

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS
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6
7 Public Hearing
8 October 18, 2005
9 Greenwood, Missouri
10 Volume 2
11
12

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

17 NANCY DIPPELL, Presiding
18 SENIOR REGULATORY LAW JUDGE
19 STEVE GAW,
20 ROBERT W. CLAYTON, III,
21 COMMISSIONERS
22

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1

I N D E X

2

Witness Name

Page

3

Representative Robert Johnson. 9

Mr. Bob Hayter 22

4

Councilman Randy Rhoads. 26

Ms. Nancy Dean 33

5

Mr. Sam LePoint. 37

Ms. Rachelle Vandiver. 38

6

Mr. Kenneth Stremming. 42

Councilman Ron Williams. 44

7

Mr. James Metzger. 50

Mr. Tom Davis. 57

8

Mr. John Shaffran. 66

Mr. Barton Reese 69

9

Mr. Michael Hammonds 78

Ms. Tammy Jones. 83

10

Ms. Linda Kline. 90

Mr. Dennis Davis 93

11

Ms. Cathy Hopkins. 99

Ms. Judy Warbeck 101

12

Mayor Kevin Adey 107

Mr. Gene Devaux. 114

13

Mr. Chris Jenkins. 117

Mr. Gary Embry 122

14

Mr. John Warren. 125

15

16

17

18

19

20

E X H I B I T S

21

Mrked

Rec'd

22

No. 1, Councilman Randy Rhoads . . . 30 30

No. 2, Mr. James Metzger 53 53

23

24

25

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

2 JUDGE DIPPELL: The Missouri Public Service
3 Commission has set this time for a local hearing in
4 Case No. TO-2005-0144, in which the Office of the
5 Public Counsel seeks to add the Greenwood Exchange as
6 a mandatory Tier 2 MCA calling exchange.

7 The Missouri Public Service Commission
8 regulates the rates charged by investor-owned utility
9 companies in Missouri to insure that those rates are
10 just and reasonable. The Commission also regulates
11 the quality of service and safety of operations of
12 investor-owned utilities.

13 The commission is made up of five members,
14 two of whom are here with me today. The
15 commissioners are appointed by the governor and
16 confirmed by the Senate. The commissioners employ
17 staff and engineers, accountants, attorneys,
18 financial analysts and other specialists in the field
19 of utility regulation.

20 My name is Nancy Dippell, and I'm the
21 regulatory law judge for the Missouri Public Service
22 Commission and it's my job to facilitate the hearing
23 and help the commissioners run these hearings.

24 This is Commissioner Gaw on my right and
25 Commissioner Clayton on my left.

1 In addition, the court reporter is
2 transcribing this hearing so that the other
3 commissioners can review and read the comments. And
4 those comments will become part of our official
5 record.

6 Also present is David Meyer, staff counsel.
7 You probably already met him. We have some staff
8 people; Mr. Mike Scheperle, Mr. Bill Voight. They'll
9 be available to answer any questions you might have.
10 If you have any service questions or related
11 complaints or those kinds of things, we'd also want
12 you to be sure and the talk to those people.

13 Mr. Dandino is here with the Office of the
14 Public Counsel. And it's the Office of the Public
15 Counsel's job to represent the public before the
16 commission.

17 In addition do I have any attorneys here
18 for SBC?

19 MR. OLSEN: Jason Olsen is here, but we're
20 not represented by the attorneys.

21 JUDGE DIPPELL: Jason Olsen?

22 MR. OLSEN: Yes.

23 JUDGE DIPPELL: Is here with us this
24 evening and I'm sure he'd be happy to speak with
25 anyone who has questions or concerns, also.

1 This is the official hearing of the
2 Missouri Public Service Commission, as I said, so the
3 statements and testimony of the witnesses will be
4 recorded by the court reporter and will be taken
5 under oath or affirmation.

6 In addition to this local hearing a
7 trial-type evidentiary hearing may be held at a later
8 date, but that has not yet been set. That hearing
9 will be held in the commissioners offices at the
10 Governor Office Building in Jefferson City.

11 The purpose of this hearing, however, is to
12 receive comments from the public regarding the
13 proposed plan the Public Counsel has put forward.
14 This is your opportunity to comment. And your
15 remarks, again, will be part of the official record.

16 I'll call the name of each witness who
17 signed up to speak. And I'll call you generally in
18 the order that you signed up. Sometimes there's a
19 need to change things around a little bit.

20 When your name is called if you'd please
21 come forward and stand in front of the podium if you
22 are able. Please speak slowly and clearly so the
23 court reporter can get everything down. Spell your
24 name. I may ask a few preliminary questions, such as
25 your name and address, and then you can make your

1 statement or give your comments.

2 There may also be some questions from the
3 commissioners when you are finished with your
4 comments, so I'd ask that you please not leave until
5 you are excused. I'll also ask if the attorneys
6 present would like you clarifying questions when you
7 are finished.

8 We're going to try to end promptly at 8:00.
9 There's a lot of people here, so we want to get as
10 many of you through as possible. So I'll ask that
11 you try to keep your comments brief. Maybe the
12 previous speaker has already said what you wanted
13 already said, it's perfectly fine to say that you
14 agree with that person and go on.

15 I'll also ask that people in the audience
16 while someone is testifying kind of refrain from
17 making remarks or general outbursts. We don't want
18 anyone to feel that if they have a different opinion
19 that they don't want to come up and testify as well.

20 I'll also ask the attorneys if they'll make
21 written entries of appearances.

22 We can go ahead then and begin.

23 Commissioner Gaw, would you like to make
24 any opening remarks?

25 COMMISSIONER GAW: Just very briefly. I

1 want to thank everyone here for coming out. We look
2 from hearing from you. It's gratifying to see this
3 many people turn out about anything that we're
4 dealing with. It makes it a lot better for us, to
5 help us assess what the public interest is in regard
6 to any questions. So thank for taking your time. I
7 know everyone has got a busy schedule and we really
8 appreciate you coming out tonight.

9 It's good to see Representative Johnson
10 here, as I have known Representative Johnson for
11 several years. I know he's very interested in this
12 issue and made that point clear on a number of
13 occasions.

14 JUDGE DIPPELL: Commissioner Clayton.

15 COMMISSIONER CLAYTON: Just to introduce
16 myself. I my name is Robert Clayton. I am one of
17 the five members of the Missouri Public Service
18 Commission. I'm originally from Hannibal, Missouri.

19 We just conducted a local public hearing on
20 a different matter, but it's a telephone matter in my
21 hometown of Hannibal Missouri. And all of zero
22 people showed up to testify. So I'm excited to see
23 so many people here that interested on this important
24 topic. I look forward to the discussion that comes
25 up today.

1 I also want to recognize Representative
2 Johnson for being here. The issues of this case has
3 already been discussed in numerous fashion. He
4 served on a task force that former Chairman of the
5 Commission Steve Gaw wanted to discuss the expanded
6 calling area and MCA issues. So we appreciate
7 everyone being here today.

8 JUDGE DIPPELL: Thank you.

9 And in addition to Representative Robert
10 Johnson, I see that we also have Council Member Randy
11 Rhoads present, and Councilman Ron Williams.

12 Do we have any other elected officials?

13 Representative Johnson, would you like to
14 begin?

15 (Whereupon, the witness was duly sworn.)

16 JUDGE DIPPELL: Please state your name.

17 REPRESENTATIVE JOHNSON: Yes. My name is
18 Bob Johnson. I serve as representative for the 47th
19 Legislative District in the Missouri House of
20 Representatives, which if you look on the map over
21 here basically it includes almost all of this calling
22 exchange area. So southern Lee's Summit and all of
23 the City of Greenwood, which are in the 47th House
24 District. And then you have got some unincorporated
25 areas of the county that are also included in the

1 so-called Greenwood phone exchange.

2 Thank you again for coming to Greenwood
3 this evening to have this hearing. I was first
4 presented this issue right after the 2002 election.
5 Ms. Linda Kline from Greenwood approached me about a
6 petition they had signed in this area, sent to the
7 PSC in Jefferson City. So I know you have heard from
8 since 2003 on this.

9 And I certainly appreciate, again, former
10 Chair Gaw to for the task force that allowed us to
11 come together and try to make some conclusions of
12 these issues across the state. I'm not sure we
13 resolved a whole lot. But at least it had some
14 issues were agreed to and I think led to this hearing
15 here this evening.

16 In the task force that we have talked about
17 one of the items we asked the Commission to consider
18 were communities of interest. I do want to mention
19 that this evening because we certainly have
20 communities of interest represented, both of
21 Greenwood and the residents here that are here from
22 southern Lee's Summit.

23 Communities of interest obviously include
24 such issues as employment, housing, medical care,
25 education, government services and facilities. Two

1 come to my mind immediately. I know I have people
2 behind me who will talk about this in more detail.

3 The Lee's Summit School District, all these
4 individuals live in the Lee's Summit R-7 School
5 District, which has 986 exchange, and both in
6 Greenwood, per se, and southern Lee's Summit, per se,
7 if the basic telephone exchange, the 623 exchange
8 were in use, they could not call their local school
9 district.

10 The people that live behind Greenwood
11 Elementary School, where you are now or across 150
12 from Greenwood Elementary School now, if they have a
13 623 exchange would be a toll call for a mother of a
14 kindergartner to call this school for a problem
15 regarding a kindergartner, son or daughter. And vice
16 versa if the school district has to call a 623 the it
17 would be a toll. But in terms of the parents calling
18 it would be a long distance call.

19 The same is true in southern Lee's Summit,
20 with the schools there in southern Lee's Summit. For
21 example, the Trailridge Elementary School, the Summit
22 Lakes Middle School. Again, if those residents of
23 southern Lee's Summit were only to have the 623
24 exchange, not a part of the MCA, they would have long
25 distance phone calls to the elementary and middle

1 schools.

2 Likewise for the Lee's Summit residents if
3 they wanted to call their city hall, if they want to
4 call their two council members, depending on the
5 phone numbers their council members have, this could
6 also be long distance or a toll call.

7 And that's what prompted me to get involved
8 in this issue when Linda brought this to me and I
9 brought the matter forward.

10 I'm going to leave a lot of those
11 discussions up to members behind me of the audience,
12 who will talk about whether or not they feel it's
13 legitimate for them to move from a Tier 3 Optional
14 Plan to a Tier 2 Mandatory Plan.

15 I would think -- and I don't live in this
16 exchange, per se. But I would think it would be very
17 fair that you will find people who will support the
18 supposed \$2 increase for the mandatory plan for a
19 Tier 2 MCA. Which again, to reiterate, that would be
20 approximately 12.50 for a a local charge, plus the
21 suggested \$2 MCA plan that the Public Counsel has
22 suggested.

23 Before I close I want to get into a couple
24 of comments that were brought to me in the task
25 force, what concerned me. I heard -- all during the

1 year we had this task force, from the telephone
2 industry -- and I was most concerned about SBC.

3 Now, let me say that SBC representatives
4 were polite to me, very cordial to me, very friendly
5 to me, and absolutely done nothing to help my
6 constituents behind me to get a better and less
7 expensive phone bill or call plan.

8 With that aside -- with that comment aside,
9 I have heard quite a bit during the year I was on
10 this task force, the Greater Kansas City telephone
11 industry was a competitive industry. There were many
12 avenues of land-based service that the individuals in
13 the Greenwood phone exchange could use.

14 I don't believe that happens to be the
15 case. Because if it's a clearly competitive industry
16 in the Greater Kansas City area one firm cannot
17 significantly affect the prices of other firms. It
18 is my belief in the Greater Kansas City area, in the
19 metropolitan calling exchange area, in fact, we do
20 not have a competitive phone service, we have
21 oligopolistic phone service.

22 For those who aren't quite familiar with
23 the term oligopoly -- and I have to volunteer that I
24 can talk economics with telephones for a while, so we
25 have to talk about terms no one else can talk about.

1 So, in fact, oligopoly is, of course, a
2 market form that is dominated by a small group of
3 sellers. And I think even though it's suggested that
4 maybe 15 to 20 companies might be able to supply
5 land-based residential services into the Greenwood
6 area, you will probably find that the top three or
7 four have about 95 percent of the residential phone
8 service in the Greater Kansas City area.

9 Even though I asked many, many times of
10 SBC, "What percentage of the Greater Kansas City
11 Metropolitan area were SBC customers?" And they said
12 that was proprietary and they couldn't suggest what
13 it was to me. Other individuals in the industry
14 suggested that probably SBC had 80 to 85 percent of
15 the residential phone service in the MCA.

16 My point here is that this is no longer a
17 competitive system, if it ever was. It is an
18 oligopolistic system. And really, if you control 80
19 to 85 percent of a system you are a monopoly. There
20 aren't many alternatives for people in Greenwood to
21 go to for residential land-based systems. I think if
22 you have a policy and under your employ -- and I know
23 you do -- I think if you ask them about what's
24 evidence of an oligopolistic system in a marketplace,
25 they'll probably tell you the top four firms in an

1 industry have a concentration of 40 percent of the
2 market or more that's identified as oligopolistic
3 industry or oligopoly.

4 I think you will find -- and you have some
5 of records that are not available to us in the
6 public. When one firm has by itself 80 to 85 of the
7 industry, that -- there's a tremendous amount of
8 pressure on phone pricing. They basically are a
9 monopoly. It is really not a competitive system.

10 So as you consider this case before you --
11 and I appreciate the Public Counsel formally bringing
12 this action. I would ask -- I think people will talk
13 about this this evening, that the growth in the
14 Greenwood phone exchange of the last few years, the
15 incremental increase in revenue have, I'm sure, far
16 outpassed the incremental costs that SBC has had to
17 involve itself to the expense offering service to the
18 thousands of people that now live in this section of
19 the county.

20 So in closing, again, I want to thank you
21 for being here. You will hear more individual
22 details from people in the audience. But this is a
23 monopolistic organization and I think we --
24 obviously, the residents here need help. Someone has
25 to balance the scales when the public has to deal

1 with a monopoly. That's what we're asking the Public
2 Service Commission to do. And with that I'll answer
3 any questions that you have.

4 JUDGE DIPPELL: Thank you, Representative.
5 Commissioner Gaw, questions?

6 COMMISSIONER GAW: Representative, you
7 mentioned that this is a growth area?

8 REPRESENTATIVE JOHNSON: It certainly has
9 been and continues to be so.

10 COMMISSIONER GAW: Give me a little bit of
11 an idea about having the growth in these exchanges.

12 REPRESENTATIVE JOHNSON: I think the City
13 of Greenwood, per se, I believe their population
14 doubled from 1990 to 2000 and continues to grow.

15 Southern Lee's Summit I can't give you an
16 exact. Let's just say in 1990 the City of Lee's
17 Summit I think grew -- was it 47 percent? Roughly 47
18 percent growth and continues in the whole city. Much
19 of it in the southern -- where I live in the city
20 there's not much growth because we're basically at
21 the city limits.

22 The growth of the City of Lee's Summit is
23 in the south and the southwest, which is where
24 southern Lee's Summit is, and a lot of people in
25 Raintree Subdivision, and these are growing areas. I

1 can't give you the actual population numbers from '90
2 to 2000, except they are the growth area of the city.

3 COMMISSIONER GAW: Okay. So your point, if
4 I was following you, has to do with additional
5 revenues that are coming into this area to SBC in
6 serving the area. Am I following that?

7 REPRESENTATIVE JOHNSON: Yes, I certainly
8 concur that in order to get basic phone service
9 initiated here over the last 20, 30, 40 years, there
10 certainly was a capital investment that was required
11 by SBC. There's no question about it.

12 COMMISSIONER GAW: Okay.

13 REPRESENTATIVE JOHNSON: My point, over the
14 years now, let's take the last 15 years or the last
15 20 years, I think you will find that the incremental
16 increases in phone revenues far outpace what our
17 incremental costs would have been required by SBC. I
18 don't have access to that, but I know the Commission
19 can ask for that. That's my premise. Because of the
20 growth, you know, at some point the fixed costs are
21 paid for because of another household on line. And
22 that's why I made the statement regarding incremental
23 revenues.

24 COMMISSIONER GAW: Okay. I know you talk
25 to your constituents on a regular basis.

1 REPRESENTATIVE JOHNSON: I try to.

2 COMMISSIONER GAW: Give me a perspective on
3 this issue and it's importance to your constituents.

4 REPRESENTATIVE JOHNSON: As you remember,
5 Commissioner Gaw, I've been out of the General
6 Assembly three different times. Voluntarily.

7 COMMISSIONER GAW: Yes, I do. That should
8 be noted for the record even, Representative.

9 REPRESENTATIVE JOHNSON: I get irritated
10 with my colleagues, I leave and do something else,
11 then come back. This issue has come up in the
12 Senate. Now that I'm back in the House this issue
13 has never gone away. I was on the City Council for a
14 while.

