

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION

3 TRANSCRIPT OF PROCEEDINGS

4 Hearing

5 May 31, 2000  
6 Jefferson City, Missouri  
7 Volume 1

8 In the Matter of the Application )  
9 of Fiber Four Corporation d/b/a )  
10 KLM Long Distance for a Certificate) Case No. TA-2000-23  
11 of Service Authority to Provide )  
12 Interexchange and Local Exchange )  
13 Telecommunications Services in )  
14 Missouri )

15 In the Matter of the Revised Tariff)  
16 Filing of Fiber Four Corporation ) Case No. TA-2000-24  
17 d/b/a Holway Long Distance )

18 In the Matter of the Revised Tariff)  
19 Filing of Fiber Four Corporation ) Case No. TA-2000-25  
20 d/b/a Iamo Long Distance )

21 In the Matter of the Application )  
22 of Fiber Four Corporation d/b/a )  
23 Rock Port Long Distance for a ) Case No. TA-2000-27  
24 Certificate of Service Authority )  
25 to Provide Interexchange and Local )  
Exchange Telecommunications )  
Services )

BILL HOPKINS, Presiding,  
SENIOR REGULATORY LAW JUDGE.

SHEILA LUMPE, Chair,  
M. DIANNE DRAINER, Vice-Chair  
COMMISSIONERS.

REPORTED BY:  
KELLENE K. FEDDERSEN, CSR, RPR  
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P R O C E E D I N G S

JUDGE HOPKINS: This is May 31, 2000, and the case is No. TA-2000-23, 24, 25 and 27, collectively known as the Fiber Four cases. And today we are hearing the parties' presentation of the Stipulation and Agreement, and this hearing is taking place in the Commission's hearing room in Jefferson City, Missouri. It's approximately 10 a.m., Bill Hopkins presiding.

Do we have entries of appearance? Okay. Thank you. Bill Haas for the Staff. And you're going to have to tell me your name.

MR. SCHAEFER: Kurt Schaefer for --

JUDGE HOPKINS: Kurt Schaefer. I'm sorry.

MR. SCHAEFER: -- for AT&T.

JUDGE HOPKINS: For AT&T.

MS. MORGAN: Sondra Morgan.

JUDGE HOPKINS: Sondra Morgan. Mr. Dandino for Public Counsel.

Before I call the Commissioners in here, is there anybody who has anything to say preliminarily?

(No response.)

Hearing no response, I'm assuming that no one has any questions or statements or motions or anything preliminary to begin this. I am going to go

1 fetch the Commissioners and then we will be able to  
2 begin with this presentation, and I'm assuming that  
3 you-all want to do this -- Ms. Morgan, you would go  
4 first, is that --

5 MS. MORGAN: That's fine.

6 JUDGE HOPKINS: -- how you're wanting to do  
7 that?

8 MS. MORGAN: That's fine. I guess I do have  
9 a question as to procedure. I mean, I do have a  
10 witness here. Will she be called to the stand?

11 JUDGE HOPKINS: We will be glad to do that.

12 MS. MORGAN: Or just wait and see what the  
13 Commissioners' questions are or how --

14 JUDGE HOPKINS: It would be nice if we had a  
15 witness. I appreciate you bringing her, and that  
16 would be very helpful. And we'll try to conduct this  
17 similar to what we do in an evidentiary hearing.  
18 We'll let you go first. Then if any of the other  
19 attorneys have questions, they can ask them, and then  
20 we will ask if there's any questions from the Bench,  
21 meaning the Commissioners, or I might have some, and  
22 then if anybody needs to do any redirect because of  
23 the questions from the Bench, we will allow that also.

24 MS. MORGAN: Ms. Callahan did not file the  
25 testimony in this case. Will it be necessary for her

1 to adopt the testimony that was filed or do we need  
2 to --

3 JUDGE HOPKINS: I don't think so. This is  
4 kind of an informal hearing type of deal. We just  
5 want to actually see what type of progress is being  
6 made here and we want to make sure this case is on  
7 track because we've got operations of law date, which  
8 you know.

9 Anything else? No one else has any further  
10 questions or statements. Ms. Morgan, I'm sorry, what  
11 is your witness' name?

12 MS. MORGAN: Phyllis Callahan.

13 JUDGE HOPKINS: Phyllis, P-h-y-l-l-i-s?

14 MS. MORGAN: Yes.

15 JUDGE HOPKINS: Callahan, C-a-l-l --

16 MS. MORGAN: -- a-h-a-n.

17 JUDGE HOPKINS: -- a-h-a-n. And you are  
18 with Fiber Four?

19 MS. MORGAN: Well, she's with Warner,  
20 Gessinger & Associates. She was a consultant for  
21 Fiber Four in this case.

22 JUDGE HOPKINS: Okay. We'll have her put  
23 all that on the record.

24 We're going to go off the record now and I'm  
25 going to go fetch the Commissioners.

1 (Discussion off the record.)

2 JUDGE HOPKINS: Thank you. We're back on  
3 the record now. We have Commissioner Lumpe and  
4 Commissioner Drainer with us.

5 Is there anything that happened off the  
6 record while we were off the record?

7 (No response.)

8 Hearing no response, we will proceed, and we  
9 will let Ms. Morgan call Phyllis Callahan first.

10 MS. MORGAN: I have a short opening that I  
11 would like to give that's sort of the procedural  
12 history --

13 JUDGE HOPKINS: Please go right ahead.

14 MS. MORGAN: -- of this complicated  
15 proceeding, and I think it may help to answer some  
16 questions before we get started.

