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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
TRANSCRIPT OF PROCEEDINGS

Prehearing

December 12, 2005  
Jefferson City, Missouri  
Volume 3

In the Matter of a Request for the )  
Modification of the Kansas City )  
Metropolitan Calling Area Plan to )Case No. TO-2005-0144  
Make the Greenwood Exchange Part )  
Of the Mandatory MCA Tier 2 )

NANCY DIPPELL, Presiding  
SENIOR REGULATORY LAW JUDGE

REPORTED BY: Monnie S. VanZant, CCR, CSR, RPR  
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1                                   A P P E A R A N C E S

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29   For CenturyTel of Missouri, LLC, Spectra Communications  
30   Group, LLC, d/b/a CenturyTel:

31                   Mr. Larry W. Dority  
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1 P R O C E E D I N G S

2 JUDGE DIPPELL: All right. Let's go  
3 ahead and go on the record. This is Case No.  
4 TO-2005-0144 in the Matter of the Request for  
5 the Modification of the Kansas City  
6 Metropolitan Calling Area Plan to make the  
7 Greenwood Exchange Part of the Mandatory MCA  
8 Tier 2.

9 My name is Nancy Dippell. I'm the  
10 regulatory judge assigned to this matter. And  
11 we've come here today for a prehearing  
12 conference.

13 I'll begin by having entries of  
14 appearance. And let's just start with you, Ms.  
15 McDonald, since you're on the telephone.

16 MS. MCDONALD: Okay. This is my Mimi  
17 McDonald, and I'm appearing on behalf of  
18 Southwestern Bell Telephone, LP, doing business  
19 as AT&T Missouri. My address is One SBC  
20 Center, Room 3510, St. Louis Missouri, 63101.

21 JUDGE DIPPELL: Thank you.  
22 Mr. Dority?

23 MR. DORITY: Yes. Thank you, Judge.  
24 Appearing on behalf of CenturyTel of Missouri,  
25 LLC, and Spectra Communications Group, LLC,

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1           doing business as CenturyTel, Larry Dority,  
2           Fischer & Dority, PC. Our address is 101  
3           Madison, Suite 400, Jefferson City, Missouri,  
4           65101.

5                   JUDGE DIPPELL: Just continue on  
6           around the table.

7                   MR. MEYER: Good morning. David  
8           Meyer on behalf of the Staff of the Missouri  
9           Public Service Commission. Our address is P.O.  
10          Box 360, Jefferson City, Missouri, 65102.

11                  MR. DANDINO: Michael Dandino, Office  
12          of the Public Counsel, Post Office Box 2230,  
13          Jefferson City, Missouri, 65102, representing  
14          the Office of Public Counsel and the public.

15                  MR. MCCARTNEY: Good morning. On  
16          behalf of Cass County Telephone Company and  
17          Lathrop Telephone Company, Brian McCartney, law  
18          firm of Brydon, Swearngen & England, PC. Our  
19          address is 312 East Capitol Avenue, Jefferson  
20          City, Missouri, 65102.

21                  MR. JOHNSON: My name is Craig  
22          Johnson. My address is 1648-A East Elm,  
23          Jefferson City, Missouri, 65101. I'm appearing  
24          today on behalf of Mo-Kan Dial, Inc.

25                  JUDGE DIPPELL: Thank you. All

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1 right. First of all, I wanted to ask the  
2 Office of the Public Counsel, it -- it appears  
3 from Ms. Meisenheimer's (ph.) testimony that  
4 there's actually a new proposal on the table  
5 from Office of the Public Counsel eliminating  
6 the proposed surcharge that Public Counsel had  
7 put forth in their final recommendation. Is  
8 that --

9 MR. DANDINO: Right. Based on the  
10 public hearing that we had, I guess it was,  
11 October 18th in -- in Greenwood, there was  
12 quite a bit of opposition from the residents to  
13 a -- an additional charge on top of the Tier 2  
14 MCA rates. So we -- in the testimony, Ms.  
15 Meisenheimer eliminated that as our  
16 recommendation.

17 JUDGE DIPPELL: And was Public  
18 Counsel going to maybe make a motion to amend  
19 their final recommendation since we went  
20 through months and months and had something  
21 titled a Final Recommendation, and then sort of  
22 in the testimony we have a new final  
23 recommendation?

24 MR. DANDINO: Well, I guess -- I  
25 guess we could. We will if it -- if that will

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1 help things out, yes.

2 JUDGE DIPPELL: I think that would  
3 make the -- certainly, the record more clear,  
4 would make it clear as to what we were going  
5 forward with the hearing.

6 MR. DANDINO: Sure. Sure. We'll be  
7 glad to conform the -- the pleadings -- the  
8 recommendations to our evidence.

9 JUDGE DIPPELL: Are there still -- I  
10 saw in the testimony that was filed on Friday  
11 that SBC or -- I'm going to call them SBC for  
12 the time being, -- made some proposals of their  
13 own, some voluntary proposals. Are there any  
14 discussions still going on about that proposal  
15 as a possible settlement, or are you all  
16 planning to talk about that today?