15 These two gentlemen served with me. And
16 they were on my case then, thinking I could talk to
17 you even as a council member.

18 It has always been an issue because the
19 people in the same school, more than half of these
20 people are in the same city as to the north. It's
21 always been a problem.

22 But let me tell you what's going to create
23 more of a problem now. Business growth is coming to
24 this part of Lee's Summit and Greenwood. Both have
25 economic development commissions. Both are

1 developing in the south. And the City of Greenwood,
2 if you've gone to the intersection of 291 South and
3 150, you see commercial growth.

4 I'm not suggesting people won't put a
5 business here because of the high phone bills. But
6 it is a cost of business operation that will have to
7 be considered.

8 For 20 years as a public official I have
9 heard about the perceived inequities of the phone
10 service and the charges thereto with Southwestern
11 Bell in this region in Jackson County.

12 COMMISSIONER GAW: How far are we here from
13 the Tier 2 line? Do you have an idea?

14 REPRESENTATIVE JOHNSON: I don't know for
15 sure. But I would say for those people who live just
16 north of the Summit Lake Middle School I'll bet you
17 have within two miles of that you have Tier 2.

18 COMMISSIONER GAW: The Tier 2 people can
19 call toll free within all of the tiers. Is that how
20 it is?

21 REPRESENTATIVE JOHNSON: Yes, that's right.

22 COMMISSIONER GAW: They pay how much for
23 that included in the basic local service?

24 REPRESENTATIVE JOHNSON: I'm a Tier 2
25 resident. I think my basic fee is about 21.50.

1 COMMISSIONER GAW: That's for all of your
2 basic services?

3 REPRESENTATIVE JOHNSON: Yes.

4 COMMISSIONER GAW: Including your right to
5 call throughout all the tiers?

6 REPRESENTATIVE JOHNSON: Yes. That means I
7 can call Johnson County, Kansas, Wyandotte County,
8 Kansas, into the Oak Grove and Lone Jack of eastern
9 Jackson County.

10 COMMISSIONER GAW: The exchange boundary,
11 does it lie along the city limit lines or within --

12 REPRESENTATIVE JOHNSON: No.

13 COMMISSIONER GAW: Help me to understand
14 that a little bit.

15 REPRESENTATIVE JOHNSON: That's fine. The
16 phone boundary, the exchange boundary does not follow
17 the corporate limits of either Greenwood or the City
18 of Lee's Summit. And I'm not sure -- this was
19 obviously establish many, many years ago, probably
20 even before potentially Lee's Summit annexed into
21 this area.

22 And also we have a number of people who
23 live in Greenwood who think they are in an
24 unincorporated area. And frankly, you have some
25 people in northern Cass County that also in this.

1 COMMISSIONER GAW: So that makes it even
2 more of a problem, if I'm following you, in dealing
3 with these issues about calling to the city for city
4 government?

5 REPRESENTATIVE JOHNSON: Well --

6 COMMISSIONER GAW: Go ahead.

7 REPRESENTATIVE JOHNSON: Lake Winnebago and
8 Cass County, those residents are in the R-7 School
9 District. My same comment for Lee's Summit and
10 Greenwood and Raintree is also true at Lake
11 Winnebago.

12 COMMISSIONER GAW: Okay. I think that's
13 all I have right now, Judge. Thank you.

14 JUDGE DIPPELL: Commissioner Clayton?

15 COMMISSIONER CLAYTON: Representative
16 Johnson, I have got a number of questions. I'm going
17 to go ahead and pass them and get some other
18 testimony. Thank you for coming today.

19 REPRESENTATIVE JOHNSON: Thank you.

20 JUDGE DIPPELL: Thank you.

21 Were there any questions?

22 MR. DANDINO: No questions.

23 Thank you, Representative.

24 JUDGE DIPPELL: Thank you, Representative.

25 REPRESENTATIVE JOHNSON: Thank you.

1 JUDGE DIPPELL: Bob and Jan Hayter are my
2 next.

3 (Whereupon, the witness was duly sworn.)

4 JUDGE DIPPELL: Could you state your name
5 and spell.

6 MR. HAYTER: My name is Bob Hayter. I live
7 at 3810 Southwest Windemere Drive of Lee's Summit. I
8 have lived there for approximately 15 years. And
9 when we purchased our house there we were not aware
10 of the Metropolitan Calling Plan was in effect. I
11 probably might not have bought maybe.

12 At that time it was like -- I think it was
13 more than \$12.35, but I can't remember. But we have
14 been paying that amount for 15 years, every month,
15 which is quite a sum.

16 And it's not only us being able to call
17 somebody, it's people calling us. I recently
18 subscribed to the long distance service now, that we
19 can call anybody in the country for \$20, I believe it
20 is. And yet it costs me \$12.35 to subscribe to a
21 Metropolitan Calling Plan.

22 I just can't understand why we live in
23 Lee's Summit and we have to be put in a Greenwood
24 exchange. It looks like to me that Southwestern Bell
25 made no effort to change that because it was just

1 gravy for them, you know. It probably costs them
2 nothing to just hook us on.

3 So that's about all I have to say. I just
4 feel we've been ripped off for the last 15 years.

5 JUDGE DIPPELL: Thank you.

6 MR. HAYTER: I tried to call -- every time
7 I tried to change my service, I've changed back and
8 forth between MCI. Every time they do that they say,
9 oh, wait, you have to pay this extra \$12.35 or
10 whatever it is. So anyway, that's it.

11 JUDGE DIPPELL: Thank you for your
12 comments. If you could wait just one moment and let
13 me see if there are any additional. I just wanted to
14 ask you real quickly if you would spell your last
15 name.

16 MR. HAYTER: H-a-y-t-e-r, Hayter.

17 JUDGE DIPPELL: Thank you.

18 Commissioner Gaw, questions?

19 COMMISSIONER GAW: Yeah.

20 I want to make sure I'm understanding what
21 you are saying. You have currently the extra \$20 to
22 call anywhere you want to in the country for
23 unlimited minutes?

24 MR. HAYTER: Yeah. Unlimited long-distance
25 calling. I think it's \$20, might be plus taxes.

1 COMMISSIONER GAW: Okay. It's not
2 important that you have the exact amount.

3 But do you in addition to that pay for
4 optional Tier 3 calling?

5 MR. HAYTER: Yeah. I pay the \$12.35.
6 That's for the option so somebody can call me. My
7 doctors --

8 COMMISSIONERS GAW: Okay. Now I'm
9 following you. That explains that.

10 MR. HAYTER: It's not for me to call out
11 because I can say, heck, I don't want it. I can call
12 out.

13 COMMISSIONER GAW: Sure. But that doesn't
14 take care of the problem of people calling you.

15 MR. HAYTER: Yeah. It's not for me to call
16 out. I can have that number and have unlimited
17 long-distance and call anybody and not pay that \$12.
18 But if somebody wanted to call me, they can't.

19 COMMISSIONER GAW: The reason I want to
20 make sure that that point is clear, from time to time
21 we might hear a suggestion that, well, why does
22 anyone need any kind of an option under the Tier 2
23 provisioning? For example, because you can go buy
24 one of these plans and call anywhere. You clarified
25 that, I think. Because it allows people to call you.

1 Thank you.

2 MR. HAYTER: Yeah. I was going to change
3 to a 525 number or whatever it was. They said, well,
4 you can do that, but people won't be able to call
5 you.

6 COMMISSIONER GAW: I understand that.
7 Thank you very much, sir.

8 JUDGE DIPPELL: Just one moment,
9 Mr. Hayter. Can I ask this one question: What is
10 the exchange numbers, the first three numbers of your
11 telephone number?

12 MR. HAYTER: 537.

13 COMMISSIONER CLAYTON: Mr. Hayter, I just
14 wanted to clarify. I think you said you live in
15 Lee's Summit, but are in the Greenwood exchange. Is
16 that what you said?

17 MR. HAYTER: That's correct.

18 COMMISSIONER CLAYTON: That's the 537
19 prefix telephone number?

20 MR. HAYTER: Yeah. I suppose I could have
21 the 632 or whatever that -- 623 number if I wanted
22 it.

23 COMMISSIONER CLAYTON: That would be a
24 non-MCA number in that instance?

25 MR. HAYTER: Yes.

1 COMMISSIONER CLAYTON: I appreciate you
2 bringing up the ability of someone calling you.
3 Because when someone first things of MCA plan,
4 they're focus is on dialing out. It's the ability to
5 dial someone. I have the same problem. But it's
6 important for some of you to also receive those phone
7 calls, correct?

8 MR. HAYTER: Yeah. You want your doctor to
9 call. He's not going to make a long-distance call.

10 COMMISSIONER CLAYTON: Did I hear you
11 correctly? You said you feel like you have been
12 ripped off for all these years?

13 MR. HAYTER: That's for sure.

14 COMMISSIONER CLAYTON: I want you to --
15 even though this is a formal public hearing, don't
16 feel like you need to sugar coat it. Tell it like it
17 is. Thank you.

18 MR. HAYTER: That's the way it is.

19 JUDGE DIPPELL: Did Jan Hayter want to
20 testify also?

21 MRS. HAYTER: I think he said enough.

22 JUDGE DIPPELL: Thank you.

23 Councilman Rhoads?

24 (Whereupon, the witness was sworn in.)

25 JUDGE DIPPELL: Would you please state your

1 name and spell it for the court reporter.

2 COUNCILMAN RHOADS: Certainly. My name is
3 Randy Rhoads, it's R-h-o-a-d-s. Thank you.

4 Good evening. As I stated, my name is
5 Randy Rhoads and I'm a member of Lee's Summit City
6 Council. Joining me this evening is my fellow
7 District 2 Councilman Ron Williams.

8 The Lee's Summit mayor, Karen Messerli, is
9 not able to join us this evening so I'm making
10 comments on her behalf.

11 The City of Lee's Summit has a population
12 of approximately 86,000 people. Located within the
13 Kansas City Metropolitan area. Currently a group of
14 residents must pay additional charges to call other
15 residents of the city and to call for city services.

16 We are here to encourage modifications to
17 the Metropolitan Calling Area plan to provide that
18 all residents of Lee's Summit are treated equally and
19 uniformly in rates for calls made within the city
20 limits.

21 I'm deleting some paragraphs. Also, I'm
22 not going to use the word poligopoly.

23 REPRESENTATIVE JOHNSON: Oligopoly.

24 COUNCILMAN RHOADS: That's Bob's favorite
25 word.

1 Over 7,000 residents of southern Lee's
2 Summit reside within the MCA 3 area designated
3 Greenwood telephone exchange. Those residents must
4 either subscribe to an MCA service by paying an
5 additional fee of approximately \$12.35 per month or
6 must incur long-distance charges to call residents of
7 Lee's Summit not within the MCA 3 area. This means
8 that residents within the Greenwood exchange must
9 incur in additional fees to contact providers of
10 goods and services within their community in which
11 they reside, including those services provided by the
12 City of Lee's Summit and it's elected officials.

13 For years residents of Lee's Summit
14 residing within the Greenwood telephone exchange have
15 requested the City's assistance in obtaining
16 information regarding the procedures to change the
17 boundaries of the Metropolitan Calling Area.

18 On March 2nd, 2002, the City of Lee's
19 Summit passed a resolution, 02040, declaring it's
20 support for the Public Service Commission's staff
21 recommendation that the Public Service Commission
22 schedule public hearings and that the Public Service
23 Commission hold at least one of the public hearings
24 in the City of Lee's Summit area.

25 There was a working group created of which

1 Representative Johnson was a member, and the mayor
2 was a member. The stated purpose of the working
3 group was to facility the working exchange of the
4 ideas between the Commission, the public and the
5 industry. The working group was directed to
6 investigate and consider whether the MCA plan and
7 calling scopes in general should be amended, and if
8 so, how.

9 In 2005 a third separate case was
10 established before the Public Service Commission for
11 the Greenwood exchange. And it's public hearings
12 were scheduled to help facility an investigation to
13 the modification of the MCA plan.

14 We thank the Office of the Public Counsel
15 for its efforts to get these public hearings
16 scheduled, and the Public Service Commission staff
17 for recognizing the importance of these hearings.

18 We also thank State Representative Bob
19 Johnson for his contribution to the working group, as
20 well as his hard work in getting the public hearing
21 scheduled. As you can see there are a number of
22 residents here tonight to provide testimony.

23 As representatives of District 2 of the
24 City of Lee's Summit City Council, our interests in
25 this proceeding is to insure that all citizens are

1 treated equally and uniformly in rate for calls made
2 within the Lee's Summit city limits. This is
3 important for purposes of uniformity and providing
4 goods and services to residents of the community, and
5 provide an open stream of communication between
6 residents and their elected and appointed officials.

7 We respectfully request that the Public
8 Service Commission consider expanding the mandatory
9 calling area to include all areas within the City of
10 Lee's Summit. Thank you.

11 JUDGE DIPPELL: If you want to enter the
12 entire written comments into the record we'd be happy
13 to receive that as an exhibit.

14 COUNCILMAN RHOADS: I can do that.

15 JUDGE DIPPELL: It's up to you. If you'd
16 like to do that I'll --

17 COUNCILMAN RHOADS: A lot of it is history
18 and addresses that.

19 JUDGE DIPPELL: I'll mark that as
20 Exhibit 1. If you want to give me a copy of that I
21 can do that.

22 (Exhibit 1 marked for identification.)

23 JUDGE DIPPELL: Commissioner Gaw, do you
24 have questions?

25 COMMISSIONER GAW: I think that's good.

1 The question and answer session does not get into the
2 record, and that is good it comes in front of the
3 Commission.

4 I don't really have any direct questions.
5 I just quickly would say to you that, you know, we
6 have these issues come up around the state from time
7 to time. And I don't think that I -- I cannot think
8 of any place in the state where you had a
9 representative and city officials that have been more
10 adamant and active in trying to get something done.
11 I just want to make that comment to you because I've
12 seen a lot of this.

13 COUNCILMAN RHOADS: Well, this issue comes
14 to us because we're running into it that 5 to 10
15 percent of the population is affected by us. It's a
16 very real issue for the citizens.

17 JUDGE DIPPELL: Commissioner Clayton?

18 COMMISSIONER CLAYTON: Councilman, where
19 are the boundaries of District 2? Is it a district
20 that you run for the city council?

21 COUNCILMAN RHOADS: Yes, sir.

22 COMMISSIONER CLAYTON: Are we in District 2
23 right now? Where are the boundaries of District 2?

24 COUNCILMAN RHOADS: Well, unfortunately
25 we're in Greenwood right now.

1 COMMISSIONER CLAYTON: Right. So that
2 wouldn't work.

3 COUNCILMAN RHOADS: Basically, we have --

4 COMMISSIONER CLAYTON: I guess what I'm
5 trying to find out is: Is your district in both
6 exchanges?

7 COUNCILMAN RHOADS: Yes. Very much so.

8 COMMISSIONER CLAYTON: I mean, do you have
9 constituents that are served --

10 COUNCILMAN RHOADS: Yes, sir.

11 COMMISSIONER CLAYTON: Okay.

12 COMMISSIONER GAW: He's showing that on the
13 board.

14 COMMISSIONER CLAYTON: That's all right. I
15 think I understand that. I just wanted to verify
16 that your district encompassed more than just one of
17 the exchanges.

18 COUNCILMAN RHOADS: To echo some earlier
19 testimony. I've been on the council for eight years,
20 and I've heard about this literally since day one.

21 COMMISSIONER CLAYTON: Thank you.

22 COUNCILMAN RHOADS: And I'm extremely
23 appreciative you coming here this evening.

24 JUDGE DIPPELL: Mr. Dandino, any questions?

25 MR. DANDINO: No questions.

1 Thank you, Councilman Rhoads.

2 JUDGE DIPPELL: Thank you.

3 Nancy Dean?

4 I will say for those of you who are
5 standing, if you are doing that by choice that's
6 fine. There are plenty of seats up towards the front
7 if you'd like to sit down.

8 (Whereupon, the witness was duly sworn.)

9 JUDGE DIPPELL: Thank you. If you could
10 state your name and spell it for the court reporter.

11 MS. DEAN: My name is Nancy Dean, D-e-a-n.
12 I live in Windemere Subdivision of Lee's Summit, with
13 a 537 exchange.

14 Back in 2001 I kind of got frustrated.
15 We've lived here since like 1986. I got frustrated
16 with this Metropolitan Calling plan. So I called
17 around.

18 I talked to a Norm Jackson in Topeka, who
19 is a phone rep for Southwestern Bell. And he told me
20 that it was up to our own city council to change the
21 boundaries to the MCA plan.

22 So I wrote to the city council. And I
23 pretty much told them that we pay an extra 12.35 a
24 month for residential. We also have a business line
25 in our house, so that was another 24.80 a month for

1 that. I calculated in the 15 years that we -- back
2 in 2001, that we have lived there, we've paid an
3 extra \$2,371 more than my sister, who lives in the
4 main part of Lee's Summit. So not only did I ask
5 them to look into this, I kind of asked them for a
6 refund also. I did that.