17 When the four companies that comprise Fiber  
18 Four, Rock Port Telephone Company, Iamo Telephone  
19 Company, Holway Telephone Company and KLM Telephone  
20 Company, were in the process of implementing their  
21 intraLATA dialing parity plans and found that the  
22 customers of the local exchange companies were not  
23 going to have adequate choices for long distance  
24 service due to the loss of the primary toll carrier  
25 plan and AT&T's decision to not provide 1+ service in

1 those exchanges, the companies decided that they  
2 should find a way to offer toll services to their  
3 local exchange customers.

4 Since Fiber Four Corporation was already  
5 certificated as a competitive interexchange company in  
6 Missouri, the companies first filed an intrastate long  
7 distance message telecommunication service tariff for  
8 Fiber Four Corporation with the Commission on  
9 June 25th, 1999.

10 This tariff proposed to provide intrastate  
11 toll services in the exchanges served by the four  
12 local exchange companies, but in order to provide toll  
13 services tailored to the individual needs of the  
14 customers of each local exchange company and to  
15 reflect the different costs involved, which were  
16 primarily access, encountered in each LEC's exchanges  
17 Fiber Four sought to implement different toll services  
18 at different rates in each LEC's service area.

19 Fiber Four also sought to do business using  
20 four fictitious names related to the underlying LEC,  
21 for example the Rock Port Long Distance, Iamo Long  
22 Distance, Holway Long Distance and KLM Long Distance.

23 After review of this tariff, the Staff of  
24 the Commission recommended the application -- that the  
25 tariff not be approved and further recommended that

1 the companies instead file individual applications for  
2 certificates of service authority for each fictitious  
3 name.

4 On July 15th, 1999 Fiber Four filed four  
5 applications with the Commission seeking certificates  
6 of service authority to provide interexchange  
7 telecommunications service for each fictitious name.  
8 And since time was getting short at that point before  
9 the implementation of intraLATA dialing parity, the  
10 companies asked for expedited treatment.

11 AT&T Communications of the Southwest  
12 intervened in these individual cases. AT&T stated  
13 that it did not oppose approval of the applications or  
14 the underlying tariffs but intervened to insure that  
15 these applications were treated and processed in the  
16 same manner as AT&T's proposed intraLATA overlay plan  
17 tariff.

18 The Commission granted intervention to AT&T  
19 but denied its request to consolidate these  
20 applications with AT&T's overlay tariff. The  
21 Commission did consolidate the four Fiber Four  
22 applications, however.

23 By Orders on June 29th -- July 29th, 1999,  
24 the Commission granted a temporary certificate of  
25 service authority to Fiber Four doing business as Rock



1 Port Long Distance and Fiber Four doing business as  
2 Iamo Long Distance. On August 26th, 1999, the  
3 Commission granted temporary certificates to Fiber  
4 Four doing business as Holway Long Distance and doing  
5 business as KLM Long Distance.

6 The parties to the consolidated case  
7 proposed a procedural schedule to the Commission which  
8 was adopted and filed both direct and rebuttal  
9 testimony.

10 Because of the controversy these filings had  
11 engendered regarding possible geographic toll  
12 deaveraging and because after further reflection the  
13 individual companies decided that it would make more  
14 sense to provide the long distance service to their  
15 customers through the use of either a separate  
16 division of the LEC or through subsidiaries or  
17 affiliates, Fiber Four proposed that the parties to  
18 this case enter into a Stipulation and Agreement.

19 In the Stipulation and Agreement, Fiber Four  
20 agreed that the individual companies would file new  
21 applications with the Commission requesting new  
22 certificates of service authority to provide the long  
23 distance service in their respective service areas and  
24 requesting Commission approval for the transfer of the  
25 assets which were primarily the customer list used in

1 providing the service from Fiber Four to the new  
2 entity.

3 Fiber Four also agreed that at such time as  
4 these new certificates were granted by the Commission  
5 and new tariffs approved, it would withdraw the  
6 applications which make up this consolidated case.  
7 The parties have stipulated and agreed that once Fiber  
8 Four transfers the assets and withdraws the  
9 applications, there's no need for a hearing.

10 The individual companies have now all filed  
11 new joint applications with Fiber Four which are  
12 currently pending before the Commission. In these  
13 joint applications, Fiber Four requests authority to  
14 transfer the assets used in providing long distance to  
15 the individual LEC's service areas and asks that the  
16 certificates Fiber Four now holds and the current  
17 tariffs be canceled.

18 Tariffs were filed with these applications  
19 which are substantially similar to the tariffs now in  
20 place. These tariffs bear effective dates 45 days  
21 from the dates the applications were filed. The last  
22 two applications and tariffs filed bear effective  
23 dates of July 10th.

24 We believe that this will allow the  
25 Commission sufficient time to consider the request for

1 authority before the expiration of the temporary  
2 certificates. We believe that this is a good  
3 resolution of this case and that the Commission should  
4 approve the Stipulation and Agreement as agreed to by  
5 the parties.

6 I'll be happy to answer any questions I can.  
7 I also have Ms. Phyllis Callahan of Warner,  
8 Gessinger & Associates here today. She has served as  
9 a consultant to Fiber Four in these matters, and she's  
10 here to assist me in answering questions the  
11 Commission might have of Fiber Four.

12 Thank you.

13 JUDGE HOPKINS: All right. Thank you.

14 Now, Mr. Haas, do you have an opening  
15 statement you need to make?

16 MR. HAAS: Yes, I would like to add a few  
17 comments.

18 JUDGE HOPKINS: Go right ahead, please.

19 MR. HAAS: On May 5, 2000, the Staff filed  
20 its suggestions in support of the Unanimous  
21 Stipulation and Agreement recommending approval  
22 thereof. However, the Staff noted that it was  
23 possible that there could be a lapse of 1+ intrastate  
24 toll service to Fiber Four customers now receiving  
25 service pursuant to the temporary certificates.

