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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Second Pre-Hearing Conference
August 27, 2007
Jefferson City, Missouri
Volume 2

Staff of the Public Service)
Commission, of the State)
Missouri)
)
Complainant,) Case No.
) TC-2007-0413
)
Time Warner Cable Information)
Services (Missouri), LLC)
)
Respondents.)

BENJAMIN H. LANE, Presiding,
REGULATORY LAW JUDGE

REPORTED BY:
MINDY VISLAY, CCR
MIDWEST LITIGATION SERVICES

A P P E A R A N C E S

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FOR: Staff of the Missouri Public
Service Commission.

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

2 JUDGE LANE: It is the appointed hour.
3 It's ten o'clock on August 27th, and we're here for a
4 second pre-hearing conference in Case No.
5 TC-2007-0413; that is Staff of the Missouri Public
6 Service Commission versus Time Warner Cable
7 Information Services, Missouri, L.L.C.

8 The Commission's order establishing this date was
9 issued on July 12th. And as I mentioned, there's
10 already been one pre-hearing conference. We also have
11 established, in the same order, a date by which a list
12 of issues and witnesses are due and a date for the
13 evidentiary hearing should one be necessary.

14 Before we go any further, I guess I'd like to
15 start out by taking oral entries of appearance for
16 everyone that's present here today.

17 Let's begin with the Complainant; the Staff of the
18 Public Service Commission of Missouri.

19 MS. HEINTZ: Jennifer Heintz, H-E-I-N-T-Z,
20 and Blaine Baker for the Staff of the Missouri Public
21 Service Commission, P.O. Box 360, Jefferson City,
22 Missouri 65102.

23 Also here, from the Telecommunications Staff, are
24 John Van Eschen and Myron Couch.

25 JUDGE LANE: Thank you very much.

1 From Time Warner Cable Information Services,
2 Missouri.

3 MR. DeFORD: Paul DeFord at the Law Offices
4 of Lathrop and Gage, 2345 Grand Boulevard, Kansas
5 City, Missouri 64108 appearing on behalf of Time
6 Warner. Also appearing is Julie Lane.

7 MS. LANE: Julie Lane with Time Warner
8 Cable, 290 Harper Drive, Stamford, Connecticut 06902.

9 JUDGE LANE: Thank you very much for
10 participating this morning.

11 From the Office of Public Counsel.

12 MR. DANDINO: Thank you, Your Honor.
13 Michael Dandino, Deputy Public Counsel, Post Office
14 Box 2230, Jefferson City, Missouri 65102 representing
15 the Office of Public Counsel and the public.

16 JUDGE LANE: Thank you very much.

17 Anyone present that has not entered their
18 appearance or that I have overlooked? Very well then.

19 As there's already been one pre-hearing
20 conference, I know the parties are well familiar with
21 the issues, which at this point in the case appear to
22 be primarily legal. The defense raised by Time Warner
23 Cable is preeminently a legal defense, one indicating
24 that they are not required to submit the quarterly
25 service reports that Staff claims -- or alleges --

1 have not been filed. So, that's the issue to be
2 determined.

3 MS. HEINTZ: Just for the record, Your
4 Honor, I would like to state that Time Warner actually
5 has filed reports. So, the issue now is whether or
6 not the reports are actually complying with the rules,
7 not that they haven't filed anything at all.

8 JUDGE LANE: I'm glad to hear that, because
9 I did not know that. I know that, in their initial
10 answer, they had promised to file the reports by a
11 date certain. And I didn't know if -- it appeared
12 that date had come and gone with no reports having
13 been filed.

14 MS. HEINTZ: I apologize if the Notice
15 didn't get filed, but they have filed.

16 MS. LANE: I'm not sure there's any
17 argument that we don't believe, under the current
18 status, that there's no obligation to file. I don't
19 think we're arguing against that.

20 JUDGE LANE: All right. Okay, so we're --
21 I guess there was a request; however -- wasn't
22 there -- on behalf of Time Warner Cable, that the
23 Commission dismiss that complaint upon receipt of the
24 fourth quarter 2006 and the first quarter 2007
25 reports?

1 MS. LANE: That's right. We've actually
2 filed first quarter and second quarter 2007 reports.

3 JUDGE LANE: Yes. And you have
4 requested -- at least in the most current pleading
5 that I have -- dismissal of Staff's complaint based
6 upon those filings; is that correct?

7 MS. LANE: That's correct.

8 JUDGE LANE: So, we still have a live
9 issue, and that being whether dismissal is warranted
10 or whether the complaint should move forward even
11 though the reports themselves have now been filed.

12 Am I on the same page with everyone on that.

13 MS. HEINTZ: That's right. And we're going
14 to be talking about what's been filed and the
15 compliance off the record.

16 JUDGE LANE: Great. I just wanted to make
17 sure that I was up-to-speed as to where we were in
18 this case.

19 Thank you, Miss Heintz, for providing additional
20 information.

21 We've been through this process before, and
22 everyone here is very much aware of the issues and
23 what happens at these pre-hearing conferences.
24 Normally I would talk about that, but we've all been
25 through that before.

1 So, unless the parties have any further questions
2 of me or think there's any other way that I can
3 contribute to this process before bowing out, I will
4 take my leave and leave the parties here to discuss
5 the issues before them -- kind of get a heads-up on
6 where the parties are and where they want to be.

7 I already mentioned the existing deadlines for the
8 list of issues and witnesses, and the evidentiary
9 hearing, which are set in the future. Should any
10 additional filings -- any additional pleadings -- be
11 filed as a result of this second pre-hearing
12 conference, I'll certainly be willing to issue
13 appropriate orders based on those pleadings.

14 Unless there's anything else, I'm going to take us
15 off the record. Thank you, everyone, for
16 participating this morning.

17 And Mr. DeFord, I'm sorry I was not -- I'm glad we
18 were able to get this scheduled via phone on such
19 short notice. I'm glad we were able to get that
20 accomplished and that you could actually meet and have
21 your client be present as well. I appreciate your
22 e-mailing and getting the ball rolling on that.

23 MR. DeFORD: Thank you.

24 JUDGE LANE: With no further adieu then,
25 we're off the record.

1 (WHEREIN, the recorded portion of the pre-hearing
2 conference was concluded.)

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1 CERTIFICATE OF REPORTER

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4 I, Mindy Vislay, Certified Court Reporter with the
5 firm of Midwest Litigation Services, and Notary Public
6 within and for the State of Missouri, do hereby
7 certify that I was personally present at the
8 proceedings had in the above-entitled cause at the
9 time and place previously described; that I then and
10 there took down in Stenotype the proceedings had; and
11 that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such
13 time and place.

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Mindy Vislay, CCR

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Notary Public (County of Cole)

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My commission expires March 19, 2011

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