7 We just got correspondence back. I would
8 go through Randy Rhoads, that's -- all I got was it
9 was a long process, it's going to take a while to do
10 this.

11 So out of direct response to this 12.35 a
12 month I just got tired of it and said no. I actually
13 switched. So I thought it was important to let you
14 know that Southwestern Bell lost a telephone customer
15 and we switched our lines.

16 That's all I want to say.

17 JUDGE DIPPELL: Thank you.

18 Commissioner Gaw, did you have a question
19 you want to ask Ms. Dean?

20 COMMISSIONER GAW: Ms. Dean, when you
21 switched what happened in regards to your status on
22 the optional calling plan?

23 MS. DEAN: They still have that plan, but
24 my phone bill was reduced about 12.35 a month.

25 COMMISSIONER GAW: So you got a reduction

1 on the other portion of your bill?

2 MS. DEAN: Just basically the whole amount
3 went down. Then the business also went down.

4 COMMISSIONER GAW: Okay. But you stayed on
5 the optional service?

6 MS. DEAN: I had no choice.

7 COMMISSIONER GAW: Because you needed
8 people to be able to call you without paying a toll
9 call?

10 MS. DEAN: Where I lived they told me I had
11 to have the Metropolitan Calling plan.

12 COMMISSIONER CLAYTON: It's mandated.

13 COMMISSIONER GAW: Are you in Tier 3 or
14 Tier 2; do you know?

15 MS. DEAN: I'm sorry. 3.

16 COMMISSIONER GAW: So you have a business,
17 right?

18 MS. DEAN: Uh-huh.

19 COMMISSIONER GAW: And you want to be able
20 to call out into the other areas toll free?

21 MS. DEAN: Correct.

22 COMMISSIONER GAW: And to have others be
23 able to call you toll free in that arena, right?

24 MS. DEAN: Yes.

25 COMMISSIONER GAW: Even though it's

1 optional, you consider maybe even a necessity from
2 your business's standpoint to be able to have that
3 function?

4 MS. DEAN: Correct.

5 COMMISSIONER GAW: For that you have to pay
6 this \$12.35 or so?

7 MS. DEAN: Yes.

8 COMMISSIONER GAW: Okay. I'm following
9 you. Thank you very much.

10 JUDGE DIPPELL: Commissioner Clayton?

11 COMMISSIONER CLAYTON: \$2,371, did you ever
12 get that back?

13 MS. DEAN: No, sir. I paid more. That was
14 in 2001 -- well, actually 2002 is when I switched.

15 MR. DANDINO: Let me ask a question
16 briefly.

17 Did you switch companies?

18 MS. DEAN: Yes. We actually had to switch
19 the two, one for residential and one for our
20 business.

21 MR. DANDINO: Who are you with, if you
22 don't mind me asking?

23 MS. DEAN: Sage Telephone is our
24 residential.

25 MR. DANDINO: And they're --

1 MS. DEAN: And McLeod is our business.

2 MR. DANDINO: They're providing you the
3 optional MCA service with no additional charge?

4 MS. DEAN: Well, they charge, but their
5 base rate is lower.

6 MR. DANDINO: Okay.

7 MS. DEAN: So my whole thing was I was
8 tired of giving that extra 12.35 a month to
9 Southwestern Bell.

10 Not only do I get that, but they also give
11 you 60 minutes of long distance a month free.

12 MR. DANDINO: Thank you, Ms. Dean.

13 Appreciate it, your Honor.

14 JUDGE DIPPELL: Mr. Meyer, any questions?

15 MR. MEYER: No.

16 JUDGE DIPPELL: Mark -- it starts with a D?

17 MAYOR ADEY: Ma'am, that's Alderman
18 Dziedzic. He apologizes but he had to step out for a
19 moment.

20 JUDGE DIPPELL: Okay. We'll come back.

21 Sam LePoint?

22 MR. LePOINT: (Inaudible)

23 JUDGE DIPPELL: Would like to just go on
24 and come up? No?

25 MR. LePOINT: That's fine. That echoes

1 everything I said.

2 JUDGE DIPPELL: We'll recognize that you
3 agree with the previous comments.

4 Rachelle Vandiver? Did I pronounce that
5 wrong?

6 MS. VANDIVER: That's okay. I'm used to
7 it.

8 JUDGE DIPPELL: I'm sorry.

9 MS. VANDIVER: Rachelle Vandiver.

10 I am the general manager for Raintree Lake
11 Properties --

12 JUDGE DIPPELL: Can I swear you in first?

13 MS. VANDIVER: Sure.

14 (Whereupon, the witness was duly sworn.)

15 JUDGE DIPPELL: Thank you. If you could
16 spell both your first and last names.

17 MS. VANDIVER: First name is
18 R-a-c-h-e-l-l-e, last name is V-a-n-d-i-v-e-r. It's
19 Rachelle Vandiver. I'm the Raintree Lake Property
20 Owners Association general manager.

21 I don't really have a statement prepared
22 for this. But since I have taken on this position
23 this was my very first challenge to try and get rid
24 of.

25 I live in northern Lee's Summit so, yes, I

1 feel it is discriminatory that for me to call to work
2 or vice versa the charge is not the same.

3 My experience with new residents moving
4 into the area, when they first come up to the office
5 and tell us their telephone number and they say 623,
6 our automatic reaction in the office is, you got to
7 change that. You call anywhere you're going to be
8 paying toll charges. Which is never explained to
9 them through SBC, okay. They automatically give them
10 623. These people have no idea what they are paying
11 or what they are actually getting. So we steer them
12 back to the 537, try and explain that's the calling
13 plan, and of course, we're the bad guys.

14 The other thing that I wanted to point out
15 that I really haven't heard is, Lee's Summit is, I
16 believe, the third largest in building permits in the
17 metropolitan area. The city councilman can probably
18 actually give numbers. I think that is residential.
19 So North Kansas City, as I understand, is number one;
20 Overland Park, Kansas, is number two; and Lee's
21 Summit is number three. So this is a concern that's
22 not going away. Because as more and more growth
23 you're going to hear more and more about it, so.

24 I echo the concerns of all the residents.
25 I have a lot here tonight. For the public info,

1 personal, that's really all I have for the record on
2 that.

3 JUDGE DIPPELL: Thank you.

4 Commissioner Gaw, do you have any
5 questions?

6 COMMISSIONER GAW: Real quick,
7 Ms. Vandiver. If I'm in the 623 exchange and dialing
8 out of it, do I dial 1 or --

9 MS. VANDIVER: I can't answer that. I'm
10 a 537.

11 COMMISSIONER GAW: I'll ask somebody else.
12 If someone remembers that who has got a 623, let me
13 know when you come up.

14 JUDGE DIPPELL: Commissioner Clayton?

15 COMMISSIONER CLAYTON: What type of -- you
16 suggested that you have to be the bad guy in
17 providing all the information about the MCA plan and
18 having to change phone numbers and everything.

19 What type of notification do you feel is
20 necessary to help educate people as they provision
21 this type of service?

22 MS. VANDIVER: Well, I would think that
23 Southwestern Bell, when they're giving them the rates
24 and explain to them if they want to make a toll free
25 call in the Kansas City area that you would need to

1 have this metropolitan calling plan, which would be a
2 537 number for Lee's Summit.

3 And I am -- just constantly, if they don't
4 have that prior knowledge they come in with the 623
5 number.

6 COMMISSIONER CLAYTON: How -- as someone
7 who is not from a metropolitan area, how far does a
8 new resident look? Do they want to be able to call
9 downtown Kansas City or is it just calling into the
10 next prefix as you mentioned? I mean, how much
11 information do they need to know about the MCA plan?

12 MS. VANDIVER: If you ask anyone, you
13 probably think -- no one would realize that south
14 Lee's Summit is different than anywhere else in Lee's
15 Summit. They don't know. They buy their homes. The
16 last thing they think about is a phone number. I
17 mean, that's pretty easy. You pick up a phone and
18 get a phone line put in.

19 So I don't think they even realize -- or
20 are they ever -- real estate agents or anybody else,
21 no one informs them of this number.

22 COMMISSIONER CLAYTON: Okay. Thank you.

23 MR. DANDINO: Ms. Vandiver, did you say you
24 are a property manager at Raintree Lake?

25 MS. VANDIVER: Yes.

1 MR. DANDINO: About how many homes?

2 MS. VANDIVER: Right now we are at 1700
3 homes and growing.

4 MR. DANDINO: Those all single family?

5 MS. VANDIVER: The exact numbers I had a
6 couple months ago was 1555 of single family homes and
7 168 multifamily.

8 MR. DANDINO: Any businesses in that area?

9 MS. VANDIVER: We're getting them.

10 MR. DANDINO: Strip shopping centers?

11 MS. VANDIVER: It's in the area. But as
12 far as targeted Raintree, there's only one that's in
13 the process of being built right now which is
14 (inaudible).

15 MR. DANDINO: Thank you.

16 JUDGE DIPPELL: Mr. Meyer?

17 MR. MEYER: Nothing. Thank you.

18 JUDGE DIPPELL: Thank you.

19 Sara Ring?

20 MAYOR ADEY: Again, Alderman Ring has left
21 the building.

22 JUDGE DIPPELL: Okay.

23 Ken Stremming?

24 (Whereupon, the witness was duly sworn.)

25 JUDGE DIPPELL: Thank you.

1 MR. STREMMING: My name is Kenneth
2 Stremming, S-t-r-e-m-m-i-n-g. I reside at 4003
3 Southwest Regatta, Lee's Summit. I am one of those
4 residents in Raintree that Ms. Vandiver was talking
5 about.

6 My wife and I have been residents of that
7 area since 1978, and have gone through all of the
8 interesting conversations with Southwestern Bell over
9 623 versus 537. And again, we had to be surprised
10 also by finding that our phone bill was rather
11 strange the first several times we got it because we
12 had these funny little charges added to it that no
13 one told us about. But most of that has been covered
14 this evening.

15 I would like to publicly thank our
16 Representative Bob Johnson, who has tirelessly chased
17 this problem for us. And I knew I would not be
18 disappointed tonight that Bob would wax eloquently in
19 his presentation.

20 So that being said, I too would like to
21 encourage the Commission to change to a mandatory 2.
22 So thank you.

23 JUDGE DIPPELL: Thank you.

24 Commissioner Gaw, did you have a question?

25 COMMISSIONER GAW: Yes.

1 Sir, the question I asked a while ago:
2 When you are in 623 to dial out, do you have to dial
3 a 1 to get into the other exchanges around here?

4 MR. STREMMING: Thank goodness it is so
5 long ago I cannot remember it.

6 COMMISSIONER GAW: Okay. Someone else is
7 going to tell me in a minute.

8 Wait until we get you up here so it will
9 officially be on the record, ma'am, so I can point to
10 it. I want you to be able to say that on the record
11 for me. Thank you.

12 JUDGE DIPPELL: Commissioner Clayton?

13 COMMISSIONER CLAYTON: I don't have any
14 questions. Thank you.

15 JUDGE DIPPELL: Mr. Stremming, just so it's
16 clear, so currently you have a 537 number?

17 MR. STREMMING: That's correct.

18 JUDGE DIPPELL: Okay. Thank you.

19 Mr. Dandino?

20 MR. DANDINO: No questions.

21 Thank you, sir.

22 JUDGE DIPPELL: Is Councilman Williams?

23 (Whereupon, the witness was duly sworn.)

24 COUNCILMAN WILLIAMS: My name is Ron
25 Williams, spelt like Williams. I live at 4501 Gulf

1 Point in Lee's Summit. I have a little distinction
2 of besides being a city council member, I am a
3 resident of the Raintree area.

4 We've heard some very good testimony about
5 the issue of the calling plan. What instruct me as I
6 sat here before you folks came in here, out in the
7 hall, listening to our folks ask questions for
8 clarification. There seems to be -- initially. I'm
9 sure many of them are cleared up now. There seems to
10 be some, I think, a packaging of words that makes
11 some of this a little difficult for us.

12 When I listened to some of the testimony
13 tonight and I listened to the conversation prior to
14 the testimony about the Metropolitan Calling plan,
15 what occurred to me is the issue is that word. We
16 consider ourselves in Raintree and in Greenwood the
17 metropolitan area. We want to be connected and we
18 don't want to be penalized for us.

19 Now, most of us probably would consider
20 Holden or like -- but some of these others in the
21 pink, part of the metropolitan area. Although to
22 folks in SBC I'm sure it is. But for us the issue is
23 we're paying a lug, for lack of any other word to
24 say, to be connected to one another in the
25 metropolitan area. In the metropolitan area we all

1 receive our news about, we all connect, our school
2 activities, our sports events, and everything else.
3 But why can't we call one another in our own
4 community or in our metropolitan area, Raytown or
5 some place else, and talk to friends and relatives.

6 I'm going to do go to the four points you
7 asked in the little yellow prompt sheets.

8 "Is the expanded calling plan to make
9 Greenwood a Tier 2 mandatory exchange necessary
10 and is it supported by the customers in the
11 community?"

12 I think anything that will connect us so
13 that we don't pay an extra fee we're supporting.

14 "Is Public Counsel's suggested prices for
15 this expanded service that adds \$2.00" --

16 This was a bit of confusion. Well, what I
17 would prefer here it say we go from \$24.50 a month to
18 \$14.50 a month.

19 I think there's a reasonable expectation --
20 and I'm only going to speak now for me, Ron Williams
21 resident. I can handle a \$2 up charge to live out
22 here if there was a maintenance or some sort of
23 relative relationship to that \$2 charge. If it's
24 just an arbitrary charge because they can do it, I'm
25 opposed to it totally.

1 But if there's a basis for it, based in
2 costs, Representative Johnson said in the capital
3 investments to be charged, I am a businessman. I
4 understand that. I appreciate that consideration.

5 The third question is.

6 "Would the customers pay more for this
7 service?"

8 I think most of them want to say no, they
9 don't. They don't feel like they should. But again,
10 only for me in this arena: If it's not an unfair and
11 unreasonable cost associated with the business aspect
12 of telephoning one place to another, I can handle
13 some sort of charge for that.

14 Finally,

15 "Should all customers be required to have
16 the MCA service" --

17 I think all customers that want to be
18 connected to the metropolitan area should be
19 connected to the metropolitan area without the lug.

20 So I would leave you with this thought:
21 Unless Southwestern Bell can demonstrate that there
22 is a genuine cost to those of us living out here --
23 and I will go to the point that the lady said
24 earlier, we just annexed into this community another
25 addition called Kensington Heights, which will be

1 affected the same way, 726 homes. So it is not going
2 to get quieter about this piece of activity here.

3 They are members of the Lee's Summit
4 community and would want to be treated as the
5 Raintree residents and everybody else south of that
6 demarcation line that want to be treated, linked into
7 the metro area.

8 So I'd like to conclude that unless
9 Southwestern Bell -- or SBC can come up with another
10 reason, I think this charge is a capricious charge.
11 Thank you. I just wanted to top Bob.

12 JUDGE DIPPELL: If you could wait for a
13 moment.

14 COUNCILMAN WILLIAMS: Sure.

15 JUDGE DIPPELL: Do you have any questions,
16 Commissioner Gaw?

17 COMMISSIONER GAW: I don't want you going
18 into much detail here, but were given any idea about
19 how SBC felt in the earlier proceeding --

20 COUNCILMAN WILLIAMS: No.

21 COMMISSIONER GAW: -- with regard to what
22 they thought the costs were?

23 COUNCILMAN WILLIAMS: I did not hear any of
24 that.

25 COMMISSIONER GAW: I don't know.

1 COUNCILMAN WILLIAMS: I don't recall that
2 being discussed.

3 COMMISSIONER GAW: If SBC took a position
4 that the cost was higher than \$2, than Public
5 Counsel's position, what do you think the Commission
6 ought to do in regard to looking and examining to
7 what those costs truly are? And I'm not expecting a
8 lot of detail, just some ideas what you think we
9 ought to be looking at.

10 COUNCILMAN WILLIAMS: It's hard to say, for
11 me, what would be the reasonable cost for this. I
12 don't think doubling my cost is reasonable. I do
13 think maybe there is something and I personally would
14 be prepared for some nominal increase. And \$2, I
15 think, was a fair price that you folks or whoever did
16 this, I think that's kind of a fair price myself.

17 That is not representing these people.
18 They have their own view of that and I would suggest
19 they tell you. But I can understand it.