1           For this reason, the Staff obtained the  
2 agreement of the other parties to propose a procedural  
3 schedule to provide the Commission with the option of  
4 going forward with any of the TA-2000-23, 24, 25 or 27  
5 cases unresolved at a point in time sufficiently in  
6 advance of the end of the temporary certificates in  
7 each case to permit the Commission time to issue  
8 Orders in them as contested cases if needed.

9           The sole purpose of proposing the procedural  
10 schedule was to give the Commission the opportunity to  
11 ensure current Fiber Four customers are not left  
12 without intrastate toll service if the customer  
13 transferred to the four separate companies could not  
14 be affected before the expiration of any temporary  
15 certificate.

16           Four separate companies have now filed  
17 applications to take over Fiber Four's four d/b/a  
18 operations. The case numbers are TA-2000-663, 765,  
19 786 and 789. Although the Staff anticipates the usual  
20 give and take as we review these companies'  
21 applications and tariffs, we anticipate that these  
22 applications can be processed before the expiration of  
23 the four temporary certificates issued to Fiber Four.

24           We, the Staff, continue to recommend that  
25 the Commission adopt the Stipulation and Agreement,

1 and I too am here to answer questions. We have  
2 Staff member Sherri Murphy here to answer questions as  
3 well.

4 Thank you.

5 JUDGE HOPKINS: Mr. Dandino, do you have an  
6 opening statement?

7 MR. DANDINO: No, your Honor. I have  
8 nothing further to add except to ask the Commission to  
9 approve the Stipulation and Agreement. Thank you.

10 JUDGE HOPKINS: Thank you very much.  
11 Mr. Schaefer?

12 MR. SCHAEFER: Yes, your Honor.

13 Kurt Schaefer for AT&T. I think Ms. Morgan  
14 pretty much summed it up on the history of the case.  
15 We really don't have much to add other than we'd ask  
16 that you approve the Stipulation and Agreement.

17 I do have Mr. Matt Kohly with me here today  
18 from AT&T if the Commission would have any questions  
19 for him. If the Commission does not have questions, I  
20 don't anticipate putting him on for any testimony.

21 Thank you.

22 JUDGE HOPKINS: Thank you, sir.

23 All right. Ms. Morgan, if you would want to  
24 call Phyllis Callahan to the stand for a brief rundown  
25 on this, we'd appreciate it.

1 (Witness sworn.)

2 JUDGE HOPKINS: Please be seated and state  
3 and spell your name for the court reporter.

4 THE WITNESS: My name is Phyllis Callahan,  
5 P-h-y-l-l-i-s C-a-l-l-a-h-a-n.

6 JUDGE HOPKINS: Ms. Callahan, we have a  
7 sound system in here that I hope is on. If you'll  
8 pull that down there towards you, that may help.

9 THE WITNESS: Is that better?

10 JUDGE HOPKINS: That's much better. That  
11 will enable us up here to hear you. Thank you.

12 Go ahead, Ms. Morgan.

13 PHYLLIS CALLAHAN testified as follows:

14 DIRECT EXAMINATION MS. MORGAN:

15 Q. Ms. Callahan, by whom are you employed?

16 A. Warner, Gessinger & Associates.

17 Q. And what is your business address?

18 A. It's in Lenexa, Kansas. I can --

19 Q. I'm sure it's in the record. Is it  
20 necessary that --

21 JUDGE HOPKINS: No, ma'am. That's fine.

22 THE WITNESS: Thank you. I just work there.

23 BY MS. MORGAN:

24 Q. And what was your role in these proceedings  
25 for Fiber Four?

1           A.     Well, we have -- throughout the process we  
2     have assisted the companies and assisted with writing  
3     testimony for Mr. Warner and have done financial  
4     analysis for toll provision and aided in obtaining  
5     reseller aggregator costs. So actually just to assist  
6     the companies in their financial decision.

7           MS. MORGAN: I would offer Ms. Callahan for  
8     questions.

9           JUDGE HOPKINS: All right. Mr. Haas, do you  
10    have any questions of --

11          MR. HAAS: No questions.

12          JUDGE HOPKINS: -- Ms. Callahan? Thank you.  
13    Mr. Dandino?

14          MR. DANDINO: No questions, your Honor.  
15    Thank you.

16          JUDGE HOPKINS: Mr. Schaefer?

17          MR. SCHAEFER: No questions, your Honor.

18          JUDGE HOPKINS: Chair Lumpe?

19    QUESTIONS BY CHAIR LUMPE:

20          Q.     I really have only one concern, and I think  
21    it's in the dates, and that seemed to be the issue of  
22    the cases before us as temporary certificates, when  
23    they expire and when the new certificates or ability  
24    to operate would take place, and would you clarify for  
25    me that time line?

1           A.     From what I understand with the last  
2 application, if that is approved by July 10th, we  
3 still have 'til the end of the month for those  
4 companies. There is some confusion whether it's  
5 July 29th, August 1st, August 29th, but I agree with  
6 you, there is some confusion there. But I think if we  
7 have it all in place by the end of July, there  
8 shouldn't be any problem with the legal certification.

9           Q.     So the ending of the temporary certificate  
10 is what day in July? Are they different days?

11           MS. MORGAN: Could I help?

12           CHAIR LUMPE: Ms. Morgan, would you like to  
13 help me out on that?

14           THE WITNESS: Yes, please help.

15           MS. MORGAN: The earliest I understand would  
16 be July 30th, and I think there are two companies that  
17 were certificated effective July 30th, 1999, so one  
18 year.

