

1

STATE OF MISSOURI

2

PUBLIC SERVICE COMMISSION

3

4

5

6

TRANSCRIPT OF PROCEEDINGS

7

Prehearing Conference

8

October 14, 2009

Jefferson City, Missouri

9

Volume 1

10

11

12

In the Matter of Time Warner )

Cable Information Services ) Case No. TT-2010-0109

13

(Missouri), LLC's Proposed )

Tariff Revisions )

14

15

16

KENNARD L. JONES, Presiding,

17

SENIOR REGULATORY LAW JUDGE.

18

19

20

21

REPORTED BY:

22

KELLENE K. FEDDERSEN, CSR, RPR, CCR

MIDWEST LITIGATION SERVICES

23

24

25

1 APPEARANCES:

2 ROGER W. STEINER, Attorney at Law  
3 Sonnenschein, Nath & Rosenthal  
4 4520 Main Street, Suite 1100  
Kansas City, MO 64111  
(816)460-2434

5 FOR: Time Warner.

6 MICHAEL DANDINO, Chief Legal Advisor  
7 Office of the Public Counsel  
P.O. Box 2230  
200 Madison Street, Suite 650  
8 Jefferson City, MO 65102-2230  
(573)751-4857

9  
10 FOR: Office of the Public Counsel  
and the Public.

11 COLLEEN DALE, Senior Counsel  
12 Missouri Public Service Commission  
P.O. Box 360  
200 Madison Street  
13 Jefferson City, MO 65102  
(573)751-3234

14  
15 FOR: Staff of the Missouri Public  
Service Commission.

16

17

18

19

20

21

22

23

24

25

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

2 JUDGE JONES: Let's go ahead and go on the  
3 record. This is Case No. TT-1010-0109, in the matter of  
4 Time Warner Cable Information Service (Missouri), LLC's  
5 proposed tariff revisions. My name is Kennard Jones. I'm  
6 the judge assigned to this matter.

7 At this time we will take entries of  
8 appearances, beginning with Time Warner.

9 MR. STEINER: Yes, your Honor. Let the  
10 record reflect the appearance of Roger W. Steiner with the  
11 law firm of Sonnenschein, Nath & Rosenthal. Our address  
12 is 4520 Main Street, Suite 1100, Kansas City, Missouri  
13 64111. And I'd also like to enter appearance on behalf of  
14 Lisa Gilbreath and Mark Johnson. Lisa's with me today,  
15 but Mark Johnson might be involved in this matter as it  
16 goes forward.

17 JUDGE JONES: Okay. And from the Office of  
18 the Public Counsel?

19 MR. DANDINO: Thank you, your Honor.  
20 Michael Dandino, Chief Legal Advisor, Missouri Office of  
21 Public Counsel, Post Office Box 2230, Jefferson City,  
22 Missouri 65102, representing the Office of Public Counsel  
23 and the public.

24 JUDGE JONES: And from the Staff of the  
25 Commission?

1 MS. DALE: Colleen M. Dale, Post Office Box  
2 360, Jefferson City, Missouri 65102, on behalf of the  
3 Staff of the Public Service Commission.

4 JUDGE JONES: Okay. As you all know, this  
5 is an opportunity for you to get together and discuss this  
6 case to see if it can't be resolved and, if not, how we  
7 should proceed thereafter.

8 There was one concern I wanted to lay out  
9 initially. In Staff's motion to suspend, they seem to  
10 indicate that Time Warner could request a waiver of the  
11 specific statutory requirement that they offer basic local  
12 teleco service as a separate and distinct service. Are  
13 you-all in agreement on that, that if you request the  
14 waiver, the Commission can grant it?

15 MR. STEINER: Your Honor, I don't believe  
16 we can request waiver of a statute.

17 JUDGE JONES: Okay.

18 MR. STEINER: But I'd like to talk to Staff  
19 further about that. I think it's been dealt with in other  
20 cases, an earlier case this year. So I'm not sure if  
21 waiver is the right language, but we probably will be  
22 discussing that further.

23 JUDGE JONES: All right. Mr. Dandino, you  
24 sounded like you wanted to say something.

25 MR. DANDINO: I don't -- at this point I

1 don't think they can waive that requirement. I guess it's  
2 a local basic service.

3 JUDGE JONES: Okay. Did you want to chime  
4 in for Staff?

5 MS. DALE: Let me say that probably the  
6 more appropriate word than waiver would be forbearance on  
7 the part of the Commission.

8 JUDGE JONES: Okay. And the last thing I  
9 wanted to touch on is, the allegation was that there was  
10 no offering of basic local service in the tariff. Is  
11 that, in fact, true?

12 MR. STEINER: I think as the tariff stands  
13 now, there is, but in the revised tariff, there's not. Do  
14 you agree with that, Cully?

15 MS. DALE: Yes. The proposed tariff is the  
16 one that does not have basic local as a separate and  
17 distinct service.

18 JUDGE JONES: Okay. Now, you said your  
19 current tariff does provide that?

20 MR. STEINER: That's right.

21 JUDGE JONES: And does the proposed tariff  
22 change that particular tariff page in the standing tariff?

23 MR. STEINER: Yes, it would.

24 JUDGE JONES: All right. Those are the  
25 only concerns I had. Does anyone have any questions for

1 me while we're on the record?

2 MR. STEINER: Your Honor, this -- we're  
3 going to speak today, and the deadline's coming up.  
4 Especially if the court wants -- Commission wants to have  
5 a hearing, we would probably go ahead and extend the  
6 effective date further on this tariff depending on what  
7 happens today. Does anyone see a problem with that?

8 MS. DALE: Staff's okay with that.

9 MR. DANDINO: No problem.

10 MR. STEINER: Okay. Just because the  
11 date's coming up pretty quick.

12 JUDGE JONES: If you do that, then I will  
13 probably just issue a notice in response, just so that the  
14 record's clear that the tariff date has been extended.  
15 Beyond the November 8th date, is that what you mean?

16 MR. STEINER: That's what I mean, your  
17 Honor.

18 JUDGE JONES: All right. Are there any  
19 other concerns that need to be discussed on the record?  
20 Hearing none, then we're off the record and I'll leave  
21 you-all to yourselves.

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

24

25

## 1 C E R T I F I C A T E

2 STATE OF MISSOURI )  
 ) ss.  
3 COUNTY OF COLE )

4 I, Kellene K. Feddersen, Certified  
5 Shorthand Reporter with the firm of Midwest Litigation  
6 Services, do hereby certify that I was personally present  
7 at the proceedings had in the above-entitled cause at the  
8 time and place set forth in the caption sheet thereof;  
9 that I then and there took down in Stenotype the  
10 proceedings had; and that the foregoing is a full, true  
11 and correct transcript of such Stenotype notes so made at  
12 such time and place.

13 Given at my office in the City of  
14 Jefferson, County of Cole, State of Missouri.

15

16 Kellene K. Feddersen, RPR, CSR, CCR

17

18

19

20

21

22

23

24

25