20 COMMISSIONER GAW: Okay. That's all I
21 have. Thank you very much, Councilman.

22 JUDGE DIPPELL: Commissioner Clayton?

23 COMMISSIONER CLAYTON: I don't have any
24 questions, Councilman.

25 JUDGE DIPPELL: Mr. Dandino?

5 COUNCILMAN WILLIAMS: That's fine. That's
6 fine. That's my point. I meant your office.

9 COUNCILMAN WILLIAMS: If you can go lower
10 we'd appreciate that.

12 MR. MEYER: Councilman Williams, I just
13 want to clarify, that the yellow document you were
14 reading from was provided by the Public Counsel
15 before the hearing commenced. That wasn't provided
16 by the Commission --

19 MR. MEYER: Correct. That was provided by
20 Public Counsel.

22 Jim Metzger?

25 (Whereupon, the witness was duly sworn.)

1 JUDGE DIPPELL: Thank you. Go ahead.

2 MR. METZGER: I've lived out in Raintree
3 for 22 and a half years. Like everybody else I paid
4 the extra charge, 12.35.

5 The reason everybody is here tonight before
6 you is we don't have any real good recourse. As our
7 representative said, it's a monopoly we're dealing
8 with. We're powerless.

9 I did get extremely aggravated about three
10 years ago and I switched to AT&T. The bills did go
11 down some. About nine, ten months later SBC called
12 me back and they said, you know what, we can take
13 them charges and reduce them to \$2 a month. A very
14 small amount compared to the normal charge. So I
15 says okay. And wouldn't you know about 3 weeks later
16 I get another call. We can't lower them that low.
17 You said you could. Well, we wasn't supposed to tell
18 you that.

19 So what we're dealing with is a company
20 here that has customers that are powerless. So when
21 customers are powerless they have to go to their
22 elected officials and say, look, we have no recourse.
23 We can't arbitrarily go to other places and get this
24 service. In a real word we would be able to. It
25 would be a real competitive situation. This is just

1 not a competitive situation.

2 Also, we have a very strange dealing here.
3 Is Gene Thomas here? Okay.

4 In Raintree we have our own little
5 telephone directory. And this is a list of telephone
6 numbers from one of the pages. And Mr. Thomas's
7 telephone number is on here. All of them are 537
8 numbers except one. And Gene's number starts with
9 524, which I think everybody that lives in Lee's
10 Summit will tell you is a telephone number for
11 central Lee's Summit. In other words, it's one that
12 shouldn't have an MCA charge. I don't understand
13 that.

14 This area out here in this part of the city
15 is growing rapidly. It's been a lot of farmland
16 that's been turned into residential. The growth is
17 heating up. I was on Arbor Walks' web site and they
18 have a 537 number, too.

19 They are going to put in over 300
20 apartment-type dwellings and I don't know how many,
21 four or five-hundred residential pieces of property,
22 single family. So it's a very expanding area.

23 And quite frankly, like I said, everybody's
24 here because we quite frankly are powerless. So then
25 we have to throw ourselves on your mercy to intercede

1 in our behalf and try to do something. In the real
2 world everything would be competitive and, you know,
3 we wouldn't be meeting tonight. That's about all I
4 have to say.

5 JUDGE DIPPELL: Thank you. Sir, would it
6 be possible for me to enter that list as an exhibit?

7 MR. METZGER: I don't see no problem.

8 JUDGE DIPPELL: What I want to do, since
9 those people haven't given permission for their phone
10 numbers to be in as the public record, I'm going to
11 have the -- well, I don't know that we -- they're all
12 public. I will block out the four digits so that we
13 can just see the exchanges. But we will alter it in
14 the record so that people's phone numbers aren't on
15 the Internet.

16 But if we could have that for the record?

17 MR. METZGER: Sure.

18 JUDGE DIPPELL: I'll mark that as
19 Exhibit 2. Thank you.

20 (Exhibit 2 marked for identification.)

21 JUDGE DIPPELL: Commissioner Gaw, did you
22 have questions?

23 COMMISSIONER GAW: Let me ask you first of
24 all, Mr. Metzger, this Exhibit No. 2, where did you
25 get this?

1 MR. METZGER: The Raintree Lake Property
2 Owner's Association publishes a telephone directory
3 as a service to all the residents.

4 COMMISSIONER GAW: Is this a copy of what
5 you are talking about?

6 MR. METZGER: Yes, sir.

7 COMMISSIONER GAW: That directory, is it
8 available to the public?

9 MR. METZGER: It's available at our office
10 for -- mainly the residents. But if you advertised
11 in there -- I don't know, I guess if you weren't a
12 resident -- do we -- we probably indiscriminately
13 give them out to everybody in Lee's Summit because
14 it's inexpensive to publish.

15 COMMISSIONER GAW: I understand. But if
16 someone wants to come by and look at one of those
17 books can they see it?

18 MR. METZGER: Yes, sir, I would say so.

19 COMMISSIONER GAW: All right. In regard to
20 this change that you had with SBC, when you went to
21 AT&T --

22 MR. METZGER: Yes, sir.

23 COMMISSIONER GAW: -- and then came back?

24 MR. METZGER: Yes.

25 COMMISSIONER GAW: When was that

1 approximately? It's been a long time?

2 MR. METZGER: It's probably three years
3 ago. I don't -- to be honest I don't remember the
4 exact time.

5 COMMISSIONER GAW: The charge that you said
6 they dropped to \$2, was that the MCA charge?

7 MR. METZGER: Yes.

8 COMMISSIONER GAW: Then how were you
9 contacted later on when they -- you said they told
10 you that they couldn't go that low?

11 MR. METZGER: Well, first I switched to
12 AT&T. Then approximately eight, nine months later I
13 get a call from SBC, a salesperson. "We want you
14 back." I said, "Well, you know, I don't want to go
15 back. I have to pay that charge." "Well, we can
16 make that go away." So I think I ended up paying a
17 couple dollars a month.

18 Then they called and they said, "Well, we really
19 shouldn't have done that. You know, we can't really
20 do that. But we want you back and we'll have to
21 raise it a little bit." So I went back to that.

22 COMMISSIONER GAW: How long was it before
23 you got an additional contact on it, about?

24 MR. METZGER: Maybe three weeks later after
25 they initially contacted me. Two to three weeks

1 after they initially contacted me, invited me back at
2 a reduced MCA charge.

3 They called back and said, well, the guy,
4 he shouldn't have told you that. He didn't have the
5 -- you know, he shouldn't have told you you could
6 have the reduced rate.

7 COMMISSIONER GAW: Did you file any
8 complaints with anyone as a result of that incident?

9 MR. METZGER: No, sir.

10 COMMISSIONER GAW: What did your charge go
11 to after that; do you recall?

12 MR. METZGER: Just a minute.

13 Bookkeeper, do you know what they are?

14 AUDIENCE MEMBER: 32, I believe, flat rate.

15 MR. METZGER: 32, but that would include
16 the MCA charges and the basic service. And quite
17 frankly, I'm not the accountant in the household, so
18 I don't write the check.

19 COMMISSIONER GAW: That's all right. I
20 appreciate you being here. Thank you, sir.

21 MR. METZGER: Thank you.

22 JUDGE DIPPELL: Commissioner Clayton?

23 COMMISSIONER CLAYTON: How long ago did
24 this occur? When did you switch; do you recall? If
25 you said it I apologize for not writing it down.

5 COMMISSIONER CLAYTON: Probably 2003.
6 Because I don't think SBC could have done it. I
7 don't have any other questions. Thank you.

9 Mr. Dandino?

12 JUDGE DIPPELL: Mr. Meyer?

16 MR. METZGER: Oh, as far as the switching
17 back and forth?

22 MR. METZGER: Okay. Thank you.

24 Tom Davis?

1 JUDGE DIPPELL: Thank you. If you could
2 state your name for the record.

3 MR. DAVIS: My name is Tom Davis. I live
4 at 405 Southwest Stacey Drive. That's in Windemere.
5 S-t-a-c-e-y. They always forget the E.

6 I literally found out about this public
7 hearing on my way home from work, so I'll try to be
8 coherent with my comments.

9 But we moved into Windemere two years ago.
10 And at that time, just like some of the people said,
11 I picked up the phone; I ordered the phone service; I
12 think they gave me 623. Then I found out that -- the
13 whole reason I moved home from San Antonio was I was
14 born and raised here. My family is here. My
15 relatives are here. But it was going to cost me long
16 distance to call out to Arrowhead, where my mom is;
17 Raytown, where my sister is; and out to James A.
18 Reed, where my brother is.

19 So I just thought that was ridiculous and
20 so I said, I don't want to do that. We'll give you a
21 537. But they didn't say, we'll give you a 537 for
22 12.35. They just switched me to 537.

23 So it was important for me, like some of
24 the other people said, not only could I call out, but
25 people could call us, because that was the whole

1 reason that we moved home.

2 I think this whole thing is rather
3 confusing, not just for the consumer. But I have had
4 numerous -- I wouldn't say hours, but I have been
5 very irritated, I'd sit on the phone and I've gone
6 from person to person to person. SBC, whoever, Ma
7 Bell, whoever it is -- and the people on the other
8 line -- I know they're just associates, they're not
9 managers, no one can seem to give me a straight
10 answer on why is it that I'm on the other side of 291
11 here and I'm in Lee's Summit and I have to pay the
12 12.35 charge. Well, it's because this and this and
13 this and that.

14 Well, I understand that Greenwood was a
15 long way away from everyone else for a long time. We
16 just built our third high school out on Ward Road.
17 Somebody mentioned the new Arbor Walk that's going
18 in. So I understand, you know -- I haven't seen the
19 brick work or whatever, but just through the
20 grapevine, my understanding they're not going to have
21 the 12.35 charge. That maybe true, that may not be
22 true.

23 But the fact is that if I didn't have the
24 12.35 I would have to pay long distance to call in my
25 pizza order, which is crazy. I have unlimited long

1 distance and weekends all over the country that is
2 part of my plan. But because I'm in a particular
3 zone, a particular area, then I have to do the 12.35.

4 And I don't think it's a oligopoly. I
5 think it's a monopoly.

6 This lady found the -- she found a company.
7 Well, God bless her. I couldn't. I called and
8 called. Birch doesn't do it. Everest doesn't do it.
9 We're stuck with Comcast, you know. We don't have
10 Time Warner. So nobody can do it so I'm with SBC.
11 It's frustrating.

12 But I was excited you guys were coming.
13 Representatives are here. I think that's fantastic.
14 I know it's only going to save us ten bucks, but hey,
15 I got three kids at home. Mortgage is going up. Gas
16 isn't cheap -- well, it is a little cheaper down here
17 at QuikTrip. That's pretty much --

18 JUDGE DIPPELL: Thank you very much.

19 MR. DAVIS: -- I have to say.

20 JUDGE DIPPELL: Commissioner Gaw, do you
21 have questions?

22 COMMISSIONER GAW: Is that gas cheaper
23 compared to last week or a year ago?

24 MR. DAVIS: Cheaper from yesterday. I was
25 filling up for 79 cents a gallon in 1997 in San

1 Antonio, Texas.

2 COMMISSIONER GAW: I remember those days.

3 So if I understand you correctly, with have got
4 unlimited long-distance calling with your
5 long-distance plan?

6 MR. DAVIS: No, that's with my cell phone.
7 I was just making a comparison. You can have all
8 these different plans.

9 COMMISSIONER GAW: I'm with you. And yet
10 you still choose to sign up for this 12.35 charge,
11 right? Or whatever it is?

12 MR. DAVIS: It's not a choice really, that
13 I understand. Because if I want my mom and them to
14 be able to call me I have to have it. And I looked
15 high and low and I couldn't find anybody.

16 COMMISSIONER GAW: Well, that's good, the
17 reason I was asking the question: Why is it that
18 even though you have got the ability to call out you
19 think it's important to have the 12.35 charge to have
20 that service.

21 MR. DAVIS: Sure.

22 COMMISSIONER GAW: I understand what you
23 are saying. You want your family in this area to be
24 able to call you.

25 MR. DAVIS: I haven't found anybody that

1 can do it, frankly.

2 COMMISSIONER GAW: Okay.

3 MR. DAVIS: I would say I'm frugal. I
4 wouldn't say that I'm tight.

5 COMMISSIONER GAW: Thanks for coming.

6 JUDGE DIPPELL: Commissioner Clayton?

7 COMMISSIONER CLAYTON:: Can I ask you a
8 couple questions about your cell phone? It's a
9 little off the subject. But what number do you have?
10 What prefix do you have on your cell phone?

11 MR. DAVIS: 309.

12 COMMISSIONER CLAYTON: Is that a Lee's
13 Summit number or is that a --

14 MR. DAVIS: Boy, you're getting past me
15 there.

16 COMMISSIONER CLAYTON: Let me ask the
17 question this way: If your sister in Raytown calls
18 your 309 cell phone is it a long distance call for
19 her?

20 MR. DAVIS: No.

21 COMMISSIONER CLAYTON: It's not?

22 MR. DAVIS: No. This is in the metro plan,
23 it's an 816 local number.

24 So for me, I work in Overland Park, so for
25 my wife to call me at work to be a long distance

1 call.

2 COMMISSIONER CLAYTON: Let me ask you a
3 different question. You order pizza. Pizza company
4 forgets your address. They have to call you back.
5 Probably never happens, but if they have to call you
6 back is it a long distance call? I'm speaking as to
7 your cell phone.

8 MR. DAVIS: No.

9 COMMISSIONER CLAYTON: It's not a long
10 distance call?

11 MR. DAVIS: No.

12 COMMISSIONER CLAYTON: Have you ever
13 considered giving up your land line for just using
14 the cell phone and just operate on that since it's
15 not a --

16 MR. DAVIS: No.

17 COMMISSIONER CLAYTON: You never even
18 contemplated that?

19 MR. DAVIS: I mean, we have my wife at
20 home, the three kids calling their friends, my
21 family. I take this to work. We just added a
22 computer to the house and my wife has a cell phone
23 now, so we are coming along. There's days we don't
24 get so good of service. I mean, you have it and
25 you're out somewhere and maybe they can't reach you.

1 COMMISSIONER CLAYTON: Some had argued that
2 that cell phone is in competition with the land line.
3 Do you agree with that statement?

4 MR. DAVIS: It will be. I have some
5 friends that only use cell phones. They don't have
6 kids or wives.

7 COMMISSIONER CLAYTON: But for you, you
8 don't accept that for where you are in your life and
9 your household, correct? I mean, you have to have
10 the wire line --

11 MR. DAVIS: Well, she has a phone now, so
12 at some point I think it's going to be realistic.
13 You can use them. It will be local for anyone.

14 COMMISSIONER CLAYTON: Wait a minute. Wait
15 a minute. We're not going to go change to Tier 3 to
16 3 then get rid of your wire line, are you?

17 REPRESENTATIVE JOHNSON: 3 to 2.

18 COMMISSIONER CLAYTON: My question is: How
19 important is the cell phone in comparison to the wire
20 line discussion that we're having today? Is the wire
21 line discussion still, even with having that other
22 service available, is it that important to you?

23 MR. DAVIS: I think so, yes.

24 COMMISSIONER CLAYTON: That's what I wanted
25 to know. Thank you.

1 JUDGE DIPPELL: Mr. Dandino, did you have
2 questions?

3 MR. DANDINO: Just a few follow up. Do you
4 see your wireless as more of a complement to your
5 wire line service?

6 MR. DAVIS: Yes.

7 MR. DANDINO: Okay. If you could be in the
8 same calling tier as the rest of Lee's Summit would
9 you find that 2 or \$3 additional charge reasonable?

10 MR. DAVIS: Well, I think they ought to
11 give it to us for free. I mean, I'm in Lee's Summit.

12 MR. DANDINO: But if they're not going to
13 give it to you free?

14 MR. DAVIS: "We just built Lee's Summit
15 West and cost us a few extra bucks, Mr. Davis, could
16 you pay a little bit for your son to come here?"
17 "No, I already pay my taxes." I mean, Lee's Summit
18 is Lee's Summit. I think we're growing and extending
19 out. Why should we have to pay for something that
20 should be there for us.

21 MR. DANDINO: So you want to be treated
22 completely the same as the rest of Lee's Summit?

23 MR. DAVIS: Sure.

24 MR. DANDINO: Thank you, sir.

25 JUDGE DIPPELL: Commissioner Gaw?

1 (Whereupon, the witness was duly sworn.)

2 JUDGE DIPPELL: Thank you. If you could
3 state your name and spell it for the court reporter.

4 MR. SHAFFRAN: John, last name Shaffran,
5 S-h-a-f-f-r-a-n. I live at 430 Brielle Lane,
6 Windemere Subdivision.

7 About five years ago I had been in contact
8 with members in the Public Service Commission
9 regarding this. To me this extra charge is just a
10 (inaudible). I do it. I'd like to turn the table.

11 I worked for the telephone company. I
12 retired from them. The rates were supposed to be
13 made by capital investment. Initially the extra
14 charge was because it had to go through a switching
15 station. But I don't know how many hundreds of times
16 over we've paid for the switching station and we're
17 still stuck with the charge.

