



**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

CONFERENCE

**In the Matter of a Request for Expansion of the
St. Louis Metropolitan Calling Area Plan
to Include the Exchanges of Washington, Union,
Wright City, St. Clair, Marthasville, Beaufort,
Foley and Warrenton**

Volume 1

Case No. TO-2005-0141

TRANSCRIPT OF PROCEEDINGS

April 6, 2005

ORIGINAL

FILED

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*Missouri
Public Service Commission*

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PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

CONFERENCE

April 6, 2005

Jefferson City, Missouri

Volume 1

In the Matter of a Request for)
Expansion of the St. Louis)
Metropolitan Calling Area Plan)
to Include the Exchanges of)
Washington, Union, Wright) Case No. TO-2005-0141
City, St. Clair, Marthasville,) (consolidated with
Beaufort, Foley and Warrenton) Case No. TO-2003-0298)

VICKY RUTH, Presiding,
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

STEPHANIE L. KURTZ MORGAN, RPR, CCR
MIDWEST LITIGATION SERVICES

APPEARANCES:

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Jefferson City, Missouri 65102-0456
(573) 635-7166

6 FOR: Fidelity Telephone Company.
7 Orchard Farm Telephone Company.

8 LARRY W. DORITY, Attorney at Law
9 Fischer & DORITY
10 101 Madison, Suite 400
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11 FOR: CenturyTel of Missouri, L.L.C.
12 Spectra Communications Group, L.L.C.,
d/b/a CenturyTel.

13 MIMI MACDONALD, Attorney at Law (VIA TELEPHONE)
14 SBC Missouri
One SBC Center, Room 3520
St. Louis, Missouri 63101
(314) 235-4300

15 FOR: Southwestern Bell Telephone, L.P.
16 d/b/a SBC Missouri.

17 CRAIG JOHNSON, Attorney at Law
18 Andereck, Evans, Milne, Peace & Johnson
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20 FOR: MITG.

21 JOHN B. COFFMAN, Public Counsel
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23 Jefferson City, Missouri 65102-2230
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24 FOR: Office of the Public Counsel and the Public.
25

APPEARANCES (CONTINUED):

MARC D. POSTON, Senior Counsel
200 Madison Street
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FOR: Staff of the Missouri Public Service
Commission.

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

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

3 Ms. MacDonald, I'm going to ask you that if you can't hear,

4 you'll -- you're going to have to just speak up and interrupt

5 at any time, okay?

6 MS. MACDONALD: Okay.

7 JUDGE RUTH: And you're going to have to speak a

8 little louder, okay?

9 MS. MACDONALD: Okay.

10 JUDGE RUTH: All right.

11 Good morning. My name is Vicky Ruth, and I am the

12 Regulatory Law Judge assigned to this case. Today is

13 Wednesday, April 6th, and it is a few minutes after

14 ten o'clock.

15 We are here for a conference in Case TO-2005-0141,

16 in the matter of a request for expansion of the St. Louis

17 metropolitan calling area plan to include the exchanges of

18 Washington, Union, Wright City, St. Clair, Marthasville,

19 Beaufort, Foley and Warrenton.

20 The conference was scheduled in order to allow the

21 parties to discuss the application, and determine if any

22 modifications should be made to it.

23 According to the proposed rule, which I understand

24 the parties are looking at or at least attempting to follow

25 for procedural guidance, the parties should also explore at --

1 at this conference whether the proposal -- or how the proposal
2 could be technically implemented in the most efficient manner
3 consistent with any community of interest. The parties should
4 also explore the issue of inter-carrier compensation.

5 Before we do entries of appearance, I want to note
6 that we have one party present by speakerphone. That is Mimi
7 MacDonald of SBC Missouri.

8 Because we have someone participating by
9 speakerphone, I'm going to ask that each time you speak, you
10 need to identify yourself.

11 Now, we'll do our entries of appearance.

12 Public Counsel?

13 MR. COFFMAN: Appearing on behalf of the Office of
14 the Public Counsel, I am John B. Coffman, Box -- P. O.
15 Box 2230, Jefferson City, Missouri 65102.