19           CHAIR LUMPE: Their temporary certificate  
20 expires --

21           MS. MORGAN: Temporary certificate would --

22           CHAIR LUMPE: -- July 30th?

23           MS. MORGAN: Right. The other two are  
24 August 30th, I believe.

25           CHAIR LUMPE: So that if we were to approve



1 the other cases, the 663, et cetera, prior to that,  
2 then this is really moot?

3 MS. MORGAN: That's what I would think, yes.

4 CHAIR LUMPE: And our deadline, then, for  
5 these four new cases is for two of them July 30th and  
6 for two of them August 30th --

7 MS. MORGAN: That's correct.

8 CHAIR LUMPE: -- is that correct?

9 Okay. So those are the -- I was trying to  
10 get the significant dates so that we knew at what time  
11 we needed to act. And I think that's really all my  
12 concern was was how the time line worked so that we  
13 could do the appropriate action in the appropriate  
14 time.

15 MS. MORGAN: Well, that's our concern as  
16 well. So we're trying to get everything in place.

17 CHAIR LUMPE: Okay. And if we approve this  
18 stipulation, what in effect does that do, other than  
19 state this is moot if we do the other one?

20 MS. MORGAN: Well, it sort of stays the  
21 procedural schedule that is in place in that there  
22 would be no need to file surrebuttal testimony, no  
23 need to have a hearing, and then at such time as the  
24 other certificates are approved and the other tariffs  
25 are approved, then it would -- we would withdraw all

1 the applications that make up this case.

2 CHAIR LUMPE: So approving this stip in  
3 effect just stays all those other potential  
4 proceedings and urges us to act on these others in a  
5 timely fashion; is that correct?

6 MS. MORGAN: Correct.

7 CHAIR LUMPE: Thank you. Those are really  
8 all my questions.

9 JUDGE HOPKINS: Commissioner Drainer?

10 COMMISSIONER DRAINER: Yes.

11 QUESTIONS BY COMMISSIONER DRAINER:

12 Q. Good morning, Ms. Callahan.

13 A. Good morning, Commissioner.

14 Q. How are you this morning?

15 A. Good. And you?

16 Q. Good. It really is a pleasure to see you  
17 here. I do want to compliment the four companies that  
18 attempted to deal with the PTC issue in such an  
19 expedited basis to take care of their customers, and  
20 if the company you're with was trying to help them get  
21 into place in a timely fashion, I thought it was very  
22 impressive and they should be complimented for that.

23 A. Thank you.

24 Q. To get to the final solution, I guess what I  
25 had was that July 29th, 2000 is the latest date for

1 Rock Port and July 31st was the latest date for  
2 Holway, and that would be August 29th, 2000 as the  
3 final date for Iamo and KLM.

4 Having said that those are the dates that we  
5 have to be sensitive to, have you worked on the joint  
6 applications? Has your company worked on filing the  
7 joint applications?

8 A. Most of that's been done by Ms. Morgan.

9 Q. All right. Then let me state that my  
10 concerns are how we get from here to those dates, and  
11 if the final date for the, I guess the last company  
12 that filed was KLM, and that would be the July 10th  
13 effective date for the tariff that you were  
14 discussing. All the applications are filed. Are they  
15 identical?

16 MS. MORGAN: They are identical except for  
17 the entities to which the assets will be transferred.  
18 Rock Port chose to use a subsidiary of Rock Port  
19 Telephone Company. Iamo has asked that the assets be  
20 transferred to a nonregulated subsidiary of Iamo  
21 Telephone Company called First Fiber. KLM and Holway  
22 both formed new affiliates to handle the long distance  
23 service.

24 COMMISSIONER DRAINER: All right. Now, with  
25 Rock Port I notice that you filed a letter for an

1 extension of the tariff to June 23rd. Are there any  
2 issues out there on any of these joint applications  
3 that you are needing to resolve with Staff that are  
4 now in conflict?

5 MS. MORGAN: Well, we filed that after a  
6 conversation with the Staff. It had to do with the  
7 registration of the fictitious name. We had called  
8 the Secretary of State's Office before we filed that  
9 and understood that only one company could hold a  
10 fictitious name, and so we had stated in the  
11 application that we couldn't transfer that fictitious  
12 name until after the Commission had given its  
13 approval.

14 The Staff had some concerns about approving  
15 a tariff or recommending approval of a tariff that the  
16 company really wasn't registered to use that name, the  
17 fictitious name. Ms. Murphy called the Secretary of  
18 State's office and got a different answer than we got  
19 when we called.

20 So we are in the process of now registering  
21 that fictitious name, and that was one reason to  
22 extend the effective date of the tariff. As I  
23 understand it, the Secretary of State's Office will  
24 let multiple companies register the same fictitious  
25 name.

1                   COMMISSIONER DRAINER:  So you're in the  
2                   process of registering that, and have you talked to  
3                   the Secretary of State's Office and now you are not  
4                   seeing any problems?

5                   MS. MORGAN:  They told me that there will be  
6                   no problems.

7                   COMMISSIONER DRAINER:  And so when you have  
8                   that registration you'll give that to Staff, and I  
9                   guess we'll have to swear in Ms. Murray so she can --  
10                  Murphy so she can answer for Staff.  I don't want you  
11                  to have to answer for her.

12                  MS. MORGAN:  Okay.

13                  COMMISSIONER DRAINER:  So I have no other  
14                  questions for Ms. Callahan at this time.  She could be  
15                  excused, then we could -- I'd like to swear in  
16                  Ms. Murphy so I can ask her the same thing.

17                  JUDGE HOPKINS:  Thank you.  You may be  
18                  excused.

19                  THE WITNESS:  Thank you.

20                  (Witness excused.)

21                  JUDGE HOPKINS:  Ms. Morgan, I'm assuming you  
22                  have no more witnesses; is that correct?