18 And Southwestern Bell isn't going to give
19 up this easy money without somebody putting the
20 pressure on them. I don't think the Commission from
21 my point of view has put the pressure on them saying,
22 if these people need to pay this then you have to
23 justify those condition. You know, what is the extra
24 capital investment you are having to put out that
25 these people have to pay for?

1 So, you know, when I live here and people
2 over west of Ward Road and north of 150 there you
3 don't pay it, I resent being charged double for what
4 my neighbors are paying for the same service. And I
5 don't think there is any justification. There hasn't
6 been any capital investment just using us. I was
7 hoping the Commission would provide some data on
8 that.

9 JUDGE DIPPELL: Thank you.

10 Commissioner Gaw, do you have questions?

11 COMMISSIONER GAW: Mr. Shaffran -- did I
12 say that correctly?

13 MR. SHAFFRAN: That's correct.

14 COMMISSIONER GAW: How long has it been
15 since you worked for the phone company?

16 MR. SHAFFRAN: Well, when they closed the
17 plant here in Lee's Summit in 1996 I was forced to
18 retire.

19 COMMISSIONER GAW: Was it with SBC?

20 MR. SHAFFRAN: No, that was Western
21 Electric, which was AT&T. And SBC or Southwestern
22 Bell were the Baby Bell. You got all the spinoffs
23 since then, to keep track of all of them you better
24 get a dictionary.

25 COMMISSIONER GAW: Yes, sir. Thank you

1 very much for coming. I appreciate your comments.

2 JUDGE DIPPELL: Commissioner Clayton?

3 COMMISSIONER CLAYTON: I don't have any
4 questions. Thank you.

5 JUDGE DIPPELL: Mr. Dandino?

6 MR. DANDINO: Thank you, sir.

7 JUDGE DIPPELL: Thank you

8 Barton Reese.

9 (Whereupon, the witness was duly sworn.)

10 JUDGE DIPPELL: If you could stat your name
11 and spell it for the court reporter?

12 MR. REESE: Barton Reese, B-a-r-t-o-n
13 R-e-e-s-e.

14 JUDGE DIPPELL: Go ahead with your
15 comments.

16 MR. REESE: I live in Greenwood. I had a
17 623 phone number. When I got it I could only call
18 623 and 537 numbers. I knew that was wrong, so I
19 called Southwestern Bell and they did something that
20 allowed me to call several prefixes -- or excuse me,
21 exchanges in Lee's Summit. So I was able to call
22 toll free several exchanges in Lee's Summit, and 623
23 and 537. This answers the question that you asked
24 earlier. Didn't have to dial 1. It was treated as a
25 local call.

1 But as Mr. Johnson pointed out, I could not
2 call my son's school, which is 1.5 miles from my
3 home. I could not call the City of Lee's Summit,
4 which is my employer, five miles away. My office is
5 five miles from my home, I could not call.
6 Consequently, my son could not call me at work, I
7 could not call him.

8 If I wanted to call fire dispatch, fire
9 that's provided by the City of Lee's Summit, if I
10 wanted to call fire dispatch for any reason, I could
11 not call. It would be a toll call.

12 And I can't understand how Southwestern
13 Bell could do this. How they could sell service and
14 we're not able to call a school that's 1.5 miles.
15 We're in the school district, as Mr. Johnson pointed
16 out. He made the points that I wanted to make. I
17 just wanted to reiterate.

18 How could they sell us phone service -- I
19 was on 623. I didn't want to pay anything extra. I
20 didn't understand why I would pay extra.

21 I'm getting the basic service that I can
22 get. I'm not going to pay extra. I'm just going to
23 get the basic service.

24 I had trouble people calling me. I was on
25 623. Lost contact with some folks who would normally

1 have called me but couldn't.

2 With the cell phones, there are some cell
3 phones that can call 623, you cannot call that cell
4 phone. I experienced that. I don't have a cell
5 phone. My work provides me a cell phone, that's not
6 my cell phone. Which is like I said, we just go with
7 the basic. We need a phone in our house.

8 You asked a gentleman about a phone in our
9 house. We have a son, all right. With a kid in a
10 house I think you have to have a phone in the house
11 for that reason if no other reason. So if there was
12 something else I can't think of what it was.

13 JUDGE DIPPELL: Thank you.

14 Commissioner Gaw, do you have any
15 additional questions?

16 COMMISSIONER GAW: A lot of this has been
17 very helpful to me. When you say, just for
18 clarification, that someone with a 623 number can't
19 call a cell phone, you mean without paying a toll,
20 right?

21 MR. REESE: Without paying a toll.

22 COMMISSIONER GAW: The same would be true
23 when you are talking about other people who you lost
24 contact with, that if they were to call you with that
25 623 number they would have to pay a toll call, so you

1 started not hearing from them?

2 MR. REESE: That's correct.

3 COMMISSIONER GAW: Am I hearing that right?

4 MR. REESE: That's correct.

5 COMMISSIONER GAW: In regard to -- let me
6 ask you this. You were talking about your son, I
7 believe?

8 MR. REESE: Uh-huh.

9 COMMISSIONER GAW: About how old is he?

10 MR. REESE: He's 14.

11 COMMISSIONER GAW: Fourteen, and he goes to
12 what school?

13 MR. REESE: He goes to Lee's Summit West
14 now. He's a freshman. Previous year he was at
15 Summit Lake Middle School, which was a mile and a
16 half down the road.

17 COMMISSIONER GAW: So the school that he's
18 in now, if you have a 623 number does it cost a toll
19 to call that school?

20 MR. REESE: Definitely. Consequently, we
21 just didn't make the calls. We were handcuffed.

22 COMMISSIONER GAW: Now let me go one step
23 further with you. You son, I take it from your
24 comments, gets lots of calls from friends and makes
25 lots of calls to friends?

1 MR. REESE: That's right.

2 COMMISSIONER GAW: A lot of these are in
3 his school?

4 MR. REESE: That's right.

5 COMMISSIONER GAW: Are all of those kids in
6 the 623 exchange?

7 MR. REESE: It turns out that most of them
8 are in the 623 area, they do have the 537.

9 COMMISSIONER GAW: Okay.

10 MR. REESE: So with 623 he didn't lose -- I
11 don't know that he lost any phone calls because the
12 kids hang around with kids who are close to them. So
13 kids in Greenwood were able to call him, he was able
14 to call them.

15 COMMISSIONER GAW: So it's not so much an
16 issue with regard to your son talking to his friends?

17 MR. REESE: Right.

18 COMMISSIONER GAW: But I would assume that
19 that means all those kids' parents would have had the
20 exact same trouble you would have with regards to
21 calling their schools?

22 MR. REESE: That's right. If they had the
23 623 number they couldn't call the school, as
24 Mr. Johnson pointed out. My son couldn't call his
25 father at work. He couldn't call his mother at work.

1 She works at Children's Mercy Hospital. Couldn't
2 call either one of his parents at work. So he gets
3 home from school, latch-key kid, call mom? Call dad?
4 Out of the question.

5 COMMISSIONER GAW: Do you know about how
6 many kids are at that school?

7 MR. REESE: At Lee's Summit West?

8 COMMISSIONER GAW: Yeah.

9 MR. REESE: Oh, I would have no way of
10 knowing. It would be a guess.

11 REPRESENTATIVE JOHNSON: Fourteen, sixteen.

12 COMMISSIONER GAW: Fourteen, sixteen
13 hundred maybe. Does that sound reasonable?

14 MR. REESE: That sounds reasonable. And
15 all those kids came from Summit Lake Middle School,
16 so it might be half that many at Summit Lake Middle
17 School.

18 COMMISSIONER GAW: So are most of those
19 kids' families impacted by this issue?

20 MR. REESE: I understand the line is 150 in
21 Lee's Summit roughly.

22 COMMISSIONER GAW: Perhaps --
23 Representative Johnson is still under oath, if he
24 could without disrupting anything why don't you
25 answer that question for me.

1 JUDGE DIPPELL: Certainly.

2 REPRESENTATIVE JOHNSON: On the school
3 situation you have got to get them down 524, 525, 246
4 numbers and 765 numbers at that high school. So that
5 623 cannot call those friends without a toll charge.

6 COMMISSIONER GAW: So it is an issue for
7 some families in regard to their children talking
8 back and forth to others in that school?

9 REPRESENTATIVE JOHNSON: Mr. Reese is
10 correct. If they came from this community, Greenwood
11 community and the Summit Lakes community, where the
12 Raintree toll would be, that's all in the same
13 calling area. Once he goes to the west he gets 765,
14 246, 524, 525, new friends.

15 COMMISSIONER GAW: In regard to the kids,
16 the families that are impacted by the school issue,
17 is there any way of knowing about how many families
18 approximately might be impacted adversely by that
19 issue?

20 REPRESENTATIVE JOHNSON: Well, it would be
21 every family in the southern part of the school
22 district, which is across the entire tier.

23 COMMISSIONER GAW: Is there some way you
24 might get that information for us?

25 REPRESENTATIVE JOHNSON: Yeah. I'd get

1 that to you.

2 COMMISSIONER GAW: Thank you.

3 Thank you, sir.

4 JUDGE DIPPELL: Commissioner Clayton?

5 COMMISSIONER CLAYTON:: Mr. Reese, I just
6 wanted to ask you, you mentioned that if you had a
7 fire at your house that you had to dial long distance
8 to fire service. You mentioned fire dispatch, could
9 you elaborate on that, please.

10 MR. REESE: Well, I had a fire in May.

11 COMMISSIONER CLAYTON: I didn't mean to ask
12 a personal question.

13 MR. REESE: That's why the issue is
14 pertinent. We dialed 911 and had no problem with
15 911. But it turns out that the fire department, they
16 do provide service to Greenwood, the Lee's Summit
17 Fire Department. So if you wanted to follow up, call
18 the next day or the next week or for any reason, if
19 you have a question about safety or child
20 (inaudible), I'm not going to call 911, I'm going to
21 call dispatch. You look up the number it would be a
22 969 interchange.

23 I called Southwestern Bell. I said, "Why
24 am I not able to call the City of Lee's Summit?"
25 Couldn't help me. They could not help me.

1 COMMISSIONER CLAYTON: What about other
2 emergency services; ambulance, police or law
3 enforcement?

4 MR. REESE: 911, no problem.

5 COMMISSIONER CLAYTON: Follow up. You have
6 to do a follow-up call non-emergency service.

7 MR. REESE: If I wanted to call Lee's
8 Summit Police I couldn't do it.

9 COMMISSIONER CLAYTON: Are you served by
10 Lee's Summit Police or are you served by someone
11 else?

12 MR. REESE: I'm served by the City of
13 Greenwood. And I could call the City of Greenwood.

14 But let's say I had an incident in Lee's
15 Summit. Let's say something happened to my car in
16 Lee's Summit, I wanted to call the police department
17 and follow up, get some information, could not call
18 the 969 --

19 COMMISSIONER CLAYTON: How about ambulance,
20 follow-up call on an ambulance, non-emergency call?

21 MR. REESE: I'm not sure.

22 COMMISSIONER CLAYTON: Not sure. Okay.
23 Thank you.

24 JUDGE DIPPELL: Mr. Dandino?

25 MR. DANDINO: No questions. Thank you.

1 JUDGE DIPPELL: Mr. Meyer?

2 MR. MEYER: No questions.

3 JUDGE DIPPELL: Thank you, Mr. Reese.

4 Mike Hammonds?

5 (Whereupon, the witness was duly sworn.)

6 MR. HAMMONDS: My name is Michael Hammonds,

7 H-a-m-m-o-n-d-s. I reside in the Summit Creek

8 Subdivision.

9 Just to speak of the growth, in the last

10 five years there's been 300 homes built in there.

11 Over 300 homes. That's just one subdivision.

12 Before we moved here we lived in the middle

13 of Lee's Summit. We had a 554 number. Now when we

14 moved into our new house we had to change to a 623

15 number. But we could keep our 554 number if we paid

16 an additional monthly charge on top of that. So I

17 pay an extra five or eight dollars a month to keep my

18 old number.

19 Now these new subdivisions are heavily

20 populated with children. So people who live

21 centrally in Lee's Summit, you know, you teach your

22 kids from two to five years old this phone number.

23 So when you move to a new subdivision it takes you

24 three years to get them there. I can't turnaround

25 and teach my (816) 623- blah, blah, blah. That's too

1 much on a five year old. So there's that. So we
2 kept our -- you know, we paid the extra four, five,
3 eight dollars a month just for that reason, so that
4 our daughter could keep that phone number memorized.

5 So not only on top of the \$12.50 a month we
6 pay for the 623 number, well, now I have got to pay
7 the additional charge to keep the other number. So
8 I'm paying \$20 a month -- I moved from the middle of
9 Lee's Summit. I still live in Lee's Summit. And
10 from what I recall I think you pay a monthly fee -- I
11 don't know. It's a small charge. So if you do move
12 from one location to another location in that city
13 you can take that number with you.

14 Well, we took that number with us, but you
15 know what, I got to pay extra to keep that number.
16 I'm sure it's the same for others. I just wanted to
17 bring that. That's all I have to say.

18 JUDGE DIPPELL: Commissioner Gaw, did you
19 have questions?

20 COMMISSIONER GAW: Mr. Hammonds, I
21 appreciate you bringing that up, too. And I am not
22 familiar with that particular nuance of this thing.

23 It would be helpful for me if during the
24 course of this proceeding someone that will be
25 testifying at the hearing on this case, from staff or

1 Public Counsel, could explain that charge. I
2 certainly can ask SBC on the stand as well.

3 We have something called number of
4 portability, which Commissioner Clayton is very
5 familiar with. I'm not sure that I understand why
6 that charge is being assessed to you.

7 COMMISSIONER CLAYTON:: The 554 is a Lee's
8 Summit proper. I mean, that's the middle of Lee's
9 Summit, correct?

10 MR. HAMMONDS: Right.

11 COMMISSIONER CLAYTON: That's a Tier 2 MCA
12 -- mandatory MCA plan, correct?

13 MR. HAMMONDS: I'm not real clear on this.
14 I just find out about this thing a few weeks ago.

15 COMMISSIONER CLAYTON: I understand. When
16 you moved you moved into the new Tier 3 territory,
17 but you got to take your 554 number, correct?

18 MR. HAMMONDS: I got to take it with me,
19 but only by paying this extra to keep it. And I had
20 to take the 623 number.

21 Yeah, you can call my house -- I got a 554
22 number you can call or you can call 623, and it rings
23 into the same phone. If I call from work, I can call
24 my wife on the 554 number, okay. The phone -- how
25 does that work? I got call waiting. If I call the

1 554 number the call waiting works. If I call the 623
2 number -- wait a minute. If I call the 554 number
3 and the phone is busy, I can turnaround and call the
4 623 number and the call waiting will work. It's
5 crazy out here.

6 JUDGE DIPPELL: Mr. Hammonds, I'm going to
7 ask you, if you don't mind and if you have time, to
8 meet with Mr. Voight over here and our staff. Voight
9 is nodding his head he understands and he may be the
10 only one who does.

11 MR. HAMMONDS: How to explain it?

12 JUDGE DIPPELL: I think Mr. Voight, then,
13 later in this process will be able to explain it to
14 the commissioners and myself. At least explain
15 what's happening.

16 MR. HAMMONDS: Okay.

17 JUDGE DIPPELL: So if you don't mind
18 meeting with him briefly that would be appreciated.

19 MR. HAMMONDS: After this or --

20 JUDGE DIPPELL: Unless he could probably
21 talk to you right now.

22 MR. HAMMONDS: Okay.

23 JUDGE DIPPELL: Mr. Dandino, did you have
24 any questions?

25 MR. DANDINO: I have no questions. Thank

1 you.

2 JUDGE DIPPELL: Mr. Meyer?

3 COMMISSIONER CLAYTON:: I'm not going to
4 understand this, but I got to ask the question. So
5 can -- if you got a 623 then someone in the Greenwood
6 exchange can call you toll free. If you only had the
7 554 would they be able to call you toll free?

8 MR. HAMMONDS: That's why we have 623. If
9 someone call the 623 number, if they live in the
10 Greenwood, it's probably local, not long distance.

11 Now, if I call from work, if I dial the 623
12 number, I've got to call long distance, 1-816.

13 COMMISSIONER CLAYTON: Where is work?

14 MR. HAMMONDS: Shawnee Mission.

15 COMMISSIONER CLAYTON: Don't bring Kansas
16 into this.

17 MR. HAMMONDS: So if someone calls the 623
18 number it's long distance if they're --

19 COMMISSIONER CLAYTON: Now, so someone in
20 the Greenwood exchange could not call the 554 number
21 because that would be long distance, correct?

22 MR. HAMMONDS: Well, I'm not sure. No.
23 Anybody can call the 554 number because we pay the
24 additional --

25 COMMISSIONER CLAYTON: Don't they have to

1 call the 623?