17 MR. DANDINO: I had not seen their  
18 testimony filed on Friday.

19 JUDGE DIPPELL: Okay. Well, maybe  
20 it's something you've seen before.

21 MR. DANDINO: I -- I would think it  
22 probably was.

23 JUDGE DIPPELL: Okay. Ms. McDonald?

24 MS. MCDONALD: Uh-huh.

25 JUDGE DIPPELL: Does SBC intend to

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1 offer any testimony at all about what would  
2 make them revenue neutral? The testimony  
3 claims that --

4 MR. DORITY: Your Honor, if I may  
5 interrupt, we have someone in the room that is  
6 probably not -- if we're going to get into HC  
7 information, we -- I just wanted to let you  
8 know that.

9 JUDGE DIPPELL: I don't want the  
10 specific figure or -- I mean, I just want to  
11 know in generalities. But I appreciate that.

12 MR. DORITY: Sure.

13 MS. MCDONALD: Well, I do think in  
14 our testimony we did say that we would -- in  
15 order to make us revenue neutral, we would have  
16 to obtain a certain dollar figure. And -- and  
17 -- I mean, the reality of the situation is  
18 that's one of the reasons why OPC's proposal is  
19 defective, because it doesn't explain how --  
20 how we would maintain a revenue neutrality.  
21 And that was one of our reasons for rejection.

22 And then we proposed a different proposal.  
23 And as part of that proposal, we were willing  
24 to waive our revenue neutrality proposal so  
25 long -- revenue neutrality argument so long as

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1           our proposal is adopted in its entirety.

2                   JUDGE DIPPELL:   Okay.

3                   MS. MCDONALD:   I mean, there's  
4           obviously a lot of different ways that we could  
5           become revenue neutral.  And I think in our  
6           testimony, we said that if -- if we're going  
7           down the road new neutrality path, then it  
8           seems reasonable not only that you would place  
9           some of the -- some of the costs for revenue  
10          neutrality on the citizens of Greenwood, but  
11          also some on the -- some of the costs on the  
12          mandatory -- the principles on Tier 1 and Tier  
13          2 because those people would also benefit by  
14          having an increased calling scope.

15                   JUDGE DIPPELL:   I guess I'm just  
16          wondering how the Commission will -- you know,  
17          right now it's kind of a he said/she said.  You  
18          say it's not revenue neutral.  You don't really  
19          have any -- a great amount of evidence about  
20          what -- what that would be.

21                   But I -- and I just -- I bring that up  
22          just because if we do go to hearing, I do want  
23          to be able to -- I want the Commission to be  
24          able to make some decisions based on some solid  
25          evidence and not just get to hearing and



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1 discover that we don't have any information.

2 But --

3 MS. MCDONALD: Well, I -- I mean, I  
4 think that we have presented the revenue  
5 neutrality number in our testimony that we  
6 would have to recover, and we have discussed  
7 with some of the parties ways in order to  
8 achieve that revenue neutrality. And we've  
9 also discussed, obviously, in our testimony one  
10 way around the whole thing, which is waiving  
11 it.

12 JUDGE DIPPELL: Okay. Mr. Dandino,  
13 you filed some objections to some data requests  
14 in your discovery --

15 MR. DANDINO: We answered those.  
16 Yes. We answered those.

17 JUDGE DIPPELL: All right. I'm not  
18 used to seeing those objections, so I just want  
19 to make sure that -- procedurally that was all  
20 on track.

21 MR. DANDINO: Yeah. We made that  
22 just to preserve any -- any problems we had --  
23 or objection we had. But I -- I -- we answered  
24 what we -- to the extent we could.

25 JUDGE DIPPELL: Okay.

1                   MR. DANDINO: And, your Honor, also  
2                   just to address one point on the revenue  
3                   neutrality, it's Public Counsel's position is  
4                   that revenue neutrality because Southwestern  
5                   Bell -- because of those exchanges are  
6                   competitively classified exchanges, there is no  
7                   lawful requirement for a revenue neutrality.

8                   JUDGE DIPPELL: Well, I realize that  
9                   there's a legal argument there as to what --  
10                  what is required and what is not required. And  
11                  if the Commission should decide that that was  
12                  required, then I'm going to make sure we have  
13                  all the evidence we need to make a decision.  
14                  They need. I'm just trying to pick out things  
15                  that I know are going to be issues and -- and  
16                  raise them. I guess that's the only -- only  
17                  things I had I wanted to discuss.

18                  Is there anything from any of the other  
19                  parties? I'm not seeing anything here. Ms.  
20                  McDonald, did you have anything?

21                  MS. MCDONALD: No, I do not. Thank  
22                  you.

23                  JUDGE DIPPELL: Ms. McDonald, has --  
24                  has SBC Missouri changed their name with the  
25                  Commission?

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1 MS. MCDONALD: Well, we changed it  
2 with Missouri Secretary of State. And I think  
3 -- I mean, I know we've filed in at least one  
4 or more cases our change of the d/b/a with the  
5 Commission. We also have pending tariff  
6 proposals.

7 JUDGE DIPPELL: That's good.

8 MS. MCDONALD: We changed the name  
9 effective December 29th.

10 JUDGE DIPPELL: That's what I was --  
11 okay.

12 MS. MCDONALD: Because we're not  
13 changing our name. We're changing our d/b/a.

14 JUDGE DIPPELL: Right. Okay. Okay.  
15 Well, seeing nothing further, then, that  
16 concludes the on-the-record part of the  
17 prehearing conference. We can go off the  
18 record. Thank you.

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