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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS

Procedural Conference

May 3, 2012

Jefferson City, Missouri  
Volume 1

Halo Wireless, Inc., )  
)  
Complainant, )  
)  
vs. ) File No. TC-2012-0331  
)  
Craw-Kan Telephone Cooperative, )  
Inc., Ellington Telephone )  
Company, Goodman Telephone )  
Company, Granby Telephone )  
Company, Iamo Telephone Company, )  
Le-Ru Telephone Company, )  
McDonald County Telephone )  
Company, Miller Telephone )  
Company, Ozark Telephone )  
Company, Rock Port Telephone )  
Company, Seneca Telephone )  
Company, Alma Communications )  
Company d/b/a Alma Telephone )  
Company, Choctaw Telephone )  
Company, MoKan Dial, Inc., Peace )  
Valley Telephone Company, Inc., )  
and Southwestern Bell Telephone )  
Company d/b/a AT&T Missouri, )  
)  
Respondents. )

HAROLD STEARLEY, Presiding  
DEPUTY CHIEF REGULATORY LAW JUDGE

REPORTED BY:  
Pamela Fick, RMR, RPR, CCR# 447:  
Midwest Litigation Services

1 APPEARANCES:

2 DANIEL YOUNG, Attorney at Law  
Schlee Huber McMullen and Krause P.C.  
3 4050 Pennsylvania, Suite 300  
Kansas City, Missouri 64171  
4 (816) 931-3500  
dyoung@schleehuber.com

5 TROY P. MAJOUÉ  
6 McGuire, Craddock & Strother, P.C.  
2501 N. Harwood St.  
7 Suite 1800  
Dallas, TX 75201  
8 (214) 954-6800  
tmajoue@mcsllaw.com

9 FOR: Halo Wireless, Inc.

10

11

CRAIG JOHNSON, Attorney at Law  
12 JOHNSON & SPORLEDER  
304 East High Street, Suite 200  
13 Jefferson City, Missouri 65102  
(573) 659-8734  
14 cj@cjasllaw.com

15 FOR: Alma Telephone Company, Choctaw  
Telephone Company and MoKan Dial,  
16 Inc.

17

18 W.R. ENGLAND III, Attorney at Law  
BRIAN T. McCARTNEY, Attorney at Law  
19 Brydon, Swearngen & England, P.C.  
312 East Capitol  
20 P.O. Box 456  
Jefferson City, MO 65102-0456  
21 (573)635-7166  
trip@brydonllaw.com

22

FOR: Craw-Kan Telephone Cooperative, et al.

23

24

25

1 LEO J. BUB, Senior Counsel  
AT&T Missouri  
2 909 Chestnut Street, Room 3518  
St. Louis, MO 63101  
3 (314)235-2508  
leo.bub@att.com

4  
FOR: AT&T Missouri.

5  
6 CHRISTINA BAKER, Senior Public Counsel  
P.O. Box 2230  
7 200 Madison Street, Suite 650  
Jefferson City, MO 65102-2230  
8 (573)751-4857  
christina.baker@ded.mo.gov

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

11  
COLLEEN M. DALE, Senior Counsel  
12 MEGHAN McCLOWRY Legal Counsel  
P.O. Box 360  
13 200 Madison Street  
Jefferson City, MO 65102  
14 (573)751-3234

15 FOR: Staff of the Missouri Public  
Service Commission.

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1 JUDGE STEARLEY: And good afternoon.  
2 It's Thursday, May 3rd, 2012. The Commission has set  
3 this time for a procedural conference in File  
4 No. TC-2012-0331 which is captioned as Halo Wireless,  
5 Incorporated versus Craw-Kan Telephone Cooperative,  
6 Incorporated, et al.

7 My name is Harold Stearley. I'm the  
8 presiding officer for today's conference. The court  
9 reporter today is Pam Fick. And we will begin by  
10 taking oral entries of appearance starting with Halo  
11 Wireless.

12 MR. YOUNG: Daniel Young of Schlee Huber  
13 McMullen and Krause of Kansas City for Halo. And  
14 with me is Troy Majoue. Troy, will you enter your  
15 appearance?