2 MR. HAMMONDS: No. We pay extra for the
3 554 number so anybody can call us, so it's not long
4 distance.

5 COMMISSIONER CLAYTON: So why do you need
6 the 623 number?

7 MR. HAMMONDS: If the phone company could
8 explain it to me, other than telling me I just got to
9 have it.

10 COMMISSIONER CLAYTON: That you can to Mr.
11 Voight, please.

12 JUDGE DIPPELL: I think you can talk to him
13 now. Thank you.

14 Tammy Jones?

15 (Whereupon, the witness was duly sworn.)

16 MS. JONES: My name is Tammy Jones. Did
17 you want my address?

18 JUDGE DIPPELL: If you don't mind.

19 MS. JONES: 1314 Southwest Georgetown Drive.
20 I live in Stoney Creek Estates. And I'm not going to
21 sugarcoat this for you.

22 I frankly believe this is a waste of time.
23 This should be a non-issue. I should not even be
24 here.

25 Today my son was sick. If I did not have a

1 537 number his nurse could not have called my house
2 without a charge. I have a son that is in preschool,
3 who goes to Lee's Summit. They could not call me or
4 I could not call and check on my son without having
5 an extra charge.

6 My kids go to a doctor in Blue Springs. We
7 go to the dentist in Blue Springs. Those would be
8 additional charges for me.

9 To reiterate, the police, if it's a
10 nonemergency. I have kids. I could not call without
11 an additional charge.

12 When you call SBC they do not even know the
13 difference. The people just automatically want to
14 give you a 623 number. That is ridiculous. If you
15 are going to have a company you need to train your
16 employees of what you need to do. You don't have
17 employees that tell us that we need a 623 number and
18 then days later have to call back and get a 537
19 number. That is ridiculous.

20 My son is in third grade. He cannot call
21 his grandparents, who live in Lee's Summit, unless I
22 want to for an additional charge or have the 537
23 number. When you're in third grade you want to talk
24 to your grandparents.

25 I do have cell phones. Both me and my

1 husband do. We pay to have Cingular. But if I don't
2 have a home phone number how many minutes do you
3 think are going to be racked up on my cell phone? If
4 I'm not having to pay for it on my phone, then I'm
5 going to have to pay for it on my cell phone, by all
6 the additional minutes, that everyone wants to call
7 me.

8 I am on the welcoming committee and are
9 unable -- how many people do you think I call on a
10 daily basis? I'm calling customers that live around
11 our neighborhood so they can to our welcoming
12 committee. So I'm on the phone a lot. I try to
13 reduce that by using e-mail, but I am still on the
14 phone.

15 I think it's absolutely ridiculous to pay
16 this charge. And to have to ask us to pay two or
17 three dollars? No. I live in Lee's Summit. I want
18 to be treated equally as other people who live in
19 Lee's Summit. I do not want to pay two or three
20 dollars. I don't want to pay 50 cents or a quarter.
21 I want to be treated equal, as all the people do that
22 live in Lee's Summit. Why should I have to pay more
23 when my sister-in-law, who lives in Eagle Creek,
24 which I can drive to her house in five minutes, why
25 does she not have to pay it but I do? Ridiculous.

1 I'd also like to see what kind of profit
2 that SBC makes off this. I don't see them going
3 bankrupt that they need this money, you know. Has
4 anybody seen them on the news going bankrupt lately?
5 I haven't.

6 You talk about how many people are living
7 in Lee's Summit? Yeah. We have a third high school.
8 My son goes to Hawthorn Hill Elementary. They just
9 pulled a hundred kids out of that school to go to
10 Longview Elementary because there is so many people
11 moving into south Lee's Summit they cannot
12 accommodate it. They cannot even have full-time
13 kindergarten for the kids that live in Lee's Summit
14 because we are getting so many children that they
15 cannot afford to have all-day kindergarten. So my
16 son who is three may never get to go to all-day
17 kindergarten because Lee's Summit we're growing too
18 fast. We're growing out of our schools too fast.
19 That is where south Lee's Summit, we are growing too
20 fast. I think that was all that I was going to have.

21 Plus I just want to let you know, I paid
22 almost \$350 and I think SBC should pay me back, as
23 well as pay everybody back for this ridiculous
24 charge.

25 JUDGE DIPPELL: Commissioner Gaw, do you

1 have questions?

2 COMMISSIONER GAW: I hesitate.

3 MS. JONES: Well, I'm very upset. Tonight
4 is the night that I have with my children and we
5 watch the Amazing Race at 8:00. And I'm having to be
6 here to represent something that is absolutely
7 ridiculous. There should be no reason these people
8 should be here for two hours to do this. This should
9 be an absolute non-issue. And I feel like everybody
10 that's been behind this (inaudible). You guys should
11 not be wasting your time here tonight. SBC should
12 get rid of this and get rid of this immediately.

13 COMMISSIONER GAW: Thank you for showing
14 up. I know what you are saying. But I really
15 appreciate the fact that you are here.

16 Second of all, I want to go back to one of
17 your comments regards to calling the police. You
18 live in Lee's Summit?

19 MS. JONES: Right.

20 COMMISSIONER GAW: And I just want to
21 clarify: For you to call the police --

22 MS. JONES: A non-emergency.

23 COMMISSIONER GAW: Which is most of the
24 time I would assume someone would contact the police.
25 Then you have to pay a toll charge unless --

1 MS. JONES: If I didn't take the 537
2 number, right.

3 COMMISSIONER GAW: If you have the 623
4 number you have to pay -- or one has to pay a toll
5 charge?

6 MS. JONES: Just like for example: We are
7 in a neighbor that's building. I have the people
8 next door taking water out of my faucet to build the
9 house next door, if they want a drink of water.
10 Well, that's my water, I'm paying for it. Lee's
11 Summit, that's high enough too.

12 If I want to call the police to make them
13 quit, because they could not speak English, I would
14 have to pay a toll. That's ridiculous.

15 COMMISSIONER GAW: Just to give me a little
16 bit of perspective, earlier you were talking about --
17 it's your sister that lives in Blue Springs?

18 MS. JONES: No, she lives in Lee's Summit.
19 She lives in Eagle Creek.

20 COMMISSIONER GAW: Your dentist?

21 MS. JONES: My dentist is over there. We
22 lived in Blue Springs for five years. We did not
23 know when we moved into Stoney Creek that you would
24 pay this. They do not tell you. The realtors don't
25 tell you when you're doing your walk-through. Nobody

1 tells you. We would not have moved there. I would
2 have rather lived in Blue Springs.

3 Even though it's not a very much amount of
4 money -- let's put it in perspective for you. My son
5 is in diapers. That pays for a week of my son having
6 diapers. That puts it in perspective for you.

7 COMMISSIONER GAW: Just for purposes of
8 relative distance and other things, Blue Springs in
9 regards to where you live, how far about is it?

10 MS. JONES: 35 minutes probably. But my
11 son's school, who I could not call, I could get there
12 in five minutes.

13 COMMISSIONER GAW: You can't call your
14 son's school without paying a toll charge?

15 MS. JONES: Exactly.

16 COMMISSIONER GAW: If you lived on the
17 north side of Lee's Summit could you call the
18 dentist?

19 MS. JONES: Absolutely.

20 COMMISSIONER GAW: That's all I have,
21 ma'am. Thank you, ma'am.

22 JUDGE DIPPELL: Commissioner Clayton, did
23 you have a question?

24 COMMISSIONER CLAYTON:: I know the Amazing
25 Race is coming on.

1 MS. JONES: No, it's family night. I'm
2 sorry.

3 COMMISSIONER CLAYTON: I understand.

4 MS. JONES: I think you guys, as well, get
5 the point. We want it to stop and we want it to stop
6 now. It's ridiculous. Especially the people that
7 live in Lee's Summit. I cannot speak for Greenwood,
8 I do not live here.

9 But for everyone who lives in Lee's Summit,
10 I can guarantee you they do not want to pay this. We
11 want to be treated equally like everyone else in
12 Lee's Summit. Thank you.

13 JUDGE DIPPELL: Thank you.

14 Leonard Webb? Is Leonard Webb here?

15 Linda Kline?

16 (Whereupon, the witness was duly sworn.)

17 JUDGE DIPPELL: If you could state your
18 name and spell it.

19 MS. KLINE: Linda Kline, K-l-i-n-e. I live
20 here in Greenwood.

21 I started the petition that State
22 Representative Bob Johnson ran with for me. I really
23 appreciate what he's done for me. I have had other
24 help in town with Gene Devaux and Alderman Mark
25 Dziedzic, that name that you couldn't spell or

1 pronounce.

2 I went to several of the Task Force
3 meetings. I talked to Southwestern Bell, AT&T, and
4 Sprint. I fully understand the metropolitan calling
5 plan when it comes to the tiers. I got into a lot of
6 the history going to the Task Force Commission
7 meetings in Jeff City.

8 I understand that Southwestern Bell will
9 lose a lot of money to drop this charge. But there
10 was an AT&T employee here that said that we've paid
11 these dues for several years and that it's time for
12 them to reduce it. But really, they really need to
13 get rid of it.

14 I understand your proposal to drop it to
15 \$2, \$3. But this is just your proposal. You still
16 have to get AT&T -- or, actually, Southwestern Bell
17 to really commit to this. So we're just here with a
18 hope and a prayer right now.

19 One thing that everybody's talked about is
20 the Catch 22. That's why I started the petition.
21 That's why I wanted to get this on record. That it's
22 either you do the calling plan or you have toll
23 calls. When you have the toll calls you can't call
24 the services that you need.

25 One thing that nobody has touched on is

1 that all the pay phones in town and even in all of
2 the Tier 3 are 623 numbers. So everybody that does
3 not have a cell phone, they have to use a pay phone,
4 they have to pay a toll call to have somebody come
5 and get them if they're broke down or something on
6 that matter.

7 That's like I said, even Southwestern Bell
8 don't even use their calling plan. Do you catch the
9 drift there? They want to make sure that they get
10 that toll call charge.

11 I reiterate that everybody that has said
12 this, is that Southwestern Bell does not tell people
13 that they have two options when they call to get the
14 phone on. That's just like he said, customer
15 service, there is none now days. They at least need
16 to be aware of their own products. That's all I have
17 to say.

18 Got any questions?

19 JUDGE DIPPELL: Commissioner Gaw?

20 COMMISSIONER GAW: I don't think so,
21 Ms. Kline. Thank you so much for all that you have
22 done.

23 JUDGE DIPPELL: Commissioner Clayton?

24 COMMISSIONER CLAYTON: No questions.

25 JUDGE DIPPELL: Mr. Dandino?

1 MR. DANDINO: No questions. Thank you.

2 JUDGE DIPPELL: Thank you.

3 Dick Brungardt? Am I saying that right?

4 Dennis Davis?

5 (Whereupon, the witness was duly sworn.)

6 MR. DAVIS: My name is Dennis Davis,
7 D-a-v-i-s. I live at 3812 Southwest Windjammer
8 Court, Lee's Summit.

9 My biggest complaint is number one, is that
10 I live in Lee's Summit and I don't have the same
11 opportunities as other people do in Lee's Summit, and
12 it's only divided by 150 Highway. I'm about 400
13 yards south of 150.

14 The only difference is basically the
15 translation switches in Lee's Summit. It's the same
16 wire center that everybody in Lee's Summit has. Most
17 of the areas where I live, for example, is closer to
18 the central office than places out on the west side,
19 like Eagle Creek that she just discussed.

20 And the difference that they have is the
21 fiber runs through the boxes in front of Trailridge
22 School it feeds mostly the area north of 150. Right
23 across the street, the church right across the street
24 is where the other box is that feeds mostly Raintree
25 Lake and where I live. So it's only a matter of

1 probably 200 feet difference between the boxes.

2 Again, it feeds the exact same basic area.

3 The tower site that they have here for
4 itself is right behind the fire station, which, of
5 course, is on the north side of 150. So it's fed
6 mostly with what would be a local for anybody living
7 on the north side of 150.

8 It's a simple translation. There was no
9 extra wiring center that it has to go through to feed
10 anybody south of 150, whether it be Greenwood or in
11 Lee's Summit where I live, as well. And most of
12 Lee's Summit is propagated, which is fiber. And that
13 stuff is what is used on what Lee's Summit covers.
14 Lee's Summit, from what I understand, is the third
15 largest area in the city in the state, so it covers a
16 very large square miles. And most of it
17 unfortunately is not developed yet, but is quickly
18 growing.

19 I know also with the fiber premise that SBC
20 is pushing right now, one of those areas is also
21 south of 150. The other one is north in an area at
22 Ward Road and 150 in the northwest corner. Arbor
23 Walk is all going to be also fiber (inaudible) as
24 well.

25 I need my line because I have DSL, and I

1 need DSL for my job. So it's very important for me
2 to have the land line capabilities.

3 JUDGE DIPPELL: Thank you.

4 Commissioner Gaw, did you have questions?

5 COMMISSIONER GAW: Mr. Davis, it sounds
6 like you have done quite a bit of studying on this.
7 Is your background at all affiliated with
8 telecommunications?

9 MR. DAVIS: Yes.

10 COMMISSIONER GAW: Can you give me a little
11 bit of that? If you don't want to that's fine.

12 MR. DAVIS: I spent ten years putting phone
13 systems in jails and prisons all over the United
14 States. Like I said, spent ten years in jail. I got
15 to get out whenever I wanted to.

16 But also I spent almost six years with SBC.
17 I've been in and out of the Lee's Summit's central
18 office many times doing work there.

19 COMMISSIONER GAW: If I'm following you
20 correctly, you think that all of these calls from
21 both north and south are run in the same switch?

22 MR. DAVIS: Yes, exactly. It's all run
23 through the Lee's Summit switch.

24 My ex-wife did have a problem one time, who
25 lives in Greenwood here, with her cell phone because

1 of the number that she had. And I had to talk to the
2 translations people and found that there was a
3 translations and that stuff because she was not able
4 to receive phone calls from -- I think their office
5 is in Olathe or Overland Park, or the other -- and
6 could not reach because of a translation problem in a
7 fiber station. So it's only a simple -- that
8 somebody can just put a change in and flip a switch.

9 COMMISSIONER GAW: So in regard to whether
10 or not there is any additional costs in this, in the
11 moving from a Tier 3 to a Tier 2 as far as equipment
12 and provisions is concerned, are you saying that you
13 don't think there's much there --

14 MR. DAVIS: It's just provision. It's just
15 man hours to go and change something. I don't think
16 there'd be that much time to change numbers, say, you
17 know, the 537 number, which I do happen to have and I
18 do pay the extra for to make it be a Tier 2.

19 COMMISSIONER GAW: Once that's done it
20 would be done whether ongoing?

21 MR. DAVIS: I would say the biggest expense
22 would probably be legal expense in dealing with the
23 PSC. And also SBC --

24 COMMISSIONER GAW: Let's set that aside for
25 the moment. Just in regards to --

1 MR. DAVIS: To get it to change, I do not
2 foresee any major costs for SBC to be able to make
3 that change.

4 COMMISSIONER GAW: Okay. So if we're
5 talking about costs would you assume that the costs,
6 quote/unquote, that you are talking about as to
7 whether or not they are losing revenues rather than
8 incurring additional costs for making provisions?

9 MR. DAVIS: I would say the biggest thing
10 is that they're just trying to abide by the line that
11 was drawn many, many, many years ago by PSC and the
12 phone company at that time, in the line that they
13 drew back however many years ago and the population
14 where it was and where it is today in that stuff.

15 COMMISSIONER GAW: So those lines are no
16 longer representative of what's really going on in
17 this area?

18 MR. DAVIS: Exactly.

19 COMMISSIONER GAW: Thank you, sir.

20 JUDGE DIPPELL: Commissioner Clayton?

21 COMMISSIONER CLAYTON:: Did you say how
22 much you would charge to connect the works?

23 MR. DAVIS: Well, I got mad because
24 (inaudible). I used to live also -- I had the same
25 problem. I lived on the east side of Lee's Summit.

1 Actually had a Grandview address, but I was in the
2 Lee's Summit School District, on the east side of
3 Lake Lotawana. And the boundary line for that tier
4 was my backyard property. It wasn't the street in
5 front of my house. It was a large area that went
6 between me and Lake Lotawana. So that's how they do
7 the line instead of following road. I was charged an
8 extra \$12.50, because I happen to be -- even though
9 the box for the other was probably 150 yards away
10 from my house.

11 COMMISSIONER CLAYTON: I'm surprised a man
12 with your skills would have a history of that.

13 MR. DAVIS: I didn't live there long
14 enough. But I was talking to the neighbors about a
15 ditch digger and running a line behind everybody's
16 house and tie onto his, so we did think about that.