16 JUDGE RUTH: Thank you.

17 And Staff?

18 MR. POSTON: I'm Marc Poston, appearing for the
19 Commission Staff.

20 JUDGE RUTH: Fidelity --

21 MR. ENGLAND: Thank you, Your --

22 JUDGE RUTH: -- and Orchard Farm?

23 MR. ENGLAND: -- Honor.

24 Yeah. Let the record reflect the appearance of
25 W. R. England, Post Office Box 456, Jefferson City, Missouri

1 65102, appearing on behalf of Fidelity Telephone Company and
2 Orchard Farm Telephone Company.

3 JUDGE RUTH: CenturyTel and Spectra?

4 MR. DORITY: Thank you, Judge Ruth. Appearing on
5 behalf of CenturyTel of Missouri, L.L.C. and Spectra
6 Communications Group, L.L.C., doing business as CenturyTel,
7 Larry DORITY, Fischer & DORITY, P.C. Our address is
8 101 Madison, Suite 400, Jefferson City, Missouri 65101.

9 JUDGE RUTH: Thank you.

10 And SBC?

11 MS. MACDONALD: This is Mimi MacDonald, appearing
12 on behalf of Southwestern Bell Telephone, L.P., d/b/a SBC
13 Missouri. Our address is One SBC Center, Room 3510,
14 St. Louis, Missouri 63101.

15 JUDGE RUTH: Okay. We also have present counsel
16 for an entity that has not yet been made a party. Mr.
17 Johnson, would you go ahead and enter your appearance?

18 MR. JOHNSON: Yes, Your Honor. Craig Johnson,
19 Andereck, Evans, Milne, Peace & Johnson, 700 East Capitol,
20 Jefferson City, Missouri 65102. I'm here today on behalf of
21 the Missouri Independent Telephone Company Group.

22 I think sometime ago we had filed a notice of
23 participation without intervention, which is no longer
24 permitted by the rules. Today we are filing a motion to
25 convert that to an intervention request. It should be on file

1 today. I don't have it with me right now.

2 None of my six companies in the group are actually
3 participating in the St. Louis MCA. We were wanting to
4 intervene and participate, because it looks like this may be
5 one of the initial cases looking at the several MCA dockets
6 that are currently pending.

7 And we wanted to be aware of things that might
8 later be brought back to other metropolitan calling area
9 dockets. So we would request to be allowed to intervene at
10 this time.

11 JUDGE RUTH: Okay. Mr. Johnson, you said you
12 expect to file the -- the supplemental pleading today?

13 MR. JOHNSON: Yes.

14 JUDGE RUTH: Assuming that that is filed today, I'm
15 going to direct that any objections, if any, to Mr. Johnson's
16 supplemental pleading be filed by 9 a.m. on Friday.

17 If you need additional time, then you'll have to
18 file something stating that. Otherwise I'll expect that any
19 objections to this supplemental pleading, request for
20 intervention be filed by 9 a.m. on Friday.

21 And Mr. Johnson is going to be allowed to
22 participate in today's hearing -- or conference. Excuse me.

23 Are there any other procedural matters that need to
24 be discussed at this time?

25 (NO RESPONSE.)

1 JUDGE RUTH: Okay. It was my intention not to
2 remain or participate. I did not -- I -- I hadn't heard from
3 the parties that you had any additional questions or issues
4 for me.

5 But I want to give you a chance, if there's
6 anything else. We'll start on this side of the room.

7 Mr. Poston?

8 MR. POSTON: I have nothing further. Thank you.

9 JUDGE RUTH: Mr. Dority?

10 MR. DORITY: No thank you.

11 JUDGE RUTH: Mr. Coffman?

12 MR. COFFMAN: As I understand the -- the process,
13 we -- the result of these discussions will then lead to the
14 next step, being Public Counsel's opportunity of making some
15 filing stating what -- what's occurred and what we -- what
16 changes to our application we might -- we wanted to make, and
17 that -- and that the process would move forward from there
18 based on the proposed rule.

