

0294

1

STATE OF MISSOURI

2

PUBLIC SERVICE COMMISSION

3

4

5

6

TRANSCRIPT OF PROCEEDINGS

7

Conference

8

September 29, 2005

9

Jefferson City, Missouri

Volume 5

10

11

12

In the Matter of the Request       )  
from the Customers in the       )  
Rockaway Beach Exchange for       ) Case No. TO-2003-0257  
an Expanded Calling Scope to       )  
Make Toll-Free Calls to Branson )

15

16

17

18

19

VICKY RUTH, Presiding,  
SENIOR REGULATORY LAW JUDGE

20

21

22 REPORTED BY:

23 PAMELA FICK, RPR, CCR #447, CSR

MIDWEST LITIGATION SERVICES

24

25

0295

1 APPEARANCES:

2

3

LARRY DORITY, Attorney at Law

4 FISCHER & DORITY, P.C.

101 Madison Street, Suite 400

5 Jefferson City, Missouri 65101

6 FOR: CenturyTel of Missouri, LLC

7

8

9

MICHAEL DANDINO, Attorney at Law

10 OFFICE OF THE PUBLIC COUNSEL

Post Office Box 2230

11 Jefferson City, Missouri, 65102

12 FOR: The Office of the Public  
Counsel and the Public.

13

14

15

MARC POSTON, Senior Counsel

16 P.O. Box 360

Jefferson City, Missouri 65102

17 (573) 751-6434

18 FOR: Staff of the Missouri Public  
Service Commission.

19

20

21

22

23

24

25

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

2 JUDGE RUTH: Let's go on the record.

3 Good afternoon. My name is Vicky Ruth, and I'm the  
4 regulatory law judge assigned to this case. Today's  
5 date is September 29th, 2005, and it's a few minutes  
6 after 2:00. We are here for a conference in Case  
7 TO-2003-0257 in the matter of the request from the  
8 customers in the Rockaway Beach exchange for an  
9 expanded calling scope to make toll-free calls to  
10 Branson.

11 This conference was scheduled to give  
12 the parties an opportunity to discuss the case,  
13 including what the next procedural steps will be.  
14 The conference actually started at 1:30. Due to  
15 technical difficulties, we were not able to  
16 immediately go on the record. And present for that  
17 conference were the parties, myself and Commissioner  
18 Robert Clayton. It was my understanding that at that  
19 time the parties preferred to address a few matters  
20 off the record rather than waiting until the court  
21 reporter was available. Is that your understanding  
22 also, parties?

23 MR. DORITY: Would you like us to enter  
24 our appearances, Judge? Would that be helpful?

25 JUDGE RUTH: Yes, enter your appearance

0297

1 and then note whether, number one, if there's  
2 anything you want to add or restate from the  
3 conference that we had or if you had any concerns  
4 about the procedure that we just followed.

5 And Mr. Poston, I'll start with you.

6 MR. POSTON: Marc Poston for the staff  
7 and the Commission, and I have no concerns, and I do  
8 agree that we had agreed to go off the record and  
9 continue discussions.

10 MR. DORITY: Thank you, Judge.

11 Appearing on behalf of CenturyTel of Missouri, LLC,  
12 Larry DORITY, Fischer & DORITY, P.C. Our address is  
13 101 Madison Street, Suite 400, Jefferson City,  
14 Missouri 65101, and participating with me today are  
15 Arthur Martinez and Becky Powell of Century-Tel of  
16 Missouri.

17 MR. DANDINO: Michael Dandino, Office of  
18 the Public Counsel, Post Office Box 2230, Jefferson  
19 City, Missouri, 65102, representing the Office of  
20 Public Counsel and the public. Barbara Meisenheimer  
21 is also attending this meeting, this hearing with me.  
22 Public counsel has no objections and no concerns  
23 about the procedure the Commission followed in this  
24 matter.

25 MR. DORITY: And I need to state the

0298

1 same thing, your Honor. I'm sorry I neglected to do  
2 that. Century-Tel does not have any concerns or  
3 objections to the process that we employed today.

4 JUDGE RUTH: Okay. I had originally  
5 asked the parties to file a notice indicating that  
6 you had no objection to the procedure, but since we  
7 have handled that on the record, that won't be  
8 necessary.

9 Mr. Poston, did you have something else?

10 MR. POSTON: I just wanted to add that  
11 William Voight was here for staff and participating  
12 in the conference.

