volume 2
Wednesday, August 13, 2003
Governor Office Building
200 Madison Street
Jefferson City, Missouri 65101

NANCY DIPPELL, Presiding,
SENIOR REGULATORY LAW JUDGE

REPORTED BY:

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APPEARANCES:

SONDRA B. MORGAN, Attorney at Law
BRYDON, SWEARENGEN & ENGLAND
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FOR: Spectra Communications Group d/b/a
CenturyTel.

BRUCE H. BATES, Associate General Counsel
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FOR: Staff of the Missouri Public Service
Commission.

MICHAEL DANDINO, Senior Public Counsel
PUBLIC COUNSEL'S OFFICE
P. O. Box 7800
Jefferson City, Missouri 65102

FOR: Office of the Public Counsel and
the Public.

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P R O C E E D I N G S

JUDGE DIPPELL: This is Case TC-2002-349,
Francis Langerud -- I'm not sure if I'm pronouncing it
correctly -- versus CenturyTel.

And I am Nancy Dippell, the regulatory law
judge assigned to this matter. We've come here today for
a prehearing conference to discuss finally finishing this
case.

So I'm going to go ahead and ask the attorneys
to make their entries of appearance.

Mr. Bates.

MR. BATES: Good morning, Your Honor. My name
is Bruce H. Bates. I represent the Staff of the Missouri
Public Service Commission. My address is
Post Office Box 360, Jefferson City, Missouri 65102.

MS. MORGAN: Sandra B. Morgan of the law firm
Brydon, Swearngen and England, appearing on behalf of
Spectra Communications Group LLC, doing business as
CenturyTel. My address is Post Office Box 456,
Jefferson City, Missouri 65102.

JUDGE DIPPELL: All right. The original
complainant has actually been dismissed from this case.
It's a little unusual. And so we weren't expecting that
person to show up today. I was expecting Public Counsel
to show up, but they're not here. So we'll proceed

1 without them.

2 Basically I called you all here because it
3 appears that you've worked out a settlement agreement to
4 this case, but it wasn't filed in a form that I felt the
5 Commission could take action on, what the parties are
6 asking the Commission to do. I don't believe the
7 Commission has jurisdiction to actually order monetary
8 funds to be paid.

9 If that is the agreement that the parties have
10 reached, the parties could certainly put that in the form
11 of a settlement agreement, explaining the rights and
12 privileges each has given up, such as a hearing, right to
13 a hearing, a right to continue on for penalties, whatever
14 those rights may be, put that in the form of a settlement
15 agreement, and I believe it could be presented to the
16 Commission to approve that agreement.

17 But the joint response indicated that the
18 parties wanted the Commission to order monetary funds to
19 be paid, and I don't believe, unless you all can show me
20 where the Commission has that jurisdiction, that the
21 Commission can actually do that.

22 We can certainly approve an agreement if that's
23 what the parties have agreed to do, but I don't think
24 that's something the Commission has the power to actually
25 order be done.

1 So that's the reason that I wanted to bring you
2 all in here, to figure out exactly how you wanted to take
3 it from here and go forward.

4 It's not that I have any concerns about your
5 agreement. I haven't, obviously, discussed it with the
6 Commission. There is always a possibility that they
7 won't approve what you've agreed to.

8 But it was more of a procedural issue with me
9 in how we were going to put it in a format that the
10 Commission could actually take action on.

11 MS. MORGAN: Okay.

12 JUDGE DIPPELL: Do you-all have any questions
13 about that?

14 MS. MORGAN: A stipulation and agreement, in
15 other words, would be acceptable?

16 JUDGE DIPPELL: I believe that would be the
17 appropriate format.

18 MS. MORGAN: Okay.

19 JUDGE DIPPELL: Again, it looks like you all
20 have reached an agreement. I think it's the kind of
21 agreement that the Commission has, as Mr. Bates pointed
22 out in his pleading, approved in the past. So I don't
23 believe there is any problem with that.

24 And Mr. Dandino has joined us from the Office
25 of Public Counsel.

1 MR. DANDINO: I apologize, Your Honor.

2 JUDGE DIPPELL: Would you like to go ahead and
3 make your appearance, Mr. Dandino?

4 MR. DANDINO: Yes. Michael Dandino, Office of
5 the Public Counsel, Post Office Box 7800, Jefferson City,
6 Missouri 65102, representing the Office of Public Counsel
7 and the public.

8 JUDGE DIPPELL: Thank you.

9 I was just explaining, Mr. Dandino, that I
10 didn't have a problem with the fact that the parties
11 have -- what appears to have worked out an agreement
12 here. It was more the format of that agreement.

13 And we were discussing, perhaps, putting that
14 actually in a format of a stipulation and agreement,
15 something the Commission could approve.

16 And I believe you had pointed out that there
17 needed to be some evidence on the record for the
18 Commission to make a decision.

19 And so if you all think that you can do that,
20 then I'd just let you go ahead and put that in the form
21 of a stipulation and agreement and present it to the
22 Commission for approval and we'll take it from there.

23 MR. DANDINO: That is exactly my concern, too,
24 Your Honor.

25 JUDGE DIPPELL: Okay.

1 Is there anything else then?

2 MS. MORGAN: I don't think so.

3 JUDGE DIPPELL: All right.

4 Thank you for coming in and letting me get this
5 straightened out.

6 I look forward to this case finally ending.

7 MR. BATES: Your Honor, would you like to set a
8 date by which we should file that?

9 JUDGE DIPPELL: I'll leave that to you all. I
10 mean, the sooner the better.

11 And if Staff would go ahead and either in its
12 pleading -- if you-all actually are the ones to file the
13 stipulation, if you want it in your pleading, sort of
14 give suggestions in support, or if you want to file those
15 afterwards, that would be good also, explaining to the
16 Commission the reason the Staff thinks this is a
17 reasonable agreement, like Staff typically does in the
18 case of a stipulation and agreement. That would be
19 helpful for the commissioners, I'm sure.

20 But, you know, I don't know what your workloads
21 are like. I'm going to be out of the office the last
22 week of August, so I won't take any action on it that
23 particular week.

24 But if you want to file it by the end of August
25 or something, that would probably be helpful.

1 Any other questions? All right.
2 Then we can go off the record.
3 WHEREUPON, the on-the-record portion of the
4 Prehearing Conference was concluded.
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