17 COMMISSIONER CLAYTON: Thank you. I have
18 no questions.

19 JUDGE DIPPELL: Mr. Dandino?

20 MR. DANDINO: No questions. Thank you so
21 much.

22 JUDGE DIPPELL: Mr. Meyer?

23 Thank you.

24 Cathy Hopkins?

25 Ms. Hopkins is the last person that I have.

1 There are some people that I had called earlier that
2 weren't here. But if there's anyone else that wants
3 to testify I think we can stay just a little while
4 over. If anyone can't stay, feel free to leave.

5 (Whereupon, the witness was duly sworn.)

6 JUDGE DIPPELL: Please state your name and
7 spell it for the court reporter.

8 MS. HOPKINS: Cathy Hopkins, H-o-p-k-i-n-s.
9 Cathy with a C. We live at 3925 Southwest Granite
10 Lane, right there at 150 and Ward in Parkwood.

11 Two years ago we moved there from the other
12 corner of Lee's Summit, which we were in the Lee's
13 Summit North School District. So when we moved I had
14 no idea, like these other people, the realtor, nobody
15 said that we could not keep our 537 number.

16 So when I went to call the phone company
17 they were like no, you can't keep it. Which really
18 surprised me that that one gentleman was able to pay
19 extra to keep a number plus have another one because
20 that wasn't an option. They gave us the 623 number
21 without explaining that it was extra. So once I
22 found that out and, of course, everybody knew that
23 number. Then we changed to the 537 number, tell
24 everybody that was our new number. And it's worth --
25 it was quite (inaudible), here we moved ten minutes

1 away, still in the same town, had to pay \$12 more
2 every month. This was in the Journal a year ago and
3 we're still here, you know. It's just very
4 infuriating.

5 Like the one gentleman that said he's got a
6 14 year old. In two years he'll go to work at
7 Hardee's and meet kids from all over Lee's Summit and
8 want to call other kids, not just the kids down the
9 block.

10 You had mentioned about cell phones. Well,
11 if we change this are you going to get rid of them?
12 I don't see how you can because what if you need to
13 call 911. I don't think you can call 911 and then
14 they can trace it to your cell phone. I would never
15 give up my land line because of that one thing.

16 Plus, like other people said, you only have
17 so many minutes, that costs you even more. We only
18 paid \$40 a month on the other side of town, and now
19 it's 68 for the same service. It's just very
20 frustrating. And I just appreciate you letting me
21 say that.

22 JUDGE DIPPELL: Thank you.

23 MS. HOPKINS: Along with everyone else.

24 JUDGE DIPPELL: Commissioner Gaw, any
25 questions?

1 COMMISSIONER GAW: Thank you, Ms. Hopkins.
2 You are paying \$68 currently, and that includes what?

3 MS. HOPKINS: We do have call waiting,
4 which we had at the other one. Call waiting ID,
5 which we had at the other one. Nothing else.

6 COMMISSIONER GAW: So you are getting your
7 local service and some vertical services, like call
8 waiting, and it's costing \$68?

9 MS. HOPKINS: Uh-huh. And we paid about
10 40.

11 COMMISSIONER GAW: Yes, ma'am. Thank you.
12 Thank you very much.

13 JUDGE DIPPELL: Commissioner Clayton?

14 COMMISSIONER CLAYTON: I don't have any
15 questions. Thank you.

16 JUDGE DIPPELL: Mr. Dandino?

17 MR. DANDINO: I have no questions, thank
18 you.

19 JUDGE DIPPELL: Thank you, Ms. Hopkins.

20 I had some other people that wanted to
21 testify.

22 (Short break for a paper change.)

23 JUDGE DIPPELL: We're ready to go ahead and
24 get started.

25 Ma'am, would you like to come up.

1 (Whereupon, the witness was duly sworn.)

2 JUDGE DIPPELL: Would you please state your
3 name and spell it.

4 MS. WARBECK: Yes. My name is Judy
5 Warbeck, W-a-r-b-e-c-k.

6 I'm sorry, I've got the crud that's going
7 around with the weather changes.

8 I live in Lee's Summit and I live in
9 Raintree. That's 610 Southwest Raintree Drive. I
10 have a 537 number now.

11 But I want to tell you a horror story and I
12 can hardly look at the lawyer in the face back there
13 with Southwestern Bell because I am very angry. And
14 what nobody has touched on yet is how this whatever
15 it is and how it affects patients and Hospice in the
16 Lee's Summit area.

17 When I moved into my house, first of all, I
18 was not told, like nobody else was told, that they
19 would be having an extra charge. And I called for my
20 phone in advance because I was a Hospice nurse at the
21 time, which meant I took care of people that were
22 dying and their families. And I had on-call
23 responsibilities 24/7 over weekends, so I needed to
24 notify my Hospice what my phone number was going
25 to be.

1 realize that to call out to my own work and into
2 Raytown was long distance. So then I had to make
3 sure that I called everybody connected with who was
4 going to be my backup and everything to make sure
5 that they were only calling me on the cell phone and
6 hope that I could hear my cell phone because I was
7 going to have to keep it charged throughout the long
8 holiday weekend, you know, when I moved in. And I
9 was going to have to use that cell phone a lot more
10 than I thought in order for my job, not only to not
11 have all those charges, but for poor patients who
12 were frantic anyway to be able to get ahold of me
13 through the operator.

14 Then when I called Southwestern Bell to
15 raise holy heck -- so that the court reporter is not
16 putting down what I really thought, you know, for
17 every more. I got a lot of flak telling me that they
18 didn't know if they could get my phone number changed
19 in a fair amount of time to get me a 537 number.

20 My real estate lady didn't tell me. And
21 she lived right in Raintree when she sold me my
22 house. But, you know, I have to forgive her because
23 she was so ignorant that she had me moving in on the
24 very weekend that Baptist Memorial Hospital was doing
25 their run, and the streets were all blocked off and,

1 you know, I could hardly even move into my home.

2 So, you know, but Southwestern, I find out
3 later, who tells me they are telling me the truth,
4 they know they are in the area, led me to believe
5 that they were local residents that I was talking to
6 local operators. I come to find out they were from
7 Atlanta or Texas or somewhere. And they were
8 bringing things up wrong on their computer.

9 That's why one reason they weren't telling
10 us, because they're somebody with a script in another
11 part of the country pretending to live right here in
12 the area, telling us about the area, and that they
13 know exactly what is happening in the area because
14 they live right here and they don't. If they bring
15 it up wrong on their computer that's exactly what
16 happened.

17 So for patients who are going to try to,
18 you know -- on my job, if patients were going to try
19 to get ahold of any of the Hospices here you can
20 imagine what stress they are under. They would, you
21 know, have to dial long distance to get somebody for
22 their dying family member if they don't have that 537
23 number.

24 And I know I have made a joke out of it. I
25 say the service I have -- the taxes I have are going

1 up, up, up. And that's why some people are moving to
2 Raymore and to further out because the taxes with the
3 telephone is getting too much for folks to take.

4 And I tell people, the privilege I had was
5 being able to call a little group of people in Lee's
6 Summit and the ten dead people in Greenwood. Pardon
7 me, Greenwood, for saying that because they're much
8 larger than I realized. But I knew that from taking
9 care of Hospice folks. But at the time I knew
10 Greenwood as a little strip, you know, on Main
11 Street, where I went to buy antiques at times.
12 I said that's our privilege. We can have that phone
13 or we can pay this money.

14 But my testimony has more to do with how it
15 affects patients in the area who are in a crisis
16 anyway and how it affected my Hospice and me that for
17 when this time and then how long it took and no
18 apologies from Southwestern to get me switched to the
19 537 number, so that the operator and I could
20 communicate -- the operator in Blue Springs and I
21 could communicate so I could take care of the
22 patients. That's wrong.

23 JUDGE DIPPELL: Thank you.

24 Commissioner Gaw, did you have a question?

25 COMMISSIONER GAW: I don't think I do. I

1 appreciate you coming down tonight and I appreciate
2 the information that's been made available tonight.

3 COMMISSIONER CLAYTON: No questions. Thank
4 you, ma'am.

5 MR. DANDINO: No questions. Thank you,
6 ma'am.

7 JUDGE DIPPELL: Is there someone else?
8 (Whereupon, the witness was duly sworn.)

9 JUDGE DIPPELL: Thank you. If you could
10 state your name and spell it.

11 MAYOR ADEY: Kevin Adey, A-d-e-y. I'm
12 mayor of Greenwood, Missouri.

13 The question that you had about the
14 population, I wanted to give you a little brief on
15 that. In 1980 Greenwood's population was 512; in
16 1990 we were 1,503; in 2000 we were 3,957. Right now
17 we're estimated at 4500 people. We are exploding
18 down here.

19 Along with paying the services, the other
20 thing is we can't even get DSL down here, services
21 from Southwestern Bell, which is another thing
22 entirely.

23 One of the issues that were brought up to
24 me that I have not heard tonight are the elderly.
25 And Greenwood has several elderly in town. And that

1 is they have to pay between \$12 month service call or
2 pay long distance to call in prescriptions, because
3 they have got to do one or the other because we don't
4 have a pharmacy in Greenwood. We've got to go
5 somewhere else. Those are some of the issues that
6 come to my mind along with many of the other issues
7 that have been brought up.

8 It's been an ongoing issue. I thank Linda
9 Kline for getting the petition started, and Gene
10 Devaux for helping with it. It's been a long-going
11 issue, as has been brought up with Bob Johnson and
12 the Lee's Summit council members. That's all I have.

13 JUDGE DIPPELL: Thank you, sir.

14 Commissioner Gaw?

15 COMMISSIONER GAW: Mayor Adey, thank you
16 for coming and staying, too.

17 A couple things just to make it so that I'm
18 clear. If one lives in Greenwood is it likely that
19 if they have children in school they're going to have
20 to pay a toll call if they have a 623 number?

21 MAYOR ADEY: Yes.

22 COMMISSIONER GAW: Is it a 623 number in
23 Greenwood?

24 MAYOR ADEY: Same prefix for Raintree also,
25 I believe.

1 COMMISSIONER GAW: Most of the shopping
2 that people do for pharmaceuticals, as you already
3 pointed out, is out of the Greenwood area?

4 MAYOR ADEY: Uh-huh.

5 COMMISSIONER GAW: Other kinds of shopping
6 that they might do out of the area, give me some
7 examples, if you might.

8 MAYOR ADEY: We have one auto repair place
9 here in town, that's it. If you want to call anybody
10 else you either pay that toll or long distance on a
11 monthly charge. Shopping for clothes, groceries. We
12 have Casey's, we can get some stuff there. But for
13 groceries, if you want to call around, you got to go
14 somewhere else. If you got to call somewhere else
15 it's either a monthly toll or a long distance phone
16 call.

17 COMMISSIONER GAW: How about doctors?

18 MAYOR ADEY: Doctors, we do not have a
19 doctor's office in town. Medical.

20 COMMISSIONER GAW: I hate to raise this,
21 but how about lawyers?

22 MAYOR ADEY: We do have a lot of in-home
23 businesses in town, but I'm not aware of what those
24 are.

25 COMMISSIONER GAW: Okay. Hospital?

1 MAYOR ADEY: No hospital. No doctors'
2 offices.

3 COMMISSIONER GAW: So a long distance call;
4 is that true?

5 MAYOR ADEY: Yes.

6 COMMISSIONER GAW: How about car
7 dealerships?

8 MAYOR ADEY: We have one car dealership in
9 town, it just opened up this year.

10 Another thing I might want to add on the
11 population, as of March of this year Greenwood had
12 1,500 homes that are on the drawing board in six
13 different developments.

14 COMMISSIONER GAW: So it's going to
15 continue to escalate the population?

16 MAYOR ADEY: Exactly.

17 COMMISSIONER GAW: County offices?

18 MAYOR ADEY: County offices, state offices,
19 are all going to be long distance. If we want to
20 call Jackson County offices downtown, one or the
21 other, long distance.

22 Or another example would be Greenwood City
23 Hall. We have to pay the 537 exchange. Everything
24 that we want to do we got to call Kansas City,
25 Missouri, Independence or Jefferson City.

1 COMMISSIONER GAW: How long have you been
2 mayor?

3 MAYOR ADEY: April of 2002.

4 COMMISSIONER GAW: Okay. And do you think
5 that this is one of the most important issues that
6 your constituents have --

7 MAYOR ADEY: This and sewer and personnel.

8 COMMISSIONER GAW: Yes, sir. That's all I
9 have. Thank you, sir.

10 JUDGE DIPPELL: Commissioner Clayton?

11 COMMISSIONER CLAYTON: Be careful, you're
12 under oath.

13 I just wanted to ask you: You mentioned
14 Southwestern Bell does not provide DSL service to the
15 City of Greenwood?

16 MAYOR ADEY: Correct.

17 COMMISSIONER CLAYTON: Is there any
18 broadband connection available in Greenwood right
19 now?

20 MAYOR ADEY: Comcast.

21 COMMISSIONER CLAYTON: That's cable, cable
22 service?

23 MAYOR ADEY: That's a high speed Internet.
24 As far as DSL, we don't have that I don't believe.

25 AUDIENCE MEMBER: Just strictly homes.

1 MAYOR ADEY: Strictly homes.

2 AUDIENCE MEMBER: No, seriously. Because

3 (inaudible) --

4 AUDIENCE MEMBER: Parts of the town do. I

5 have it.

6 COMMISSIONER CLAYTON: So DSL is available

7 in --

8 AUDIENCE MEMBER: In certain areas.

9 COMMISSIONER CLAYTON: -- certain areas.

10 Okay.

11 MS. KLINE: Yes.

12 COMMISSIONER CLAYTON: Is there any

13 highspeed wireless service in Greenwood?

14 MAYOR ADEY: I'm not for sure on that.

15 COMMISSIONER CLAYTON: Does Comcast provide

16 telephone service?

17 MAYOR ADEY: Not at this time.

18 COMMISSIONER GAW: Do you know, are there

19 any other telephone providers that serve Greenwood

20 for local service?

21 MAYOR ADEY: AT&T I know does because

22 that's who I've got.

23 COMMISSIONER GAW: Who are they going to be

24 owned by?

25 MAYOR ADEY: I'm not sure.

1 COMMISSIONER CLAYTON: SBC.

2 MAYOR ADEY: So that will probably go up.

3 COMMISSIONER CLAYTON: Thank you.

4 JUDGE DIPPELL: Mr. Dandino?

5 MR. DANDINO: Mayor, a quick question. Is
6 the calling area calling problem or issue do you see
7 that as an obstacle to economic development to your
8 city?

9 MAYOR ADEY: To a certain degree, yeah.

10 Again, people are going to be building
11 businesses, they're going to be looking at everything
12 they can save. Just like everybody else, budgets are
13 tight. They're going to be looking everywhere they
14 can save money.

15 MR. DANDINO: Thank you.

16 JUDGE DIPPELL: Mr. Meyer?

17 MR. MEYER: Nothing. Thank you.

18 JUDGE DIPPELL: Thank you, Mayor Adey.

19 One gentleman over here. I believe he
20 didn't have all of the answers that I think to
21 Commissioner Clayton's questions if you have some
22 more information.

23 AUDIENCE MEMBER: I don't have answers.
24 I've got questions.

25 JUDGE DIPPELL: Would one of you like to

1 speak? You don't have to. If you don't want to
2 that's fine.

3 AUDIENCE MEMBER: I will if he doesn't.

4 JUDGE DIPPELL: All right.

5 AUDIENCE MEMBER: I'd really rather he do
6 this.

7 COMMISSIONER GAW: Both of you can, you
8 know.

9 (Whereupon, the witness was duly sworn.)

10 JUDGE DIPPELL: Thank you.

11 MR. DEVAUX: Yes, my name is Gene Devaux.
12 I'm somewhat of a writer.

13 AUDIENCE MEMBER: Spell it.

14 MR. DEVAUX: D-e-v-a-u-x.

15 JUDGE DIPPELL: And Gene?

16 MR. DEVAUX: Gene, G-e-n-e.

17 JUDGE DIPPELL: Go ahead, sir.

18 MR. DEVAUX: I've been a columnist and a
19 commentator in the press for several years. I do a
20 lot of my investigation for background on the
21 Internet. I spend a lot of hours on the Internet
22 every day. And when that computer is down I spend a
23 lot more on the telephone.

24 But the thing is, if I had to pay a toll
25 call every time I got on the Internet I would be

1 broke. I mean, I'd have to hock the house. Because
2 all the hours I spend on the computer and on the
3 Internet to do these things I do have are just -- it
4 would be prohibitive. And that's all I have to say.

5 If he's got some more I'd like for him to
6 come up.

7 JUDGE DIPPELL: Thank you.

8 Commissioner Gaw?

9 COMMISSIONER GAW: You might be able to
10 shed some light on this for me, Mr. Devaux. You have
11 DSL?

12 MR. DEVAUX: I do have. Some neighborhoods
13 have the newer phone lines that are capable of
14 carrying the DSL signal. And I happen to be lucky
15 enough to be in that area.