23                  MS. MORGAN:  I have no more witnesses.

24                  JUDGE HOPKINS:  All right.  We'd like to  
25                  hear, Mr. Haas, from Sherri Murphy, please.

1 MR. HAAS: Staff calls Sherri Murphy.

2 COMMISSIONER DRAINER: But don't leave,  
3 Ms. Callahan.

4 MS. CALLAHAN: Commissioner, we learned  
5 about customers from serving with you and our good  
6 friend Rachel.

7 (Witness sworn.)

8 JUDGE HOPKINS: Please be seated. State and  
9 spell your name for the court reporter.

10 THE WITNESS: Sherri Murphy, S-h-e-r-r-i  
11 M-u-r-p-h-y.

12 JUDGE HOPKINS: Thank you. Mr. Haas, you  
13 may proceed.

14 SHERRI MURPHY testified as follows:

15 DIRECT EXAMINATION BY MR. HAAS:

16 Q. Ms. Murphy, where are you employed?

17 A. Missouri Public Service Commission in the  
18 telecommunications department.

19 Q. What's your position?

20 A. I'm a rate and tariff examiner.

21 Q. And what was your role in the cases that are  
22 involved in today's hearing?

23 A. I have been assigned to review the four  
24 applications that were recently filed.

25 JUDGE HOPKINS: Your Honor, those were all

1 the direct questions I have. I tender the witness.

2 JUDGE HOPKINS: Thank you. Ms. Morgan, any  
3 cross-examination?

4 MS. MORGAN: I have no questions.

5 JUDGE HOPKINS: Mr. Dandino?

6 MR. DANDINO: No questions, your Honor.

7 JUDGE HOPKINS: Mr. Schaefer?

8 MR. SCHAEFER: No questions.

9 JUDGE HOPKINS: Commissioner Lumpe?

10 QUESTIONS BY CHAIR LUMPE:

11 Q. Ms. Murphy, you said you are to analyze the  
12 new cases that have been filed --

13 A. Yes.

14 Q. -- the 633, et al?

15 A. Yes, that's correct.

16 Q. And would you -- I'm still a little confused  
17 on the dates. I thought I was clear but now I'm  
18 confused again. What is the first date by which one  
19 of these has to be approved to make the other one go  
20 away?

21 A. The first date would be July the 29th.

22 Q. All right. So July, and which company is  
23 that?

24 A. That would be Iamo Long Distance.

25 Q. So if we approve this --

1                   COMMISSIONER DRAINER: Excuse me. It's Rock  
2 Port.

3                   THE WITNESS: I have Rock Port as  
4 expiring -- oh, you're right. It is Rock Port. I'm  
5 sorry. It is Rock Port.

6 BY CHAIR LUMPE:

7           Q.     So it's Rock Port, and when does theirs  
8 expire?

9           A.     July the 29th. I'm sorry.

10          Q.     July the 29th?

11          A.     Yes.

12          Q.     And so we would need to act on 663 before  
13 July 29th?

14          A.     Yes.

15          Q.     What is the next one then?

16          A.     And the next date I showed is July the 31st,  
17 and that one --

18          Q.     Is that --

19          A.     -- is Holway Long Distance, I believe.

20          Q.     Holway. Okay. And then the next one is?

21          A.     And then the next two I show expiring no  
22 later than August the 29th.

23          Q.     August 29th, and that's the last two?

24          A.     That's the last two.

25          Q.     So those are the time lines by which we need



1 to respond to make this all mesh --

2 A. Yes.

3 Q. -- is that correct?

4 CHAIR LUMPE: All right. Thank you. That's  
5 what I need to know.

6 JUDGE HOPKINS: Commissioner Drainer?

7 QUESTIONS BY COMMISSIONER DRAINER:

8 Q. I'm sorry. I didn't mean to correct you.

9 A. No, you're right. I was on the wrong line.

10 Q. This was more just a proceeding to clarify  
11 some things for the Commissioners.

12 All right. I did have a question of who  
13 from Staff was reviewing them. So you're doing their  
14 review?

15 A. Yes, I am.

16 Q. My only concern when I read the stip and  
17 read the Staff's suggestions in support has remained  
18 that we get this done on a timely basis. I guess the  
19 Commission on its own motion could always do an  
20 extension of the temporary if it was just a few days,  
21 but it would be nice if it all was in place by  
22 July 10th. So the question I have for you, then, is  
23 are you anticipating any problems?

24 A. I've only reviewed one tariff, and that  
25 would be the Rock Port proposed tariff. And I'm not

1       sure how long it takes to get a fictitious name  
2       registered at the Secretary of State's Office, but  
3       I -- that was my only concern with the Rock Port  
4       tariff.

5           Q.     So if the Rock Port tariff, they get the  
6       fictitious name registered, you would recommend  
7       approval?

8           A.     There were a few other tariff revisions that  
9       need to be made.  Some substitute pages need to be  
10      filed.

11          Q.     For what purpose?

12          A.     Minor typographical errors.  And Ms. Morgan  
13      and I have discussed that a little bit.  We will get  
14      those straightened up, the pages filed in a matter of  
15      a couple of weeks.  I would be certain of that.

16          Q.     What type of typographical errors?

17          A.     Well --

18          Q.     I mean, are they the type that change the  
19      substance of the tariff?

20          A.     No.  No, not at all.  No.  A typographical  
21      error is, for instance, they're missing some text in a  
22      couple of places.  Nothing that would change the  
23      intent of the tariff.

24          Q.     So if the text wasn't inserted, it still  
25      would have been fine?

1           A.     No.  That's why I have to get substitute  
2  pages.

3           Q.     Well, then it is substantive if it isn't in  
4  there and needs to be in, correct?

5           A.     Well, for instance, on their cover page,  
6  they say that the company has authority pursuant to  
7  Case No. and then it's blank.  So they're missing the  
8  case number.