16 MR. MAJOUÉ: Troy Majoue, McGuire  
17 Craddock and Strother in Dallas, also on behalf of  
18 Halo Wireless, Inc.

19 JUDGE STEARLEY: Thank you, gentlemen.  
20 Alma Communications, Inc.?

21 MR. JOHNSON: Craig Johnson, Johnson &  
22 Sporleder, for Alma, Chocktaw and MoKan Dial.

23 JUDGE STEARLEY: Thank you, Mr. Johnson.  
24 For Craw-Kan Telephone Cooperative.

25 MR. ENGLAND: Thank you, Judge. Let the

1 record reflect the appearance of W. R. England and  
2 Brian T. McCartney on behalf of Craw-Kan Telephone  
3 Cooperative and I believe 11 other named telephone  
4 companies referred to as Craw-Kan, et al. in one of  
5 our pleadings, with the law firm of Brydon  
6 Swearngen & England, Post Office Box 456, Jefferson  
7 City, Missouri 65102.

8 JUDGE STEARLEY: Thank you, Mr. England.  
9 For At&T Missouri?

10 MR. BUB: Leo Bub for AT&T Missouri.

11 JUDGE STEARLEY: Thank you, Mr. Bub.  
12 For the Office of the Public Counsel?

13 MS. BAKER: Thank you. Christina Baker  
14 appearing on behalf of the Office of the Public  
15 Counsel.

16 JUDGE STEARLEY: And for the Staff.

17 MS. DALE: Colleen M. Dale and Meghan  
18 McClowry for Staff Counsel's Office, Public Service  
19 Commission.

20 JUDGE STEARLEY: Thank you, Ms. Dale.  
21 The main reason we're here, of course, is to work on  
22 the procedural schedule which we're gonna be handling  
23 in an expedited fashion, but we also have a couple  
24 pending motions which I'm gonna take up at this time.

25 First is a Motion to Consolidate this

1 matter with File No. TO-2012-0335. Are there any  
2 objections to consolidating these matters?

3 MR. MAJOUÉ: Troy Majoué on behalf of  
4 Halo Wireless. I mean, we were under the presumption  
5 that we'd have a little more time to respond to that,  
6 but just so that the Commission knows, we do  
7 generally oppose it because the relief, if that issue  
8 is won, is not the same as the other.

9 And again, I can get you more  
10 particulars. Again, we were thinking we had a little  
11 more time to actually file a formal response.

12 But I mean, that's the short of it is  
13 these two things do not belong together. While there  
14 are some overlapping issues, the fact of the matter  
15 is that as the Commission's aware, we do dispute the  
16 jurisdiction of the Commission over these issues, and  
17 again, we'd submit that they don't belong together.

18 JUDGE STEARLEY: All right. Well, I  
19 will allow you to file a written response. It will  
20 be due next Friday --

21 MR. MAJOUÉ: Okay.

22 JUDGE STEARLEY: -- on May 11th. We  
23 also had the Motion to Dismiss that's pending, and I  
24 was going to allow time for written response for that  
25 as well, but would you like -- would Halo like to

1 address that at the conference?

2 MR. MAJOUÉ: Well, I mean, I'll defer to  
3 the other side. I mean, I don't know what their  
4 position is on addressing the Motion to Dismiss, but  
5 I would perhaps just as soon like to file whatever  
6 we're gonna file with that as well and then perhaps  
7 take them up at the same time, the Motion to  
8 Consolidate and the Motion to Dismiss, when those  
9 responses are filed.

10 JUDGE STEARLEY: All right. Well, we  
11 can certainly allow response time for Halo to file.  
12 The argument as I understand on the Motion to Dismiss  
13 is basically Halo no longer exists as a foreign  
14 business entity in the state of Missouri for purposes  
15 of engaging in lawsuits; is that correct?

16 MR. ENGLAND: Well, your Honor, and for  
17 the benefit of Mr. Majoué, this is Trip England. I  
18 don't know that they no longer exist; they're just  
19 not in good standing with the Secretary of State. I  
20 have no problem -- I mean, we fully expected that  
21 they'd be given at least ten days or whatever to  
22 respond. And frankly, from what we can tell from the  
23 Secretary of State's office, it seems to be  
24 reasonably easy to fix. If they can fix it, I think  
25 the motion becomes moot.

