

1 BEFORE THE PUBLIC SERVICE COMMISSION
2 STATE OF MISSOURI
3 _____
4 TRANSCRIPT OF PROCEEDINGS
5 ARBITRATION MEETING
6 February 6, 2006
7 Jefferson City, Missouri
8 Volume 2
9 _____
10 Petition of Socket Telecom, LLC for)
11 Compulsory Arbitration of)
12 Interconnection Agreements with)Case No. TO-2006-0299
13 CenturyTel of Missouri LLC and Spectra)
14 Communications, LLC Pursuant to Section)
15 252(b)(1) of the Telecommunications Act)
16 of 1996)
17 _____
18 KENNARD L. JONES,
19 REGULATORY LAW JUDGE.
20 _____
21 REPORTED BY:
22 TRACY L. THORPE, CSR, CCR
23 MIDWEST LITIGATION SERVICES
24
25

1 A P P E A R A N C E S

2 LARRY W. DORITY, Attorney at Law
3 Fischer & DORITY
4 101 Madison Street, Suite 400
Jefferson City, Missouri 65101
573-636-6758
FOR: CenturyTel of Missouri, LLC
Spectra Communications Group, LLC

6 DAVID F. BROWN, Attorney at Law, via telephone
HUGHES & LUCE
7 111 Congress Avenue, Suite 900
Austin, Texas 78701
8 512-482-6867

9 FLOYD R. HARTLEY, JR., Attorney at Law, via telephone
KARA ALTENBAUMER-PRICE, Attorney at Law, via telephone
10 HUGHES & LUCE
1717 Main Street, Suite 2800
11 Dallas, Texas 75201
2147-939-5500

12 CARL J. LUMLEY, Attorney at Law, via telephone
13 Curtis, Oetting, Heinz, Garrett & O'Keefe
130 S. Bemiston, Suite 200
14 Clayton, Missouri 63105-1913
314-725-8788
15 FOR: Socket Telecom

16 BILL MAGNESS, Attorney at Law, via telephone
Casey, Gentz & Magness
17 98 San Jacinto Boulevard, Suite 1400
Austin, Texas 78701
18 512-480-9900
FOR: Socket Telecom

19

20

21

22

23

24

25

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

2

3 JUDGE JONES: We are on the record with Case
4 No. TO-2006-0299, petition of Socket Telecom, LLC for
5 compulsory arbitration of interconnection agreements with
6 CenturyTel of Missouri, LLC and Spectra Communications, LLC
7 pursuant to Section 252(b)(1) of the Telecommunications Act of
8 1996.

9 I'm Kennard Jones, the arbitrator in this
10 matter. Also here are members of the advisory staff, Natelle
11 Dietrich, Mike Scheperle, Adam McKinnie and Larry Henderson.
12 At this time we'll take entries of appearance starting with
13 you, Mr. Dority.

14 MR. DORITY: Thank you, Judge. Appearing on
15 behalf of CenturyTel of Missouri, LLC and Spectra
16 Communications Group, LLC, Larry W. Dority, Fischer and
17 Dority, PC. My address is 101 Madison, suite 400, Jefferson
18 City, Missouri 65101.

19 Also appearing via telephone today is David F.
20 Brown and Floyd Hartley of the law firm of Hughes and Luce,
21 LLP.

22 JUDGE JONES: Thank you.

23 And, Mr. Lumley?

24 MR. LUMLEY: Thank you, Judge. Appearing on
25 behalf of Socket Telecom, LLC, Carl J. Lumley of the Curtis,

1 Heinz Law Firm, 130 South Bemiston, suite 200, Clayton,
2 Missouri 63105.

3 And Socket's also represented in person by
4 non-attorney Matt Kohly in the hearing room.

5 JUDGE JONES: Thank you.

6 All right. Well, I guess we should take care
7 of the thing we know we need to take care of, which is the
8 procedural schedule. And Mr. Dority has indicated that you,
9 Mr. Brown, are going to recite that.

10 MR. BROWN: Yes, your Honor. Starting with the
11 first date, CenturyTel and Spectra will follow their responses
12 on February 7, 2006. We will continue negotiations among the
13 parties the rest of the week through February 10th. We will
14 have a -- we will file a joint DPL on February 21st. We'll
15 file Direct Testimony March 21st, file simultaneous Rebuttal
16 Testimony on April 6th, file a final Rebut-- or final DPL,
17 final offers and witness proposals and the like for the
18 conduct of the hearing on April 7th.

19 We would propose that the hearing be held
20 April 11th through 14th, file post-hearing briefs April 28th,
21 arbitrator's final report on May 11th, comments on the final
22 report May 21st, oral argument before the Commission May 25th.

23 JUDGE JONES: Did you say May 21st for the
24 comments?

25 MR. BROWN: Yes, your Honor.

1 JUDGE JONES: Okay. You do realize that's a
2 weekend?

3 MR. BROWN: I missed something here.

4 JUDGE JONES: Maybe it isn't, but it looks like
5 it.

6 MR. LUMLEY: It's a Sunday.

7 MR. BROWN: Kind of hard to file things that
8 day.

9 JUDGE JONES: Well, you know, I believe you can
10 on EFIS. I'm not sure, but I don't know why you wouldn't be
11 able to.