9                   MS. MORGAN:  Which we didn't have at the  
10  time we filed the application.

11  BY COMMISSIONER DRAINER:

12          Q.     And that's the case for like the joint  
13  application?

14          A.     Yes.

15          Q.     So you have to put in for Rock Port the  
16  2000-663 numbers.  So that could be put in.

17                   COMMISSIONER DRAINER:  Are those types of  
18  things on the Rock Port application then something,  
19  Ms. Morgan, that can be done on an expedited basis?  
20  You didn't see any problems with the corrections that  
21  need to be made, correct?

22                   MS. MORGAN:  No.  Those usually can be  
23  turned around within a day or so.  Now, the  
24  application for fictitious name I had to send to the  
25  company to be signed by the president and the

1 secretary, and so that's --

2 COMMISSIONER DRAINER: Is that where that is  
3 right now?

4 MS. MORGAN: That's where that is right now.  
5 I can file it as soon as I get it back, and I expect  
6 to have it within a few days.

7 JUDGE HOPKINS: Let me interrupt. Just to  
8 protect the record, on Commissioner Drainer's next to  
9 the last question, Sondra Morgan nodded her head  
10 indicating yes.

11 COMMISSIONER DRAINER: I'm sorry.

12 JUDGE HOPKINS: I'm sorry. Go ahead.

13 COMMISSIONER DRAINER: Thank you for  
14 catching that.

15 Then if -- and that's the type of thing that  
16 can be overnighted back, right? I mean, if  
17 everybody's intent is to get these in place on as  
18 expedited basis as possible so Staff can recommend  
19 approval and they can be approved, then do you have  
20 any idea with the Secretary of State's Office how long  
21 they take on a fictitious name?

22 MS. MORGAN: We can ask for expedited  
23 approval, which we will, and I would anticipate it  
24 wouldn't take more than two or three days.

25 COMMISSIONER DRAINER: With the Secretary of

1 State?

2 MS. MORGAN: With the Secretary of State.

3 COMMISSIONER DRAINER: And so once you have  
4 that and let Staff know that you do have that in  
5 place, they can move forward asking us to recommend  
6 the Rock Port tariff approval?

7 THE WITNESS: Actually, we need a copy of  
8 that. They have to provide us with a copy and then  
9 the substitute pages, and then I'm prepared to file a  
10 recommendation to approve this with those revisions.

11 BY COMMISSIONER DRAINER:

12 Q. Do you have that written?

13 A. Actually, no, I don't have it written yet.

14 Q. But you could get it written --

15 A. I could write it, yes.

16 Q. -- so it would be ready?

17 A. Yes.

18 Q. That would take care of Rock Port, which the  
19 tariff extension date on it is June 23rd, is what we  
20 have now. So do you anticipate any problems with  
21 these mechanics being done in a timely enough fashion  
22 to be able to get that recommendation to us so that it  
23 can go into effect on June 23rd?

24 A. I have to route the recommendation seven  
25 working days prior to that effective date. As long as

1 I have the information from Ms. Morgan, I don't expect  
2 there would be a problem.

3 Q. But you can walk it through the folks you  
4 need to walk it through to get it to the  
5 Commissioners?

6 A. Yes.

7 Q. Okay. Now, we have three more applications.  
8 The next one is the July 31st, which is Holway. That  
9 application is TA-2000-786. Is it my understanding  
10 that you have not reviewed any of the other  
11 applications?

12 A. I have not, no.

13 Q. How long does it take you to review an  
14 application of these types?

15 A. Well, since they're all almost identical,  
16 the first one, once we get it processed, and I think  
17 we'll have the fictitious name issue with some of the  
18 other applications as well. She will have to register  
19 the fictitious name for these others. It shouldn't  
20 take long at all.

21 COMMISSIONER DRAINER: Ms. Morgan, are you  
22 sending letters to the presidents of the companies  
23 asking for signature?

24 MS. MORGAN: Yes. The only other one that  
25 we will have to register is Iamo, and that has already

1       been sent to the company for signature.  So it will be  
2       filed as soon as I get it back.

3       BY COMMISSIONER DRAINER:

4           Q.     All right.  So with Holway we won't need a  
5       fictitious name, so it will be that you need to review  
6       the tariffs?

7           A.     Yes.

8           Q.     And what is your time line on reviewing a  
9       tariff like that?

10          A.     How long does it take?

11          Q.     Uh-huh.

12          A.     Probably about an hour.

13          Q.     Okay.  So now that you have all of the other  
14       three tariffs, you're going to be able to go ahead and  
15       review them?

16          A.     Yes.

17          Q.     And that's -- so we're talking a day --

18          A.     Yes.

19          Q.     -- that we just said, Don't give me anything  
20       else.  Let me just get these reviewed?

21          A.     Yes.  I intend to expedite these.  As soon  
22       as I have the Secretary of State information and the  
23       substitute pages, I'll route that recommendation the  
24       same day.

25          Q.     Okay.  So we're at the end of May, and it

1 seems to me that what I'm hearing is there have not  
2 been any serious red flags with Rock Port, and if the  
3 others are very similar in nature, the tariffs, we  
4 shouldn't be expecting a concern from Staff?

5 A. No, nothing from me, no concerns.

6 Q. Okay. So do you, with your experience as  
7 reviewing so many tariffs and having them go through  
8 the Commission, do you really perceive that there's  
9 going to be any problem hitting this July 10th date  
10 for all four companies?