1 JUDGE STEARLEY: That's what I see in  
2 the statutes.

3 MR. ENGLAND: So I -- so my thought is,  
4 you know, ten days or whatever date they feel  
5 comfortable, either fix it or just -- or respond and  
6 explain why it's not appropriate. That's fine with  
7 us.

8 JUDGE STEARLEY: Okay.

9 MR. MAJOUE: Yeah, and -- and just so  
10 the Commission knows, my understanding from my client  
11 was that there was some type of snafu procedurally  
12 with the Secretary of State and that previously  
13 everything had been filed appropriately, but again,  
14 some actual error on the part of the Secretary of  
15 State led to it and that they are working to correct  
16 it. So I anticipate being able to have it corrected  
17 by that point.

18 MR. ENGLAND: Fair enough.

19 JUDGE STEARLEY: All right. Well,  
20 again, we'll -- we'll just make the response date  
21 May 11th for written responses and the Commission  
22 will take up those motions at that time.

23 In the interest of moving forward,  
24 though, we're gonna set a procedural schedule and get  
25 that in motion today anyway, so I hope the parties



1 brought their calendars.

2 MR. MAJOUE: We did.

3 JUDGE STEARLEY: I had to spend a little  
4 bit of time looking at all of our conflicts with all  
5 the other cases that are set with NARUC and mark my  
6 own conflicts. So the earliest day I'm looking at  
7 for an evidentiary hearing, assuming you would need  
8 two days, would be June 7th and 8th. It's 35 days  
9 out from today.

10 MR. MAJOUE: I can tell you on June 7th  
11 and 8th Halo has a hearing with AT&T in Louisiana.

12 JUDGE STEARLEY: Okay. That's fine  
13 because I didn't anticipate that date was going to  
14 work, and I would imagine the parties are going to  
15 want to do some discovery perhaps in here. I'm not  
16 sure. May or may not need to. 47 days out from  
17 today I've got June 19th and 20th.

18 MR. YOUNG: Judge, if I can plead  
19 personal circumstances. That's my daughter's  
20 graduation in Chicago.

21 JUDGE STEARLEY: That sounds like a good  
22 reason. June 26th, 27th?

23 MR. ENGLAND: As good as I've heard.

24 MR. MAJOUE: Let's see, is there a  
25 possibility of 25th and 26th? Because we actually

1 have a hearing on the 28th in Mississippi.

2 MR. BUB: Did that get moved?

3 MR. MAJOUE: Well, I don't know that  
4 it's been moved. On my calendar I still have it as  
5 that date.

6 MR. BUB: Troy, I was told by -- this is  
7 Leo Bub for AT&T. I was told by our folks that that  
8 was open because that Mississippi date has been  
9 moved. I can make a couple calls to check and see if  
10 that's the case. I'm not personally involved, but  
11 that was one of the dates that I was given that's  
12 supposed to be open.

13 MR. MAJOUE: Okay. Well, if you don't  
14 mind dropping an e-mail and I'll send an e-mail real  
15 quick and double-check myself. That's the one I  
16 still have on my current calendar.

17 JUDGE STEARLEY: Before you get too far  
18 down that path, the next day I've got is July 2nd and  
19 3rd which is 60 days out.

20 MR. MAJOUE: And we have that available.

21 JUDGE STEARLEY: Okay. Let's lock it  
22 in. That's gonna be the dates for hearing.

23 MR. ENGLAND: That's a Monday and  
24 Tuesday; is that right?

25 JUDGE STEARLEY: Yes.

1 MR. ENGLAND: Rather than check on the  
2 availability of those June dates, we're just gonna  
3 lock in on the July date?

4 JUDGE STEARLEY: Just lock in -- we've  
5 got these days open and we've got some other  
6 procedural issues to address here as well.

7 MR. ENGLAND: Thank you.

8 JUDGE STEARLEY: Because we're  
9 proceeding on an expedited basis, our procedural  
10 schedule is gonna be a little bit different. There  
11 will be no prefiled testimony. This will be a live  
12 hearing. I want the parties to file disclosures of  
13 their witnesses by next Friday, May 11th.

