



STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION OF WWC  
LICENSE, LLC D/B/A CELLULARONE FOR DESIGNATION  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER,  
AND PETITION FOR REDEFINITION OF RURAL  
TELEPHONE COMPANY AREAS

Case No. TO-2004-0527

**ORIGINAL**

**FILED**

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Missouri  
Public Service Commission

Prehearing Conference - Volume I

June 14, 2004

## MIDWEST LITIGATION SERVICES

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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
Prehearing Conference  
June 14, 2004  
Jefferson City, Missouri  
Volume 1

In the Matter of the Application )  
of WWC License, LLC d/b/a )  
CellularOne for Designation as an )  
Eligible Telecommunications ) Case No. TO-2004-0527  
Carrier, and Petition for )  
Redefinition of Rural Telephone )  
Company Areas. )

NANCY M. DIPPELL, Presiding,  
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:  
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MIDWEST LITIGATION SERVICES

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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 DIPPELL: This is Case No.  
3 TO-2004-0527, in the matter of the application of WWC  
4 License, LLC for designation as an eligible  
5 telecommunications carrier, and petition for redefinition  
6 of rural telephone company service areas.

7 My name is Nancy Dippell. I'm the Law  
8 Judge assigned to this matter. And we've come here today  
9 basically for a scheduling conference. I have several of  
10 the parties present, and I also have one of the parties  
11 represented both in person and by telephone. And we have  
12 a pending petition for leave to appear for Mark -- and I'm  
13 probably going to slaughter his last name. It's  
14 A-y-o-t-t-e, Ayotte.

15 MR. SLAVEN: It's Ayotte.

16 JUDGE DIPPELL: Ayotte. Thank you. And  
17 Matthew Slaven, a petition to appear as counsel who are  
18 not licensed in the State of Missouri, and their petition  
19 meets the qualifications of the Commission's rule. I will  
20 just point out that Missouri Supreme Court Rule 9.03 is  
21 going to be amended as of July 1st and requires out of  
22 state counsel to pay a fee to the Missouri Supreme Court  
23 of \$100 per case.

24 And so I will point counsel in that  
25 direction to comply with whatever rules are necessary as

1 of July 1st, but I will go ahead and grant the petition  
2 for leave to appear for those two attorneys in the case.

3 And then we can go ahead and take entries  
4 of appearance at this time, and I'll begin with Staff.

5 MR. POSTON: Marc Poston appearing for the  
6 Staff of the Missouri Public Service Commission.

7 JUDGE DIPPELL: And can you hear that okay,  
8 Mr. Slaven?

9 MR. SLAVEN: It was a little soft. Is it  
10 Marc Poston?

11 JUDGE DIPPELL: Yes. I'll just ask  
12 everybody to speak up. I don't know how well our  
13 technology is working here.

14 So go ahead, Ms. Young.

15 MS. YOUNG: Mary Ann Young with the law  
16 firm William D. Steinmeier, P.C., appearing on behalf WWC  
17 License, LLC. And Matt slaven is on the phone with us  
18 today. He's with the law firm of Briggs & Morgan, PA in  
19 St. Paul, Minnesota.

20 JUDGE DIPPELL: All right.

21 MR. MCCARTNEY: Brian T. McCartney of the  
22 law firm Brydon, Swearngen & England, P.C., 312 East  
23 Capitol Avenue, Post Office Box 456, Jefferson City,  
24 Missouri 65102, on behalf of Craw-Kan Telephone  
25 Cooperative and KLM Telephone Company.

1 JUDGE DIPPELL: Mr. Stewart?

2 MR. STEWART: Charles Brent Stewart, law  
3 firm of Stewart & Keevil, LLC, appearing on behalf of  
4 Spectra Communications Group, LLC, doing business as  
5 CenturyTel. And I've given the court reporter my mailing  
6 address.

7 JUDGE DIPPELL: Very well. I see no one  
8 else represented here today. There are also some  
9 Commission Staff people present, for the benefit of those  
10 on the phone.

11 The only other pending motion that I have  
12 is from the Office of the Public Counsel, who is not here  
13 yet today, and they had made a motion for an evidentiary  
14 hearing. I did not receive any objections to that motion,  
15 and, therefore, I set this scheduling conference in  
16 anticipation that, just that, we would need to schedule a  
17 hearing. So that motion can be considered granted as  
18 well.

19 Are there any other pending motions or  
20 matters that need to be brought to my attention? Okay.  
21 This is actually the second one of these types of cases  
22 that the Commission has dealt with. The other one is  
23 still pending a decision, which actually is expected  
24 fairly shortly. And I don't know what effect that  
25 decision might have on this case and how you-all want to

1 plan for that. But given the way the hearing calendar for  
2 the Commission is stacked up, I assume that decision will  
3 be out well before any hearing takes place in this matter.  
4

5 I don't know of any specific issues or  
6 questions that I need to ask, and that's the reason I  
7 decided to set this as a scheduling hearing because I just  
8 thought you-all probably needed to get together to talk  
9 about dates and times. So I think I directed a proposed  
10 procedural schedule to be filed no later than June 21st.  
11 Is there any problem with that? I don't see any objection  
12 to that.