11 A. July 10th?

12 Q. Uh-huh.

13 A. The effective date?

14 Q. That's the last one.

15 A. I wouldn't expect there would be any problem  
16 meeting that date, no.

17 Q. Because you're not seeing anything at this  
18 point from the first one?

19 A. No. The tariffs are almost identical to the  
20 Fiber Four tariffs that are already on file here, the  
21 difference being these rates are lower. Some of the  
22 rates are lower.

23 Q. That should make the customers happy.

24 A. Yes.

25 COMMISSIONER DRAINER: And Ms. Morgan, with



1 what you have to do on the fictitious names and the  
2 typographical issues and text changes, having been  
3 kind of given a heads up with the Rock Port, do you  
4 anticipate any problems making corrections to the  
5 other three and having them returned?

6 MS. MORGAN: No. We will certainly work  
7 with Sherri to do whatever needs to be done as quickly  
8 as possible.

9 COMMISSIONER DRAINER: And you're treating  
10 them with the same expedited consideration that Staff  
11 is?

12 MS. MORGAN: Yes, we are.

13 COMMISSIONER DRAINER: Okay. Can I ask,  
14 does AT&T have any other concerns at this time, then?  
15 They don't have any problem with these tariffs going  
16 in with the four?

17 MR. SCHAEFER: No, I don't believe so.

18 COMMISSIONER DRAINER: And does the Office  
19 of the Public Counsel?

20 MR. DANDINO: We have no problem.

21 COMMISSIONER DRAINER: We have lower rates.

22 MR. DANDINO: We love those low rates.

23 COMMISSIONER DRAINER: This is a good thing?

24 MR. DANDINO: This is a good thing.

25 COMMISSIONER DRAINER: Well, that basically

1 was my concern when I saw the Unanimous Stipulation  
2 and Agreement were the dates. It sounds like since  
3 we've got all the four applications filed, that -- and  
4 the fictitious name filing is not something with the  
5 Secretary of State that's really anything?

6 MS. MORGAN: I --

7 COMMISSIONER DRAINER: I mean, is this kind  
8 of a --

9 MS. MORGAN: It seems to me that it doesn't  
10 mean much if multiple corporations can use the same  
11 fictitious name, but I mean, that's their procedure,  
12 so --

13 COMMISSIONER DRAINER: But it's just a  
14 process?

15 MS. MORGAN: Right.

16 COMMISSIONER DRAINER: That's one that  
17 you're telling me, from your understanding, the  
18 Secretary of State's just a few days, and so we're  
19 talking two or three days here, a day for Ms. Murphy  
20 to look at them, another day to send her  
21 recommendation and walk it through, and I won't ask to  
22 have the manager of telecommunications sworn in, but  
23 he's shaking his head yes back there.

24 I guess you're not anticipating any problems  
25 with your chain that you go through to get it to the

1 Commission?

2 THE WITNESS: No. We've already discussed  
3 it.

4 COMMISSIONER DRAINER: And I guess the legal  
5 counsel will be Mr. Haas?

6 MR. HAAS: Mr. Williams will be handling  
7 this when he returns from vacation.

8 COMMISSIONER DRAINER: Okay. Will you  
9 please relay to him that down in General Counsel's  
10 office it needs to be given the same expedited  
11 consideration so that once it moves from the  
12 department of telecommunications and goes to the  
13 general counsel office, that he review it and any  
14 questions he has he gets back to Ms. Murphy as quickly  
15 as possible so that that day it's moved through?

16 MR. HAAS: Yes, I will.

17 COMMISSIONER DRAINER: Then I'm feeling a  
18 much higher comfort level, and I appreciate that.  
19 Thank you. No other questions.

20 QUESTIONS BY CHAIR LUMPE:

21 Q. Again, there are two dates that have been  
22 mentioned that were not mentioned by you. I don't  
23 know the significance of June 23 and I don't know the  
24 significance of July 10.

25 A. July 10 is the effective date of some of the

1 tariffs, I believe.

2 MS. MORGAN: The last two tariffs that were  
3 filed, Holway and KLM.

4 CHAIR LUMPE: The temporary tariff or the  
5 new one?

6 MS. MORGAN: No. With the new applications  
7 and the new tariffs.

8 CHAIR LUMPE: Are effective July 10th?

9 MS. MORGAN: Well, they are filed with that  
10 effective date, a 45 day effective date.

11 CHAIR LUMPE: Then what is August 29th?

12 MS. MORGAN: That was the expiration date of  
13 the temporary.

14 CHAIR LUMPE: All right. So the expiration  
15 dates of the temporary are August 29th and -- or  
16 July 30th and August 29th, are those the -- are those  
17 the --

18 THE WITNESS: Actually, the dates that I  
19 have don't necessarily -- there have been several  
20 dates tossed around, but --

21 MS. MORGAN: I think some of us are using  
22 the date --

23 CHAIR LUMPE: I'm only confused about dates.  
24 So if someone will clarify all these sets of dates for  
25 me, I'll be --

1 THE WITNESS: When the temporary  
2 certificates were issued, they were to be effective  
3 for up to one year, and it's my understanding that two  
4 of them expired August the 29th and one expired July  
5 the 29th and one expired July the 31st.

6 BY CHAIR LUMPE:

7 Q. So those are the expiration dates of the  
8 temporary certificates?

9 A. Yes.

10 Q. But now the filings of the new cases, those  
11 go into effect on what set of dates?

12 A. Well, currently the first one, the only one  
13 that I've reviewed is effective June the 23rd.

14 Q. June 23rd?

15 A. That's Rock Port.

16 Q. So really you want us to act by June 23rd,  
17 not August 29th?

18 A. Yes. We're going to get these done well in  
19 advance of that before the temporary certificates  
20 expire.

21 Q. That's what I was looking for.

22 A. Yes.

23 Q. What is the date you want us to act, then?  
24 I was hearing August 29th and July, and I thought,  
25 What is this June and July thing? So you really want

1 us to act before -- on the one case before June 23rd?