14 Identify your witnesses and file their  
15 biographical information. That way all the parties  
16 know who their experts are in case they want to  
17 conduct depositions. You will have an issues list  
18 and position statements due about ten days prior  
19 which will be, oh, let's say June 22nd.

20 MR. ENGLAND: Judge, again for the  
21 benefit of Mr. Majoue, this is Trip England. Are you  
22 anticipating the list of issues and the position  
23 statements of the parties on those issues on the same  
24 day or are you going to stagger that a little bit?

25 JUDGE STEARLEY: Well, I'm anticipating

1 in this case the parties are not going to agree as to  
2 what the issues are, so I'm not going to get a joint  
3 issues list. So I'm just going to have each party  
4 file their own separate issues list, and they can  
5 file their positions at that time and the Commission  
6 can weed it out unless -- unless you think the  
7 parties can come to some agreement, in which case  
8 I'll stagger it.

9 MR. ENGLAND: Well, my -- my thought  
10 is -- you may be right, but it wouldn't hurt to maybe  
11 try to make a stab at a joint list of issues.

12 JUDGE STEARLEY: Okay. All right.

13 MR. ENGLAND: And if we fail, we fail.  
14 But I thought if we do -- or maybe we have unanimity  
15 or at least a consensus, rather, on a -- on a large  
16 majority of issues and then there might be some  
17 stragglers that somebody thinks is an issue and  
18 somebody doesn't. But if we were to at least have  
19 that couple of working days before the date for  
20 position statement, it might be a little more  
21 organized for you.

22 JUDGE STEARLEY: Let's say issues list  
23 June 21st, position statements June 25th, a Thursday  
24 and a Monday.

25 MR. JOHNSON: Will there be a written

1 order, your Honor?

2 JUDGE STEARLEY: Yes, there will.

3 MR. JOHNSON: And for the record, will  
4 you instruct Mr. England to quit helping Mr. Majoue?

5 JUDGE STEARLEY: And if by the 21st  
6 there is no joint issues list, I'll expect the  
7 parties to file separately.

8 MS. DALE: On the 21st?

9 JUDGE STEARLEY: On the 21st. Well, we  
10 can say the 22nd.

11 MR. ENGLAND: I'm afraid to speak, your  
12 Honor. I'm not sure I followed what you said.  
13 What's the -- what's the deadline?

14 JUDGE STEARLEY: The deadline for a  
15 joint issues list will be the 21st of June. If the  
16 parties are unable to agree on an issues list, we'll  
17 file a separate issues list on the 22nd.

18 MR. ENGLAND: Thank you.

19 JUDGE STEARLEY: Position statements the  
20 25th of June. Also want Staff to compile the witness  
21 list, order of witnesses, order of cross, order of  
22 opening. You can file on the 25th as well.

23 MS. DALE: Do you have any preference at  
24 this point for mini openings, big openings, both,  
25 whatever --

1 JUDGE STEARLEY: No preference.

2 Whatever the parties want to do. I'm anticipating  
3 two days will cover this hearing, though, Ms. Dale.

4 MR. BUB: Judge, I was wondering about  
5 that. I would have agreed if we had prefiled  
6 testimony, that two days would certainly be  
7 comfortable, but if it's going to all be live, I'm  
8 wondering whether two days is going to be enough.

9 I can tell you and Mr. Majoue can  
10 confirm that this case or similar cases have been  
11 tried in different places around the country, at  
12 least between AT&T and Halo, and different sets of  
13 rural ILECs, so it's not like the parties, at least  
14 AT&T and Halo, will be creating something new.

15 I imagine a lot of the facts, policy,  
16 that type of testimony can be readily produced. I  
17 don't know if we want to have one round to shorten it  
18 or if it's all live, then that's fine, and if it is,  
19 we might want to do three days instead of two.

20 JUDGE STEARLEY: Okay. Well, we've got  
21 the 4th of July holiday in there. We can go 2nd and  
22 3rd and then take a break and I'll reserve the 5th  
23 and the 6th in case we need it.