13 So I'm just going to go ahead and leave  
14 you-all to it, then, if you want to plan your scheduling,  
15 if you don't have anything else for the record.

16 MR. POSTON: I have one question. I didn't  
17 attend the adjudication roundtable where they talked about  
18 the desire for live testimony. Do you have any preference  
19 on this case as to whether we do prefiled or live  
20 testimony?

21 JUDGE DIPPELL: I personally do not have a  
22 preference. The Commissioners seem to have a preference  
23 for live testimony. I can't say which would be better or  
24 worse, and I will leave it to counsel to make a suggestion  
25 as to that. If counsel thinks that prefiled testimony

1 would be more beneficial in this type of a case, then I  
2 will leave that for you-all to suggest. I will not say  
3 that the Commission will necessarily accept every  
4 suggestion.

5 No changes at this point have been made in  
6 any rules or actual operating procedures. So I'll just  
7 leave that to you-all to decide what method you think is  
8 best in this case, this particular case.

9 MR. POSTON: Thank you.

10 JUDGE DIPPELL: Are there any other  
11 questions?

12 MR. SLAVEN: Your Honor, it's Matt Slaven.  
13 The Order that you issued asked for, among other things, a  
14 proposed list of issues to be addressed.

15 JUDGE DIPPELL: Yes.

16 MR. SLAVEN: Can you explain for my benefit  
17 what you envision with that list of questions?

18 JUDGE DIPPELL: Well, I actually envision a  
19 list of things that are going to be contested basically  
20 between the parties. In a similar case like this, my list  
21 of issues consisted of the issue is it in the public  
22 interest. To be honest, I already know that's the issue,  
23 but I want to know what's the real issue. Why does one  
24 side think it's not in the public interest, the other side  
25 thinks it is in the public interest?



1                   And I think when you discuss with local  
2 counsel here, Mr. Slaven, then she can help you, guide you  
3 in that direction when you discuss with the other  
4 attorneys. They're pretty used to that procedure. But I  
5 would like something more specific than just is this in  
6 the public interest. I know that's the underlying  
7 issue. I want to know why somebody thinks it is and why  
8 somebody thinks it isn't.

9                   Any other questions, Mr. Slaven?

10                  MR. SLAVEN: No. Thank you, your Honor.

11                  JUDGE DIPPELL: Anything else from any of  
12 the parties?

13                  I did not think to bring down a copy of the  
14 Commission's current calendar, but I see Mr. Poston has  
15 one. So I'm going to go ahead then and I will leave the  
16 room and go off the record. Since Mr. Slaven's on the  
17 phone, I'll just leave him on the phone and you-all can  
18 just disconnect him when you're done, and let me know that  
19 you're finished and I'll take care of the phone and so  
20 forth.

21                  If there's nothing further, then we can go  
22 ahead and go off the record.

23                  WHEREUPON, the recorded portion of the  
24 prehearing conference was concluded.

25

<p><b>A</b></p> <p>a 3:9,12,17,22 4:9 5:13,16,23 6:7,9 6:21,22,24 7:1,13 7:18,20 8:13</p> <p>about 6:9,17</p> <p>accept 7:3</p> <p>actual 7:6</p> <p>actually 5:21,23 7:18</p> <p>address 5:6</p> <p>addressed 7:14</p> <p>adjudication 6:17</p> <p>ahead 4:1,3,14 6:13 8:15,22</p> <p>All 4:20</p> <p>already 7:22</p> <p>also 3:10 5:8</p> <p>amended 3:21</p> <p>among 7:13</p> <p>an 1:13 3:4 5:13 and 1:14 3:5,8,10,11 3:11,12,16,18,21 3:24 4:1,3,3,4,7,17 4:25 5:5,13,15,24 5:25 6:6,9,13,24 8:1,7,15,16,17,18 8:19,19,22</p> <p>Ann 2:2 4:15</p> <p>anticipation 5:16</p> <p>any 5:14,19 6:3,5,11 6:11,18 7:6,10 8:9 8:11</p> <p>anything 6:15 8:11</p> <p>appear 3:12,17 4:2</p> <p>appearance 4:4</p> <p><b>APPEARANCES</b> 2:1</p> <p>appearing 4:5,16 5:3</p> <p>application 1:12 3:3</p> <p>are 3:17,25 5:8,19 7:10,19</p> <p>areas 1:15 3:6</p> <p>as 1:13 3:4,17,21,25 5:4,17 6:7,19,25</p> <p>ask 4:11 6:6</p> <p>asked 7:13</p> <p>assigned 3:8</p> <p>assume 6:2</p> <p>at 2:2,6,10,10,15,16 4:4 7:5</p> <p>attend 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