

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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5 TRANSCRIPT OF PROCEEDINGS
6 Prehearing Conference
7 April 30, 2014
8 Jefferson City, Missouri
Volume 1
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11 Duane Farrant,)
)
12 Complainant,)
)
13 v.) File No. TC-2014-0103
)
14 CenturyLink (Embarq)
Missouri),)
15)
Respondent.)

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18 KENNARD L. JONES, Presiding,
19 SENIOR REGULATORY LAW JUDGE.
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21 REPORTED BY:
22 KELLENE K. FEDDERSEN, CSR, RPR, CCR NO. 838
MIDWEST LITIGATION SERVICES
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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 (WHEREUPON, the prehearing conference
3 began at 1:00 p.m.)

4 JUDGE JONES: This is Case No.
5 TC-2014-0103, Duane Farrant versus CenturyLink
6 (Embarq Missouri).

7 My name is Kennard Jones. I'm the
8 Regulatory Law Judge assigned to this matter. At
9 this time I'll note for the record that Mr. Farrant
10 is on the phone participating remotely. And we'll
11 take entries of appearances, beginning with
12 CenturyLink.

13 MS. KILPATRICK: Beck Owenson
14 Kilpatrick, 625 Cherry Street, Columbia, Missouri
15 for CenturyLink.

16 JUDGE JONES: And for the Staff of
17 the Commission?

18 MR. OPITZ: Tim Opitz appearing on
19 behalf of Staff, P.O. Box 360, Jefferson City,
20 Missouri 65102, and I believe Cully Dale is also
21 appearing.

22 JUDGE JONES: All right. Well, this
23 is a prehearing conference. And, Mr. Farrant, I
24 don't know if you've went through a prehearing
25 conference or not in your last complaint. I'm

1 guessing you didn't.

2 The purpose of this is to bring the
3 parties together to better understand what we're
4 dealing with and to see if perhaps a settlement can
5 be reached, some type of an agreement. I know you
6 have read some of the pleadings that have been
7 filed by the company and by the Staff of the
8 Commission, and I'm sure you have opinions about
9 those pleadings.

10 As far as the motions to dismiss are
11 concerned, I will restate, and it is true and
12 well-founded, that the Commission cannot grant
13 monetary damages.

14 And also, I realize that you want a
15 written statement from the company saying that you
16 won't have any outages. Well, aside from the fact
17 that it's probably not a practical solution, even
18 if you have a written statement that says that and
19 there is an outage, then what's the remedy?

20 So it doesn't -- I mean, essentially
21 when you sign on for services, there's an
22 assumption that you're going to have adequate
23 service. Which brings me to my next point,
24 particularly for the parties other than yourself,
25 Mr. Farrant, is that Missouri statutes do require

1 telephone companies to provide adequate service.

2 And if your service is inadequate, well, that's a
3 violation of a statute.

4 What inadequate is, I don't know. I
5 mean, that's for five Commissioners to decide, and
6 heck, for all I know the Supreme Court might even
7 need to figure out what adequate means in this
8 context.

9 But I will add this for you-all to
10 discuss. If service is inadequate, then even still
11 statutes don't provide for a remedy. So, I mean, I
12 don't know what we can do. How has your -- sir,
13 how has your phone service been since you filed
14 this complaint, Mr. Farrant?

15 MR. FARRANT: Poor at best.

16 JUDGE JONES: It's been what?

17 MR. FARRANT: Poor at best.

18 JUDGE JONES: Clear at best?

19 MR. FARRANT: Poor, p-o-o-r.

20 JUDGE JONES: Okay.

21 MR. FARRANT: It was terrible even
22 yesterday. I could hear like lightning strikes
23 every few seconds.

24 JUDGE JONES: On your telephone you
25 mean?

1 MR. FARRANT: Yes. And the funny
2 thing was it wasn't even lightning out.

3 JUDGE JONES: I remember something
4 from your file that was unusual about the way your
5 wiring is set up, something having to do with going
6 behind a skirt or something on your property.

7 MS. KILPATRICK: The NID I think is
8 behind the skirt on his trailer.

9 JUDGE JONES: The what is?

10 MS. KILPATRICK: The network
11 interface device.

12 JUDGE JONES: Is that unusual?

13 MS. KILPATRICK: Yeah. It's usually
14 on the outside.

15 JUDGE JONES: Could that affect
16 service? It's not relevant to service?

17 MS. KILPATRICK: (shook head.)

18 MR. FARRANT: If anything, it would
19 improve service because it's out of the weather.

20 JUDGE JONES: Well, there was -- I
21 got head shaking here that said it would not affect
22 service. Did you always have problems with your
23 phone service, Mr. Farrant?

24 MR. FARRANT: Yes.

25 JUDGE JONES: From the beginning.

1 Now, why is it that you're -- and I know it's
2 probably because you have bad blood with the
3 company, I'm guessing, but I want you to tell me.
4 Why is it that you don't want to contact the
5 company directly when you have service-related
6 issues?