24 MR. MAJOUE: This is Troy Majoue and I  
25 would express the same concern because even in these

1 other jurisdictions where there's been AT&T and some  
2 group of RLECs, with two rounds of testimony, it's  
3 still taken nearly two whole days. So I would agree  
4 that without that prefiled testimony, at least one  
5 round, we're looking at a third day.

6 JUDGE STEARLEY: Okay. Well, let's --  
7 let's back up a minute too and ask if this 60-day  
8 time frame, since the parties have been filing these  
9 in other jurisdictions, would you prefer to do  
10 prefiled testimony?

11 MR. MAJOUÉ: I think that would save  
12 everybody a lot of time.

13 MS. DALE: The Staff would prefer that  
14 there be a single round of simultaneous direct, and  
15 if there is rebuttal, a single round of simultaneous  
16 rebuttal to all the direct.

17 MS. BAKER: I think that would work  
18 better for us.

19 MR. MAJOUÉ: I think Halo would be fine  
20 with that. And I think with the 60 days, we can  
21 accommodate that.

22 JUDGE STEARLEY: Okay. All right.  
23 Well, let's back up for a minute, then. If we're  
24 going to go to hearing July 2nd and 3rd, parties look  
25 at their calendars and tell me when they want to file

1 simultaneous direct and rebuttal.

2 MR. ENGLAND: How about roughly 30 and  
3 15? Would that -- that will knock out 45. We need  
4 to redo the issues list. Maybe we'll have a better  
5 idea of what the issues are after we see the  
6 testimony. Obviously that obviates the need to  
7 identify witnesses and biographics because they'll be  
8 in prepared testimony. So I mean, I'd roughly vote  
9 for -- suggest 30 and 15.

10 MR. BUB: That would be okay with us.

11 MS. BAKER: That would work for us.

12 MR. MAJOUE: So perhaps having the  
13 testimony due maybe like June 6th or something?

14 MR. ENGLAND: Without looking at my  
15 calendar, yes.

16 JUDGE STEARLEY: June 1st. I think 30  
17 days would be Saturday, June 2nd.

18 MR. MAJOUE: Okay. So what, about --

19 JUDGE STEARLEY: So you want to do  
20 Monday, June 4th?

21 MR. MAJOUE: Yeah, we can do June 4.  
22 That seems fair.

23 JUDGE STEARLEY: 4th and then plus 15  
24 for your rebuttal will be June 19th.

25 MR. MAJOUE: The only thing I'll say on



1 the 19th is one of our witnesses is going to be  
2 unavailable up until about the 21st, so if we could  
3 perhaps take that maybe to June 25th.

4 JUDGE STEARLEY: That's getting too  
5 close to a hearing date.

6 MR. MAJOUE: Okay. Well, then, I guess  
7 what about June 20 -- well, that's only two days  
8 earlier, June 22nd.

9 MR. ENGLAND: What if we were to back up  
10 and try filing direct on Friday, June 1st and then  
11 rebuttal on the 15th?

12 JUDGE STEARLEY: I mean, if that works  
13 with the parties, that's fine with me.

14 MS. DALE: Does that work for Halo?

15 MR. MAJOUE: That's likely better. I  
16 mean, our witness is still, I think, going to have --  
17 one of them, anyway, is going to have some issues,  
18 but I think we just will have to work around it. I  
19 mean -- and if that's the case, I'm more inclined to  
20 do the direct, leave the direct on the 4th. Then  
21 what was that other day, the 18th?

22 MS. DALE: The 19th.

23 MR. MAJOUE: The 19th, and then just do  
24 that as proposed. I mean, I know for sure our guy's  
25 available and we'll just have to do it earlier than

1 that. But that will give us time perhaps while he's  
2 unavailable to try to get in and out. So I mean, if  
3 we can do the 4th and the 19th, we'll just make it  
4 work, I guess.

5 JUDGE STEARLEY: Okay. All right.

6 So --

7 MS. DALE: And then we can keep the  
8 issues with dates.

9 JUDGE STEARLEY: Keep the issues list  
10 and position statement dates the way they are. We  
11 don't have to worry about disclosure of witnesses, so  
12 May 11th, the only deadline there will be for Halo to  
13 file responses to the pending motions. Then will the  
14 two days work for hearing or should I reserve a third  
15 in case we need it?