13 JUDGE RUTH: Okay. Thank you. Now,  
14 during the off-the-record portion, somebody mentioned  
15 that it might be helpful for the Commission to have  
16 another similar or longer conference, more of a  
17 give-and-take discussion, and it's my understanding  
18 that the parties may have been thinking about an  
19 off-the-record conference where all parties are  
20 present.

21 If that is something that the parties  
22 want to do, you may want to get together and even  
23 discuss some dates and file a motion with the  
24 Commission offering them some dates when you might be  
25 available for such thing.

0299

1                   Again, that's a suggestion, not a  
2 requirement. And let me ask the parties if you have  
3 any procedural or substantive matters that you want  
4 to discuss on the record at this time. It was my  
5 intention just to have the brief prehearing  
6 conference type information.

7                   If Commissioner Clayton had any  
8 questions, we were going to allow him to address  
9 those, and then we would go off the record for you to  
10 have your regular prehearing conference. We've gone  
11 a little bit out of order, but I want to give you an  
12 opportunity then to address whatever you wanted on  
13 the record. Mr. Poston?

14                  MR. POSTON: Thank you, Judge. I have  
15 nothing else to add.

16                  JUDGE RUTH: Mr. Dority?

17                  MR. DORITY: I have nothing else, your  
18 Honor. Again, we appreciated the opportunity to have  
19 the discussions that preceded this on-the-record  
20 portion, and we very much would like to participate  
21 in additional discussions, and I think that would be  
22 very helpful before we try to formulate a specific  
23 procedural schedule in this matter.

24                  MR. DANDINO: And I would agree with  
25 Mr. Dority on that matter.

0300

1 JUDGE RUTH: All right. I don't have  
2 anything further. I was trying to remember if a date  
3 had been set for a procedural schedule.

4 MR. DORITY: I don't believe so, Judge.  
5 I think this was the only matter.

6 JUDGE RUTH: No, you're right. It looks  
7 like the order scheduling the conference just set a  
8 date for the conference. So I will ask that staff,  
9 if you would file a status report within ten days of  
10 this meeting indicating whether or not the parties  
11 are ready to look at procedural schedules, or if  
12 instead, the parties file a motion for some type of  
13 off-the-record discussion, then your status report  
14 would not be necessary.

15 But I want to know that something is  
16 coming since we do not have a procedural schedule  
17 set. I'll either know that it's time for me to set  
18 one or the parties will file something letting me  
19 know that instead you want an off-the-record  
20 discussion conference.

21 MR. DANDINO: Your Honor, maybe we could  
22 have a little more than ten days. I have a feeling  
23 the next couple of weeks are gonna be pretty well  
24 filled up, and I don't know if we'll have an  
25 opportunity to get with the parties to work out

0301

1 something.

2 JUDGE RUTH: Would three weeks work?

3 MR. DANDINO: Fifteen, 20 days,  
4 something like that.

5 JUDGE RUTH: I was going to say, if we  
6 make it three weeks from now, would that be good?

7 MR. DANDINO: Oh, it would be excellent.

8 MR. DORITY: And, Judge, could I ask  
9 respectfully, would it be possible for you to perhaps  
10 visit with particularly Commissioner Clayton to see  
11 what his availability might be, or is that premature?  
12 I know it's the chicken or the egg.

13 JUDGE RUTH: No. I certainly could. In  
14 fact, if anybody wants to go with me upstairs after  
15 the on-the-record conference, we can check with his  
16 DPA. She will give suggestions, but they're not  
17 guarantees, because by the time you file anything, he  
18 could have scheduled some type of meeting.

19 MR. DORITY: I mean, I just think his  
20 schedule is probably driving our opportunity to get  
21 back together again. I think you've heard from us  
22 collectively that we all think it's a good idea, and  
23 if that's okay with you --

24 JUDGE RUTH: No, that sounds fine. I  
25 would suggest that anyone who's interested come with



0302

1 me upstairs. We'll talk to Dana Parish and try to  
2 get some -- at least a rough idea of when he might be  
3 available.

4 MR. DORITY: That would be great. Thank  
5 you.

6 JUDGE RUTH: Is there anything else that  
7 needs to be discussed on the record?

8 (NO RESPONSE.)

9 JUDGE RUTH: Okay. Then we will go off  
10 the record. Thank you very much for your time.

11 (WHEREUPON, the proceedings were  
12 concluded.)

13

14

15

16

17

18

19

20

21

22

23

24

25