19 JUDGE RUTH: That's my understanding. And
20 I -- actually I did bring a copy of the proposed rule with me.
21 It's been submitted to the Secretary of State's Office. It
22 will be filed in the April 15th Missouri Register.

23 And according to that proposed rule, this
24 conference is Step 7.

25 MR. COFFMAN: Yes.

1 JUDGE RUTH: And -- and the rule did not talk about
2 whether or not this needed to be on the record. However,
3 since this is the first one we're doing, I wanted to start it
4 on the record.

5 In the future these may not be held on the record once
6 the rule is actually in effect, we'll -- we'll see. But the
7 first few are going to start off on the record.

8 Step 7 -- or 8 just talks about some of the things
9 that I mentioned that you're supposed to talk about today.
10 And then Step 9 is the Applicant shall file with the
11 Commission either a statement that the application remains
12 unchanged or must identify specific modifications to the
13 application.

14 And the rule actually does not set a deadline for
15 that filing. And so I'm glad you brought that up.

16 Do you have any idea, Mr. Coffman, how much time
17 you will need to make that filing?

18 MR. COFFMAN: The next filing -- I'm -- I'm not
19 positive. It may depend on how much time other parties may
20 feel that they need for input or how much data we may want,
21 based on the comments that they have to -- to make
22 suggestions.

23 It could be as -- as quickly as a week. But it --
24 it could be longer. I'm not sure I'm --

25 JUDGE RUTH: Well, Mr. Coffman, I'm actually going

1 to do this. I'm going to direct that following the hearing
2 within the next week, you just simply need to file a notice
3 telling me when you plan on making the final -- the -- the
4 detailed filing.

5 MR. COFFMAN: That would be fine. And I was --
6 I'm -- I'm pretty sure -- certain that a protective order will
7 be needed in this case. And so --

8 JUDGE RUTH: I don't remember seeing an application
9 for one.

10 MR. COFFMAN: That's -- I don't think anyone has a
11 question. But I would expect that -- that we or -- or some
12 other party will be requesting one.

13 And I certainly appreciate the Commission's
14 willingness to begin this process and see how this goes. It
15 was certainly the Task Force's -- or at least several members
16 of the Task Force were hoping that this process could be moved
17 forward before the Commission actually took comments on the
18 proposed rule.

19 And -- and hopefully we -- as we feel out the
20 procedural issues here, we'll be able to probably be in a
21 better position to provide informed comments on the proposed
22 rule.

23 JUDGE RUTH: Well, and I know the Commission is
24 hoping to get comments. And, you know, one I see is there may
25 not be a way to put a date in here. But it might be nice.

1 I notice that the next step after Public Counsel or
2 Applicant files any modifications, within 10 days of that
3 filing the parties have to object. So that's a pretty short
4 turnaround.

5 MR. DORITY: Right.

6 JUDGE RUTH: And I assume I'll hear from the
7 parties later how that -- if that's adequate, how that goes.
8 And then after that filing, any objections to Public Counsel's
9 changes, the next step is within 90 days the carrier -- any
10 carrier affected has to file illustrative tariff sheets. And
11 90 days, again, seems like a long period of time.

12 I -- I don't know if the entire 90 days will be
13 needed. We'll address that at a later step.

14 Did you have anything else, Mr. Coffman?

15 MR. COFFMAN: No, that's -- that's all.

16 JUDGE RUTH: Okay.

17 Mr. England?

18 MR. ENGLAND: No thanks.

19 JUDGE RUTH: Ms. MacDonald?

20 MS. MACDONALD: No, thank you. Thank you for
21 allowing me to participate by telephone.

22 JUDGE RUTH: You're welcome.

23 I don't see any other hands up, any comments. That
24 means we will go off the record. I do ask that when you
25 finish using this room, that you either lock the door by

1 pushing in the button and pulling it shut or call me and I'll
2 come down and lock it. We don't have a receptionist right
3 now.

4 Okay. Thank you very much. We're off the record.

5 WHEREUPON, the on-the-record portion of the
6 conference was concluded.

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