16 MR. MAJOUE: I think with the direct  
17 testimony, speaking for Halo, that should work.

18 JUDGE STEARLEY: Okay.

19 MR. JOHNSON: We're going to need  
20 rulings on the Motions to Dismiss and Consolidate  
21 sufficiently in advance of direct testimony deadline  
22 to make sure we know what's at play.

23 MR. BUB: And your Honor, AT&T. There  
24 was the counterclaim also filed and a motion to  
25 expedite, and the purpose of that is just to make

1 sure that our counterclaim was taken with the initial  
2 claim along the same schedule. So if you're going to  
3 be ruling on motions, I'm not sure whether that one  
4 would be opposed.

5 JUDGE STEARLEY: Well, that's another  
6 thing, then. If you're going to address the  
7 counterclaim of AT&T, you should do so by next week.

8 MR. MAJOUÉ: Yeah. And I think all of  
9 that we actually have scheduled already to reply by  
10 May 11th, so there will be a response on that as  
11 well.

12 JUDGE STEARLEY: Okay. What we are  
13 going to do is expedite the transcripts in this  
14 matter.

15 MS. DALE: Excuse me. Let me go back.  
16 You were about to say when you were going to ask  
17 Staff to file the issues, order of opening,  
18 et cetera, but you hadn't gotten to a date.

19 JUDGE STEARLEY: Well, I thought we  
20 would keep those the same as we had discussed a joint  
21 issues list, by the 21st.

22 MS. DALE: Right.

23 JUDGE STEARLEY: If they can't be  
24 reached, separate issues list by the 22nd, position  
25 statements on the 25th along with the order of

1 witnesses.

2 MS. DALE: Oh, okay. You want all that  
3 on the same day. Okay. I just hadn't gotten that  
4 far.

5 JUDGE STEARLEY: Hearing July 2nd and  
6 3rd. We will expedite the transcripts two days after  
7 and we've got a holiday. And because we're doing  
8 this in an expedited fashion, we're going to do  
9 things a little bit different in terms of briefing.  
10 15 days after transcripts I want the parties -- or  
11 approximately 15 days. Let's see how that plugs out  
12 on the calendar. We'll say July 23rd.

13 MR. ENGLAND: Simultaneous initial  
14 briefs?

15 JUDGE STEARLEY: No. I'm going to have  
16 you file proposed orders with proposed findings and  
17 conclusions. Staff, however, will be alleviated of  
18 that responsibility, but we will ask Staff to brief  
19 the case for the Commission. In response to the  
20 proposed orders, you'll be allowed to file reply  
21 briefs seven days after July 30.

22 MS. DALE: Our brief is due on the 23rd  
23 as well?

24 JUDGE STEARLEY: Yes.

25 MS. DALE: Oh, the replies --

1 JUDGE STEARLEY: Oh, you know what,  
2 you're right. I like to write my own orders so you  
3 know I'm not just handing this out.

4 MR. JOHNSON: Judge Roberts always used  
5 to make us -- for a while make us file proposed  
6 findings and conclusions, and he never, ever used  
7 them that I could tell.

8 MS. DALE: No, but they do -- speaking  
9 from experience, they do give a better, more concise  
10 statement of what the issue actually is and what the  
11 resolutions should be.

12 MR. JOHNSON: I'm not saying it's a bad  
13 idea.

14 MR. ENGLAND: Just pointing something  
15 out, right?

16 MR. JOHNSON: I'd like to think that  
17 it's at least read.

18 JUDGE STEARLEY: Well, when you see my  
19 order, I think you'll be satisfied that it's not just  
20 going to rubber stamp one proposed order.

21 MR. ENGLAND: So recapping, Judge, the  
22 parties, other than Staff, on July 23rd would file  
23 their proposed Findings of Fact and Conclusions of  
24 Law?

25 JUDGE STEARLEY: And proposed order

1 which would include those.

2 MR. ENGLAND: Right. And Staff would  
3 file a brief?

4 JUDGE STEARLEY: Correct.

5 MR. ENGLAND: And then on the 30th,  
6 everyone, to the extent they want to, would be able  
7 to file a reply brief?

8 JUDGE STEARLEY: Correct, because I want  
9 to give you an opportunity to reply. Ms. Baker, I'm  
10 not sure if Public Counsel is interested in this  
11 matter. Do you have a preference regarding the Staff  
12 in terms of briefing?