12 MR. BROWN: Well, let's see. I think I'd
13 prefer the 22nd, if that's the case.

14 MR. LUMLEY: That's fine with Socket.

15 JUDGE JONES: Okay.

16 MR. BROWN: And let's see. That may have just
17 been a transcription error somewhere.

18 And then oral argument the 25th, deadline for
19 final Commission decision June 16th.

20 That extension of the deadline is by agreement
21 of the parties. And there were other terms to the agreement
22 that you'll see, but they don't affect the timeline.

23 MR. LUMLEY: And just in general terms, Judge,
24 the nature of the balance of the agreement is an interim
25 arrangement on combinations and enhanced extended links,

1 otherwise known as EELS, which is E-E-L-S, and includes
2 conversions of existing arrangements and commingling
3 provisions. And the agreement deals with the term of that
4 arrangement, the fact that it's interim subject to true-up,
5 its relationship to this agreed schedule, the fact that the
6 parties are reserving all their rights and that it would be
7 effective immediately and submitted for approval. And we're
8 working to finalize that documentation, but we're pretty close
9 on that.

10 JUDGE JONES: So there's something you all --
11 some type of stipulation you all are going to file?

12 MR. DORITY: Correct.

13 MR. LUMLEY: Yes, sir.

14 JUDGE JONES: How many days did you all extend
15 the deadline?

16 MR. DORITY: Approximately about 37.

17 MR. BROWN: 36 or '7.

18 JUDGE JONES: Okay.

19 MR. BROWN: I believe May 5th was the deadline
20 we were operating under, 270th day. So that's 31 plus 11. I
21 guess that's 42 days.

22 JUDGE JONES: All right. Aside from the
23 procedural schedule, the only other thing I wanted to talk
24 about was the information that Socket seeks.

25 Now, Mr. Dority prior to going on the record,

1 has made it clear that that's something Verizon will have to
2 address, which means I'll have to order them to file some type
3 of pleading addressing this issue. However, from Friday's
4 conversation, it seems as though it's not real clear what
5 information is being sought.

6 You all might have to help me out on a way to
7 figure out how -- because I don't want to just send Verizon an
8 order directing them to file something and then have them file
9 something that says that we're not sure exactly what it is you
10 want us to address. So I need to be clear on that before I
11 get their position on this issue.

12 MR. LUMLEY: Well, specifically, Judge -- and
13 this is Carl Lumley speaking -- what we're seeking is to get
14 into this Commission case file the full text, including all
15 attachments of the Commission's Report and Order in the
16 AT&T/GTE arbitration, which was Case TO-97-63.

17 And our request includes agreement that
18 provisions of that document that were subject to a protective
19 order in that original case would remain subject to the same
20 protective order arrangements in this case. So we're not
21 asking for public disclosure of protected information, but we
22 are asking that the full precedent be made available to
23 attorneys and outside experts subject to the protective order
24 in this case.

25 JUDGE JONES: Okay. Mr. Dority, I realize you

1 don't have the authority to address this as far as Verizon's
2 position is concerned, but is it clear to you what they want?

3 MR. DORITY: As I understand it, the
4 confidential information is that information contained in
5 attachments to one of the -- or more Reports and Orders that
6 were issued in the underlying case. It's my understanding
7 that that information was under seal pursuant to the
8 protective order that was issued in that case. And I have not
9 had access to or obviously seen any of that information
10 myself.

11 JUDGE JONES: Okay. And, Mr. Lumley, from
12 Friday's conversation, it seems as though it's the attachments
13 is what you really want. Right?

14 MR. LUMLEY: Well, certainly we have access in
15 the Commission's published reports to the rest of the order,
16 but the point being we want the complete order instead of a
17 partial order.

18 JUDGE JONES: Okay. All right. Is there
19 anything else we need to discuss on the record?

20 I'm going to let Natelle tell you what she
21 thinks would be helpful and we'll talk about that.

22 MS. DIETRICH: In the filing of the testimony,
23 if you could include a table of contents of all the issues
24 that are being discussed in the testimony. And then in the
25 final DPL, the one that's being filed I guess on April 7th, if

1 you could include citations to whichever witness testifies on
2 the issue on behalf of your client, that would be helpful.
3 And if you can take it so far as to say on page whatever, that
4 would be great.

5 JUDGE JONES: Will that pose a problem for
6 anyone?

7 MR. BROWN: No, your Honor.

8 JUDGE JONES: Mr. Dority?

9 MR. DORITY: No. That should be fine.

10 JUDGE JONES: All right. Is there anything
11 else from anyone?

12 Hearing nothing, then we'll go off the record.
13 Actually, before we do, I'll issue a notice concerning the
14 extension, I'll issue an order adopting the procedural
15 schedule and in that order I'll include these conditions
16 concerning the table of contents and the citations and the
17 final DPL.

18 Okay. We can go off the record.

19 WHEREUPON, the arbitration meeting was
20 concluded.

21

22

23

24

25