2 A. If we can get all the information that we  
3 need, yes.

4 Q. Okay. And if you don't, then you apply for  
5 extension or --

6 A. Right. Ms. Morgan would have to file for an  
7 extension of that tariff.

8 Q. And then on the other three is the  
9 significant date July 10th?

10 A. Two of them are July 10th. I'm not sure  
11 about the other one.

12 MS. MORGAN: The tariff with the 45-day  
13 effective date would be effective July 3rd for the  
14 other one.

15 BY CHAIR LUMPE:

16 Q. So June 23rd, July 3rd and July 10th on  
17 that. Thank you. I think I now have the dates in  
18 order. Okay. Thank you. I need to know when these  
19 dates are so that we can act appropriately, and I was  
20 thinking there was August and July 30th and August  
21 29th, but that's not the significant date.

22 A. Right. We should be well in advance of  
23 that.

24 CHAIR LUMPE: All right. Thank you. That's  
25 all I have.

1 QUESTIONS BY COMMISSIONER DRAINER:

2 Q. And just so we have the company, what we  
3 will be expecting to receive so that we are well in  
4 advance of the expiration -- because that's what we  
5 want to do is no later than. We don't want to have to  
6 file an extension past those dates -- is if you can  
7 make everything happen and get any corrections made,  
8 we should have the new Rock Port tariff in effect  
9 June 23rd, we should have the new Iamo tariff in  
10 effect July 3rd, and then we should have KLM and  
11 Holway in effect July 10th, and then those expiration  
12 dates are moot?

13 A. Yes.

14 Q. And we're rocking and rolling on to the next  
15 topic.

16 QUESTIONS BY JUDGE HOPKINS:

17 Q. I have one more question. I do apologize to  
18 you, Ms. Murphy, but I want this on the record. I  
19 issued a Notice of Operation of Law Dates on the 6th  
20 day of April of this year and no one so far has  
21 disagreed with me. I want this to make sure that they  
22 are correct, and I will not issue a new notice just as  
23 long as everybody agrees, but I do want this on the  
24 record so I can refer to it.

25 Now, in TA-2000-23, which is KLM, I've got

1 the operation of law date as the 30th of August 2000.

2 A. I have August 29th.

3 Q. August 29th. Okay. Now, what is the --  
4 what is the new case number for KLM?

5 A. I'm not sure if I --

6 COMMISSIONER DRAINER: It's TA-2000-789.

7 BY JUDGE HOPKINS:

8 Q. 789. All right. The new case number on KLM  
9 is TA-2000-789. And what is the operation of law date  
10 on that, or the tariff date I should say that you show  
11 currently?

12 A. On KLM?

13 COMMISSIONER DRAINER: July 10th.

14 THE WITNESS: Yes.

15 BY JUDGE HOPKINS:

16 Q. July 10th. Okay. Now, on TA-2000-24, which  
17 is Holway, I've got that their temporary certificate  
18 expires August the 1st, and what are you showing?

19 A. July 31st.

20 Q. And the new case, which I have right here,  
21 is TA-2000-786, and that's July 10th also, correct?

22 A. Yes.

23 Q. Now, on Iamo, on TA-2000-25, I've got  
24 August 30th and that's --

25 A. I have August the 29th.



1 Q. August 29th. Thank you. And that is 765  
2 now, the new case number?

3 A. Yes.

4 Q. TA-2000-765. And its effective date for the  
5 tariff is July 3rd; is that correct?

6 A. Yes.

7 Q. All right. And finally, TA-2000-27, Rock  
8 Port, I put down as August 30th, and what's the actual  
9 date for that now?

10 A. Rock Port, it's actually July 29th.

11 Q. July 29th?

12 A. Yes.

13 Q. Or August 29th?

14 A. July 29th.

15 Q. Okay. I was way off on that one. And that  
16 new case number is TA-2000 --

17 A. 663.

18 Q. -- 663? And that effective date for the  
19 tariff is?

20 A. It's been extended to June the 23rd.

21 Q. June 23rd. Thank you very much. I really  
22 appreciate your going through that again.

23 JUDGE HOPKINS: Now, Ms. Morgan, do you have  
24 any further questions of Ms. Murphy?

25 MS. MORGAN: I don't.

1 JUDGE HOPKINS: Mr. Dandino?  
2 MR. DANDINO: No questions, your Honor.  
3 JUDGE HOPKINS: Mr. Schaefer?  
4 MR. SCHAEFER: No questions, Judge.  
5 JUDGE HOPKINS: Any redirect, Mr. Haas?  
6 MR. HAAS: No questions, your Honor.  
7 JUDGE HOPKINS: Thank you. You may step  
8 down.

9 (Witness excused.)

10 JUDGE HOPKINS: Now, Mr. Schaefer, I think  
11 you've got a witness. Do you wish to call any  
12 witnesses?

13 MR. SCHAEFER: If the Commission doesn't  
14 have any questions for Mr. Kohly, I don't have any  
15 intention of calling him. I don't think we'd have  
16 anything to add here.

17 JUDGE HOPKINS: Chair Lumpe indicates she  
18 has no questions.

19 COMMISSIONER DRAINER: As much as I hate  
20 passing on your witness, I pass.

21 MR. KOHLY: I'll be back.

22 JUDGE HOPKINS: Commissioner Drainer  
23 regretfully passes on that, and I don't have any  
24 questions of Mr. Kohly. Thank you for being here,  
25 though, Mr. Kohly.

1           All right.  Seeing that there's nothing  
2 further for any other party, I will close this  
3 hearing.

4           Thank you-all very much.

5           WHEREUPON, the hearing of this case was  
6 concluded.

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