13 MS. BAKER: I think that we would like  
14 to be able to do proposed orders on the issues if we  
15 have any. If not, I can -- I can file something  
16 ahead of time and say, you know, that's all we would  
17 do is briefs.

18 JUDGE STEARLEY: Okay. We can leave  
19 that to your discretion.

20 MS. BAKER: All right.

21 JUDGE STEARLEY: In terms of discovery,  
22 and I'm not sure what the parties are going to want  
23 to do in terms of discovery, if there's any that  
24 needs to be done since you've been in other venues.  
25 But we are going to be on a quick schedule, and I do

1 not think we're going to need any data requests for  
2 20-day responses times.

3 So I mean, I can -- I can put time on  
4 this for any type of discovery instrument, whether it  
5 be interrogatories or requests for production in  
6 terms of how soon they would need to be responded to.  
7 And I would say we'll make that seven calendar days  
8 for responses.

9 MR. ENGLAND: Judge, again, this is Trip  
10 England. Theoretically I don't have a problem with  
11 it. Administratively, if I get data reports from 12  
12 different companies we represent, it does take some  
13 time to get those out, light a fire under my folks to  
14 get those answered, whatever conference I have to  
15 have with them to explain it or question it.

16 So seven days may be a little tight for  
17 me. But I mean, we'll try to meet whatever deadline  
18 you set, but it may be setting myself up for a  
19 request for extension of time.

20 JUDGE STEARLEY: All right. We can go  
21 to ten calendar days, but you've only got 15 between  
22 direct and rebuttal. And then after rebuttal, you've  
23 got about two weeks till hearing. So I mean, even  
24 ten days is going to be pushing the limit for your  
25 case preparation.

1                   MR. MAJOUE: And we're fine with ten  
2    days because we probably have comparable issues even  
3    though we've got just the one client. It's just in  
4    terms of trying to coordinate the scheduling and all  
5    that and trying to get the documents if there are  
6    any. I mean, I think ten days will work.

7                   JUDGE STEARLEY: Okay. And then there  
8    will be five days when I want objections.

9                   MR. ENGLAND: Is that five calendar, did  
10   you say, or five business?

11                  JUDGE STEARLEY: Well, we probably ought  
12   to make that business because I'm not sure how those  
13   five days may play out in terms of your discovery  
14   requests.

15                  MR. BUB: So five calendar days for  
16   responses, five --

17                  JUDGE STEARLEY: Well, for objections.

18                  MS. DALE: Five calendar days.

19                  JUDGE STEARLEY: If you have any  
20   objections to the --

21                  MR. BUB: Five business days for  
22   objections and then ten calendar days for responses?

23                  JUDGE STEARLEY: For responses, yes.

24                  MR. BUB: Thank you.

25                  JUDGE STEARLEY: Also parties intend to



1 be referring to various case laws, statutes, FCC  
2 orders, et cetera. We should prefile copies of those  
3 in EFIS for the Commission. I've pulled up the  
4 November 18th order on West Law. I think it says  
5 it's 1,057 pages. When I converted it to Word, it  
6 was 860-some pages.

7 You'll be making the Commissioners much  
8 happier if you offer copies or copies of the  
9 pertinent sections thereof to make it easier for them  
10 to go through that information.

11 Also in terms of -- back up for one  
12 second. In terms of the proposed orders, if parties  
13 are in alignment, they can do that in a joint fashion  
14 as well. So if all the respondents are all on the  
15 same page, you may just want to file one version of  
16 the proposed order. They're certainly welcome to do  
17 so as opposed to just getting two or three.

18 Anything else I need to consider at the  
19 moment in terms of a procedural schedule? I will be  
20 putting this written order out today and hopefully  
21 I've got all the dates right myself. If I don't, I'm  
22 sure you'll correct me.

23 (NO RESPONSE.)

