

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Prehearing Conference

OCTOBER 2, 2008
Jefferson City, Missouri
Volume 1

Socket Telecom, LLC,)
Complainant,)
v.) Case No. TC-2008-0225
CenturyTel of Missouri,)
LLC and Spectra)
Communications Group,)
LLC d/b/a CenturyTel,)
Respondents.)

MORRIS L. WOODRUFF, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:

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

2 JUDGE WOODRUFF: Good morning, everyone.

3 Let's go ahead and get started. We're here for a

4 prehearing conference in Case No. TC-2008-0225.

5 We'll begin by taking entries of appearance beginning

6 with Socket.

7 MR. LUMLEY: Good morning, Judge. Carl

8 Lumley appearing on behalf of Socket Telecom, LLC.

9 My address is 130 South Bemiston, Suite 200, Clayton,

10 Missouri 63105.

11 JUDGE WOODRUFF: And for CenturyTel.

12 MR. DORITY: Thank you, your Honor.

13 Appearing on behalf of CenturyTel of Missouri, LLC,

14 and Spectra Communications Group, LLC, doing business

15 as CenturyTel, Larry W. DORITY, Fischer & DORITY, PC.

16 Our address is 101 Madison, Suite 400, Jefferson

17 City, Missouri 65101.

18 JUDGE WOODRUFF: Thank you. And for

19 Staff.

20 MR. HAAS: Good morning, your Honor.

21 William K. Haas appearing on behalf of the Staff. My

22 address is Post Office Box 360, Jefferson City,

23 Missouri 65102.

24 JUDGE WOODRUFF: Thank you. And Public

25 Counsel is not present today, and I assume they're

1 not gonna be participating, so that will be all the
2 parties.

3 I scheduled this prehearing conference
4 to give the parties a chance to get together and
5 discuss how they want to proceed in this case, either
6 through a procedural schedule for a hearing or I
7 wanted you to consider a possibility -- and this is
8 more a question than a command: Is there any factual
9 dispute here or is this simply a matter of asking the
10 Commission to make an interpretation of the
11 interconnection agreement?

12 Do you have any views on that?

13 MR. LUMLEY: I --

14 MR. DORITY: I'm sorry. No, go ahead.

15 MR. LUMLEY: I think some issues, here's
16 the contract, what does it mean kind of issues, but
17 there are other issues having to do with the proper
18 way of studying traffic and making determinations and
19 things like that where you're gonna have to hear
20 testimony, so I don't think it's a case where we can
21 completely avoid an evidentiary hearing.

22 MR. DORITY: I would tend to agree with
23 that, Judge. We may be able to narrow the issues
24 that are actually tried, but as you are aware, we've
25 been through mediation on this case, so I think we've

1 identified a number of the areas where we do have
2 disagreement, but I think it will require an
3 evidentiary hearing and testimony to be filed.

4 In that light, last evening we had
5 prepared -- if I might have leave to just come up --
6 a proposal that perhaps we could just use as a
7 talking point, and I was trying to look at the
8 Commission's calendar and also just the typical
9 timelines or timeframes that are used between the
10 various forms of testimony that are filed, and I
11 guess one of the concerns while this matter has been
12 before the Commission for some period of time due to
13 the mediation and we've also had other settlement
14 discussions that address some of these issues, each
15 party has information in its possession.

16 However, much of that was obtained in
17 the course of either confidential settlement
18 discussions or the mediation process, so, you know,
19 we may need to have a period for discovery or at
20 least an opportunity to reach some agreement among
21 the parties as to what can be used vis-a-vis in the
22 connection of the case versus, you know, what would
23 be considered confidential information that we would
24 need to pursue in the normal course of discovery, and
25 so I've just put in a very brief time frame for that

1 to happen.

2 And then looking at filing concurrent
3 testimony by both companies having an opportunity for
4 Staff to file testimony and then both of us filing
5 rebuttal in response to our direct and Staff, and
6 I've also tried to avoid the Christmas holidays to
7 the extent I could, and those hearing dates appeared
8 to be available.

9 I know the Commission has major rate
10 cases going on throughout the rest of the course
11 of this year. I believe you have a true-up hearing
12 in Ameren the first part of that week. At least
13 it's reserved. But I think those two days were
14 available.

15 So anyway, I just put this together as
16 perhaps a starting point. And we may need some time
17 to visit it to see -- to see what's doable.

18 JUDGE WOODRUFF: I think that's helpful.
19 I do have a concern about the January hearing dates,
20 and as you mentioned, the Ameren rate case is around
21 that time and that's when we'll be writing the order,
22 so I would appreciate if you could move the hearing
23 back into February.

24 MR. DORITY: Okay.

25 JUDGE WOODRUFF: The way we've been

1 working on rate cases, the Ameren rate case
2 operational law date is February 29th and we're
3 working on -- we've been trying to get orders out 30
4 days in advance of that, so I would need to have my
5 Ameren order out by the end of January.

6 So if we could have this hearing like
7 the first week of February or thereabouts, it would
8 certainly be of assistance to me.

9 MR. LUMLEY: We've actually got a
10 schedule that would propose the hearing be the first
11 week in March, so even a little bit further out.

12 JUDGE WOODRUFF: That would be helpful.

13 MR. DORITY: Okay.

14 JUDGE WOODRUFF: All right. Anything
15 else we need to discuss while we're on the record?

16 MR. DORITY: Not that I'm aware of. And
17 I would like to thank your Honor and the parties for
18 agreeing to reschedule the prehearing. That helped
19 me out and I appreciate that.

20 JUDGE WOODRUFF: That's great. And as
21 it turns out, we don't have agenda today anyway so we
22 don't have to worry about that.

23 All right, then. With that, then the
24 on-the-record portion of this hearing is adjourned,
25 and I'll leave you to your discussions. And if you

1 could give me a procedural schedule by next week.

2 MR. DORITY: Okay.

3 JUDGE WOODRUFF: Thank you.

4 (WHEREUPON, the recorded portion of the
5 prehearing conference was concluded.)

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