16 COMMISSIONER GAW: Do you have a 623
17 number?

18 MR. DEVAUX: I have a 537 number. I
19 couldn't afford it if it was 623.

20 COMMISSIONER GAW: So you pay the extra
21 money?

22 MR. DEVAUX: I do.

23 COMMISSIONER GAW: If you didn't pay that
24 extra money do you know what that would mean in
25 regards to your DSL access?

1 MR. DEVAUX: I don't know about DSL. I
2 know that if I had to pay the 623 prices for my DSL
3 access then I couldn't afford it, it would be
4 prohibitive.

5 COMMISSIONER GAW: Yeah. Here's what I'm
6 trying to get to: If you had a dial-up connection
7 rather than DSL and had a 623 number, I would assume
8 that there might not be local access, you'd have to
9 pay long distance for your connection?

10 MR. DEVAUX: Oh, absolutely. Most of them
11 are in Lee's Summit.

12 COMMISSIONER GAW: Yes.

13 MR. DEVAUX: My daughter was on a service
14 that was based in Lee's Summit, east of 291 North.
15 And that would have been long distance call on 623.
16 We couldn't afford to do that. And I'm sure mine
17 would be the same.

18 COMMISSIONER GAW: If your option was
19 dial-up as opposed to DSL, and you were in south
20 Lee's Summit or Greenwood --

21 MR. DEVAUX: Greenwood.

22 COMMISSIONER GAW: -- you would just about
23 have to if you were going to use the Internet, go
24 ahead and pay that \$12?

25 MR. DEVAUX: Right. Absolutely, sir.

1 COMMISSIONER GAW: Now, what I don't know
2 and I don't know if anyone else does or not, what
3 that does with DSL. I'm just not sure of the answer
4 to that.

5 If you were in -- if you had a 623 number
6 -- if you had access to DSL at a particular location
7 in a 623 exchange, what does that do in regard to
8 whether you have to pay long distance charges or
9 anything in addition? Do you know that?

10 MR. DEVAUX: I would assume that you would
11 have to pay the long distance rate to reach a number
12 outside the limited area. I don't know why they
13 would treat the DSL any differently because it all
14 goes over the telephone.

15 COMMISSIONER GAW: I don't know the answer,
16 but I do appreciate your comments. Thank you so much
17 for your comments.

18 JUDGE DIPPELL: Commissioner Clayton?

19 COMMISSIONER CLAYTON: No.

20 MR. DEVAUX: Thank you for being here.

21 JUDGE DIPPELL: Was there someone else?

22 Sir?

23 (Whereupon, the witness was duly sworn.)

24 MR. JENKINS: My name Chris Jenkins,
25 J-e-n-k-i-n-s. My residence is 1125 Southwest

1 Georgetown Drive.

2 When I moved to Stoney Creek a couple years
3 ago, a little less than two years ago, my wife helped
4 to get set up the phone. We were not aware about the
5 surcharges of MCA at all. We weren't aware of it.
6 They gave us a 623 number. And at that point we kept
7 wondering what's going on with our phone. We
8 thought, why is this a long distance, what's going
9 on. We always kept making a joke about, you know,
10 we're not in Kearney. I have cousins who live in
11 Kearney. I thought maybe this was a mistake. So
12 this went on for a few weeks.

13 Then we called Southwestern Bell and then
14 they wanted to charge us a few dollars to switch
15 over. Then all of a sudden when we got our bill it
16 was around \$10 at the time, I think. I think they've
17 raised it since.

18 So my wife was concerned because I work for
19 Jackson County Public Works. So luckily we had our
20 cell phones that we could call all the time and
21 family members. But to call my office from home
22 would have been a long distance call.

23 I have to call -- I am constantly calling
24 in, even on the weekends or in the evenings for
25 coworkers to work on projects. I'm one of the

1 designers for Public Works. So I deal with
2 developers and contractors and so, you know, for me
3 to call them from home on any particular issue was
4 going to be a long distance call. So we've got to
5 get this taken care of.

6 At the time I didn't have a company phone,
7 so I had to rely on my own cell phone sometimes to
8 call. That was back in my finance. One time over
9 \$100 one month because I was using it until we got
10 this switched over. It was quite the nuisance.

11 To reiterate what other people have been
12 saying, the real estate people don't tell you, you
13 know. The only way we found out about the \$12 is
14 because of a neighbor. The neighbor told us we had
15 to pay it. We're like, what. So we checked our
16 phone bill and sure enough we were getting charged
17 within that first month we lived there. It was quite
18 cumbersome.

19 I just wanted to touch base on some of the
20 questions. To call the county, yes, you would have
21 to call long distance, and that's not good. Because
22 constantly working for the county, yeah, you do get
23 calls quite a bit. Thank you.

24 JUDGE DIPPELL: Commissioner Gaw, do you
25 have any questions?

1 COMMISSIONER GAW: You still have your wire
2 line at home?

3 MR. JENKINS: Yes.

4 COMMISSIONER GAW: Right?

5 MR. JENKINS: Yes.

6 COMMISSIONER GAW: Do you consider your
7 cell phone as substitute to your wire line or a
8 complement to it?

9 MR. JENKINS: I'd say complement.

10 COMMISSIONER GAW: You're not getting rid
11 of your wire line phone because you have cell phone,
12 right?

13 MR. JENKINS: Exactly.

14 COMMISSIONER GAW: Why is that?

15 MR. JENKINS: Majority of the time I like
16 -- well, see, right now we have a Cingular plan to
17 where you call your friends. It's free. But I don't
18 -- I like the --

19 COMMISSIONER GAW: It's included in the
20 plan?

21 MR. JENKINS: It's included in the plan,
22 but I know I'm paying for it. But the same time I
23 like the wireless. I'm used to it because of
24 emergency situations it is much easier for the police
25 and fire district to get ahold of you. And so, yeah,

1 it's very important. It's extremely important.

2 Then also, you know, my kids aren't
3 teenagers yet. They're little, so they're not using
4 the phone. You know, talking to grandma, two and
5 five-year olds, so not using the phone as much. But
6 I know from growing up I used that land line for a
7 long time. A lot. And so my parents -- I used to
8 drive them nuts over it. But it's nice to have.

9 COMMISSIONER GAW: So you think it's
10 important to keep your wire line?

11 MR. JENKINS: Most definitely. And I would
12 never get rid of it.

13 COMMISSIONER GAW: So in regard -- I don't
14 know if you'll remember this or not, but the issue of
15 calling your cell phone from your land phone to your
16 house, when you had a 623 number, do you recall
17 whether or not when you called from your home to your
18 cell phone if that was a toll charge?

19 MR. JENKINS: Yes, it was. Yes, it was.
20 Yes.

21 COMMISSIONER GAW: Thanks again for coming
22 up tonight.

23 JUDGE DIPPELL: Commissioner Clayton?

24 COMMISSIONER CLAYTON: I'm not going to ask
25 questions. Sounds like somebody is dialing from a

1 wire line to ask why aren't you home.

2 JUDGE DIPPELL: Mr. Dandino?

3 MR. DANDINO: Thank you, Mr. Jenkins.

4 JUDGE DIPPELL: Mr. Meyer?

5 Thank you, sir.

6 Is there anyone else who wants to testify?

7 AUDIENCE MEMBER: I just want to show you
8 were I live. I live in eastern Jackson County. I'm
9 not in Greenwood, Lotawana or anything --

10 JUDGE DIPPELL: I'd like for you to restate
11 that after I swear you in.

12 (Whereupon, the witness was duly sworn.)

13 JUDGE DIPPELL: Thank you. If you could
14 state your name and spell it.

15 MR. EMBRY: Gary, G-a-r-y, Embry,
16 E-m-b-r-y.

17 JUDGE DIPPELL: Tell us again where you
18 live, Mr. Embry.

19 MR. EMBRY: 23606 East Haines Road, which
20 again, is between just north of Greenwood and just
21 west of Lotawana proper, city limits that is.

22 My concern with SBC is the service that
23 they're giving me at the cost I'm getting. As it's
24 been stated in other ways, I think we're kind of in a
25 horse and buggy world here with them and in a space

1 age world really. (Inaudible) I've got a cell phone
2 on my hip. I got a land line at home. I got a
3 computer at home. And I can't even get DSL, which is
4 another story.

5 But just to reiterate what's been said
6 another way: I came out here in line 1970, which is
7 most of my life. 1970 in Greenwood was like 500
8 people at that time. Now it's 4200. He said 13,
9 1600 homes coming in here. If you look at the map,
10 anything north of 150 Highway, the road right out
11 front here, north is all built on.

12 I live, like I said, out in the county. We
13 have estate lots, three-acre lots, so there's next
14 door, houses behind me. Two neighborhoods, there's
15 Golden Meadows, which is a neighborhood of several
16 hundred people; timber Lake, which is south of me,
17 which is several hundred people. Like it's name, a
18 lake community. You have estate size lots, five or
19 seven acres, all on county roads, on Harris, on
20 Haines, on Smart. So this isn't just a Greenwood
21 issue.

22 I'm 537. I happen to have a computer. I
23 got smart and I got a 623 number, which allows me to
24 connect on that line for my computer. And then I
25 have my cell phone. So I'm connected to the internet

1 age, except that, you know, in my view I would pay
2 this amount of money if I could get DSL. But I can't
3 get DSL and I've been on it for eight years.

4 So I guess I'm frustrated with the service
5 I'm getting. When you have people in small towns in
6 Arkansas that have cable and all this service, and I
7 don't.

8 JUDGE DIPPELL: Thank you, sir.

9 Commissioner Gaw, do you have questions?

10 COMMISSIONER GAW: I do not, but that I
11 thank you for coming up here. I was thinking that
12 you'd finally make it.

13 MR. EMBRY: In my view this is a communist
14 game. I spent 33 years at GM. If you build ten
15 million cars at a couple dollars of cost on each one,
16 you can build 20 million cars cheaper.

17 Look what's happened in the last 30 years.
18 We're expanding. This is no longer a small town.
19 It's a part of a metropolitan community and people
20 from here to there. So this would be cheaper for
21 them. There's no good reason why we can't get the
22 service and a better value (inaudible). Thank you.

23 JUDGE DIPPELL: Commissioner Clayton?

24 COMMISSIONER CLAYTON: Can you get
25 broadband service on cable? Do you get cable out

1 there?

2 MR. EMBRY: No. It's near me, but not
3 down --

4 COMMISSIONER CLAYTON: So you have no
5 high-speed Internet connection at all?

6 MR. EMBRY: No. DSL is what I'm hoping to
7 get.

8 COMMISSIONER CLAYTON: No DSL? No cable
9 modem? No wireless high speed Internet?

10 MR. EMBRY: Like I said, there's a cable
11 close to me, just recently put in. I don't know if
12 it's connected or not. But I'm still waiting. I
13 would like to have this -- just my preference, I'd
14 like to have DSL. I'm retired. I don't need the
15 fastest service in the world. I just need good, fast
16 service. And I'm going crazy with dial-up thing.

17 COMMISSIONER CLAYTON: Thank you.

18 JUDGE DIPPELL: Mr. Dandino?

19 MR. DANDINO: Thank you, Mr. Embry.

20 JUDGE DIPPELL: Thank you, sir.

21 Is there anyone else who wanted to testify?
22 Sir?

23 (Whereupon, the witness was duly sworn.)

24 JUDGE DIPPELL: Please state your name and
25 spell it.

1 MR. WARREN: John Warren, W-a-r-r-e-n.
2 I'm a 537 number, but I'm in Lake Winnebago, which is
3 south of here. It's in Cass County. It's Lee's
4 Summit School District.

5 I realize I can't ask you guys some
6 questions. But if I say a few things you're going to
7 ask me some questions and then I can get some
8 answers.

9 Winnebago, just in case you are doing
10 demographics, is about 500 homes currently. Probably
11 another 300 in the next ten years.

12 We moved in '97, which was eight years ago.
13 So we did some quick math, it was about \$1200.
14 That's how long ago, just \$1200 ago.

15 I'm like anybody else, I got a wife, three
16 kids, medical bills. This year's were ridiculous. I
17 could have used that \$1200.

18 I have a business also in Lee's Summit, so
19 it's a 554 number. We moved from Blue Springs in
20 about three years ago, about 2002. At the time I had
21 a 228 number in Blue Springs. I was hoping to carry
22 that over. I had it for five years. I was told I
23 couldn't do that. And I'm just telling you this
24 because I'm not sure how these things work.

25 So I was given a 554 number and I have five

1 lines there in order to incorporate the fax and all
2 the other rollover numbers. Well, one of the numbers
3 they gave me was a 228 number, for one of my rollover
4 numbers. So I'm just saying I don't know how these
5 things work. I think you can do a lot of things they
6 tell you you can't do.

7 The reason I wouldn't go to a cell phone, I
8 have one I use every day. I probably have about
9 2,000 minutes through my business and other things, I
10 could use it a lot, doesn't cost me a lot of money;
11 however, it's unreliable. I mean, with three kids
12 home at different times, I'm not and my wife's not,
13 you can't rely on a cell phone, at least at this
14 point.

15 We've inquired about the digital phones
16 through Comcast, that's not available. I believe we
17 actually have MCI right now as our carrier. But I
18 know they pay the same charges.

19 Again, another side light, I have my
20 business in Lee's Summit. When we moved in we were
21 told we couldn't get DSL. We're right off Douglas
22 and 470. We inquired around and we did find a
23 provider who could supply DSL on the same phone
24 lines. Then we were just told last Monday we could
25 improve our DSL service on that same line that SBC is

1 still telling us we can't get DSL service.

2 So all I'm saying is I think things can be
3 interpreted a lot of different ways. That's just
4 some of my experiences in the last five years really.

5 JUDGE DIPPELL: Thank you, sir.

6 Commissioner Gaw, did you have any
7 questions?

8 COMMISSIONER GAW: I just want to verify,
9 Mr. Warren. You may not be able to tell me this.
10 But if the proposal that is there in regards to
11 moving the Greenwood area and south Lee's Summit into
12 Tier 2 were adopted, would that bring you into
13 Tier 2?

14 MR. WARREN: I can't tell from that map. I
15 assume we're in the Greenwood area.

16 REPRESENTATIVE JOHNSON: They are.

17 COMMISSIONER GAW: So this is all one piece
18 then, and that helps me out. I needed to know that.

19 The other thing, I guess, is if you have --
20 it sounds like you have several questions. I don't
21 know if you have had an opportunity to talk to any of
22 our staff.

23 MR. WARREN: No.

24 COMMISSIONER GAW: But they would be able
25 to perhaps help you and give you some answers to

1 questions that you have about why these things are
2 the way they are. I'm not saying that those answers
3 would be satisfactory, but they will tell you what
4 they know about it.

5 MR. WARREN: Sure. I'll make one more
6 statement. I think I might be the only one here from
7 Lake Winnebago.

8 Like I said, there are 500 current
9 households, probably thousand people. I don't think
10 this is representative. If people knew about the
11 hearing you could have filled the place up quite
12 twice over, I'm sure.

13 I had to hear from a relative in Raintree
14 and I had connections over there. That's where I got
15 my information.

16 COMMISSIONER GAW: I'll tell you this: In
17 comparison to what we see in some other places, this
18 is a very big crowd.

19 MR. WARREN: I think, again, it could be
20 much larger than what --

21 COMMISSIONER GAW: Glad you made the
22 comment.

23 JUDGE DIPPELL: Commissioner Clayton?

24 COMMISSIONER CLAYTON: I don't have any
25 questions. But I would say the crowd tonight has

1 been exceptional. It's a very large crown for one of
2 our hearings.

3 JUDGE DIPPELL: Mr. Dandino?

4 MR. DANDINO: No questions. Thank you,
5 Mr. Warren.

6 JUDGE DIPPELL: Thank you, sir.

7 Is there anyone else? I promised the
8 school we'd be out of here by 9:00 so the janitorial
9 staff could lock up.

10 Still not seeing no one else, I do want to
11 thank the Greenwood Elementary School and the Lee's
12 Summit School District for providing this place for
13 us to have our hearing. I appreciate all of you
14 coming and staying till the very end.

15 Seeing nothing further we will go ahead and
16 wrap up this hearing. Concluded. We can go off the
17 record.

18 (Whereupon, the hearing was closed at
19 8:40 p.m.)

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C E R T I F I C A T E

I, TAMMY S. MENKE, Certified Court Reporter, do hereby certify that I appeared at the time and place hereinbefore set forth; I took down in shorthand the entire proceedings had at said time and place, and the foregoing one hundred one hundred thirty-one pages constitute a true, correct and complete transcript of my said shorthand notes.

Certified to this _____ day of

_____, 2005.

_____, C.C.R. No. 1013(T)

Tammy S. Menke
Certified Court Reporter