24 JUDGE STEARLEY: I'm not hearing  
25 anything.

1 MS. DALE: My only question is about the  
2 filing of documents through EFIS.

3 JUDGE STEARLEY: I know EFIS has some  
4 space limitations.

5 MS. DALE: I don't worry as much about  
6 that as is it only documents from other jurisdictions  
7 or did you want us if we're referring to -- I don't  
8 know that there's any Commission action on point, but  
9 if there is, do you want us to file that as well?

10 JUDGE STEARLEY: Yes.

11 MR. BUB: So along with our prefiled  
12 testimony, if we have a citation to a case, you want  
13 the case provided as maybe like an attachment at the  
14 same time?

15 JUDGE STEARLEY: They can come in at the  
16 same time with your direct or rebuttal. It could  
17 come in --

18 MR. BUB: With our proposed order.

19 JUDGE STEARLEY: -- preferably before  
20 your proposed order.

21 MR. BUB: Okay.

22 JUDGE STEARLEY: I mean, as late as the  
23 same day we go to hearing or the day before the  
24 hearing, let's say.

25 MS. DALE: And it should be probably

1 titled whatever it really is instead of Respondent's  
2 Attachment A to such and such testimony, just call  
3 it, you know, so and so versus so and so.

4 JUDGE STEARLEY: Actually, since we're  
5 starting the hearing on a Monday, it would be the  
6 Friday before June 29th.

7 MR. ENGLAND: I think I took it from  
8 that order that it's just going to be staggered, so  
9 if you made reference to it in your direct testimony,  
10 you could make those filings at that time. If you  
11 had some additional authority you wanted to refer to  
12 in your rebuttal, you could file them at that time.

13 And if something -- you became aware of  
14 something that you were going to either brief or  
15 cross-examine on right before a hearing --

16 JUDGE STEARLEY: No later than, say,  
17 June 29th. Leave it to your discretion in terms of  
18 timing it.

19 MS. DALE: If we have -- for example, we  
20 have documents that we expected we might ask the  
21 Commission to take judicial notice of that aren't  
22 necessarily central to our witness's testimony --

23 JUDGE STEARLEY: You don't have to file  
24 those.

25 MS. DALE: Or should we if we want them

1 to take notice of them? Can we if we don't refer to  
2 it in the testimony?

3 JUDGE STEARLEY: Oh, if you're not  
4 referring to them -- if you're bringing in some other  
5 cases, yeah, just go ahead and bring -- put -- file  
6 them in the case and you can request that we take  
7 official notice of them.

8 MR. JOHNSON: Judge Stearley, I've never  
9 done that before. As you go through the drop-down  
10 menu in EFIS for this case, is it filed as an "other"  
11 or does it really matter, you're going to see it one  
12 way or another?

13 JUDGE STEARLEY: Yeah, it doesn't really  
14 matter to me --

15 MR. JOHNSON: Okay.

16 JUDGE STEARLEY: -- what label EFIS  
17 might give you the option of putting on there. Yeah,  
18 whatever limitations EFIS gives you, as long as they  
19 get in there. It's just going to be a lot easier for  
20 the Commission to turn around and process this case  
21 in an expedited fashion if we go about it this way  
22 with proposed orders and with all the authority  
23 provided. I mean, this is serving it up to them  
24 basically. They're going to be able to process this  
25 case a lot quicker.

1                   Okay. All right. Well, if there's  
2 nothing else, we will go off the record. If the  
3 parties want to stick around and discuss some things,  
4 the phone bridge is available until five o'clock.

5                   (WHEREUPON, the hearing ended at  
6 3:38 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI )

3 ) ss.

4 COUNTY OF COLE )

5

6 I, PAMELA FICK, RMR, RPR, CSR,

7 CCR #447, within and for the State of Missouri, do

8 hereby certify that the witness whose testimony

9 appears in the foregoing deposition was duly sworn by

10 me; that the testimony of said witness was taken by

11 me to the best of my ability and thereafter reduced

12 to typewriting under my direction; that I am neither

13 counsel for, related to, nor employed by any of the

14 parties to the action to which this deposition was

15 taken, and further that I am not a relative or

16 employee of any attorney or counsel employed by the

17 parties thereto, nor financially or otherwise

18 interested in the outcome of the action.

19

20

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PAMELA FICK, RMR, RPR, CSR, CCR #447

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