7 MR. FARRANT: I never said that I
8 wouldn't contact the company directly. I've
9 contacted them about 50 times over the years.

10 JUDGE JONES: How long have you had
11 service with CenturyLink?

12 MR. FARRANT: I've had service here
13 since about 1995.

14 JUDGE JONES: Are there any other
15 companies in your area?

16 MR. FARRANT: No other companies that
17 I know of.

18 JUDGE JONES: And this is your
19 landline, correct?

20 MR. FARRANT: This is a landline.

21 JUDGE JONES: And I'm assuming you do
22 not have cell phone service?

23 MR. FARRANT: I have no cell phone
24 service unless I go down the road a half a mile,
25 and that's with T-Mobile.

1 JUDGE JONES: Okay.

2 MR. FARRANT: I've asked for phone
3 service as a substitute. That's not been provided
4 for me. Nobody can come up with a solution.
5 Nobody comes up with anything. Just that I have to
6 call and put in complaints time and time again.

7 JUDGE JONES: And have you had an
8 opportunity to read the Staff's report?

9 MR. FARRANT: No, I have not had any
10 opportunity to read any Staff report. I have not
11 received anything in quite some time.

12 JUDGE JONES: Well, it would have --

13 MS. KILPATRICK: It would have been
14 at least four to five months ago.

15 JUDGE JONES: It was some time ago
16 that it was filed. And Staff is here. Are you-all
17 mailing reports to him?

18 MR. OPITZ: I believe this was sent
19 electronically to --

20 JUDGE JONES: It was just filed in
21 EFIS?

22 MR. OPITZ: Filed in EFIS and then we
23 also e-mail it via e-mail.

24 JUDGE JONES: Mr. Farrant, do you
25 have access to a computer?

1 MR. FARRANT: Yes.

2 JUDGE JONES: Do you get e-mail
3 notifications when something happens in this case?

4 MR. FARRANT: I generally do, but if
5 one hasn't been sent, I wouldn't know if I got it
6 or not because I never have any warning that one is
7 coming. But I have received many e-mails.

8 MR. OPITZ: This would have been sent
9 on November 20th of 2013.

10 MR. FARRANT: I don't recall.

11 JUDGE JONES: Well, Staff's report
12 basically says, from what I recall, that they ran
13 tests on the line and they didn't find any
14 problems.

15 MR. FARRANT: Right.

16 JUDGE JONES: That doesn't mean that
17 you aren't having problems, I guess.

18 MR. FARRANT: I've heard that before,
19 but my thing with that would be, with the many,
20 many times that I have contacted CenturyLink or had
21 somebody contact CenturyLink for me, then they make
22 a repair, so there must have been something wrong
23 with it at that time.

24 JUDGE JONES: Oh, I see what you
25 mean.

1 MR. FARRANT: It's like when they
2 come out, it just happens to be there may be
3 nothing wrong with it when it's checked, and then
4 four days later, a month later, two months later a
5 problem will arise and then they'll come out and
6 fix that.

7 I can remember one incident several
8 months ago before I left for Vegas, it took them
9 five days to come out and fix something.

10 MS. KILPATRICK: When did you leave
11 for Vegas, Mr. Farrant?

12 JUDGE JONES: That's Ms. Kilpatrick
13 speaking.

14 MS. KILPATRICK: I beg your pardon.

15 MR. FARRANT: That's in February.

16 JUDGE JONES: Well, I'm certainly not
17 a technician. I don't know. I barely know how the
18 telephone works, to be honest with you. And I
19 empathize with you if you're having problems. It's
20 also said in the Staff report that none of your
21 neighbors are reporting problems. Do you talk to
22 your neighbors about the problems that you're
23 having?

24 MR. FARRANT: My nearest neighbors
25 are three and a half blocks away, and I do not have

1 any communication with the neighbors. But I can
2 tell you one of the neighbors must have had some
3 trouble because when I was on trying to use the
4 phone one time, it ended up being a party line in a
5 sense because they were fixing somebody else's
6 phone while they were fixing my phone. So somebody
7 must have had trouble as well because they were
8 talking to them.

9 JUDGE JONES: Okay. Well, I'm going
10 to tell you this, and I -- I don't know what
11 you-all can talk about. I'm going to leave that to
12 the experts here, and try to resolve this complaint
13 in some way that's satisfactory to you. If you are
14 unable to resolve the complaint, then we will move
15 towards an evidentiary hearing. How far are you
16 from Jefferson City?

17 MR. FARRANT: 70 miles one way.

18 JUDGE JONES: Okay. More than likely
19 the hearing will be here. I mean, if you're out in
20 the middle of nowhere, I doubt that there's any
21 place we can have a hearing near you.

22 MR. FARRANT: The last time I had any
23 kind of hearing or prehearing, I'm not sure what it
24 was, they made arrangements in Lincoln, Missouri.

25 JUDGE JONES: Okay.

1 MR. FARRANT: That was with a judge,
2 and I don't recall the gentleman's name.

3 JUDGE JONES: It was through the
4 Missouri Public Service Commission?

5 MR. FARRANT: Yes.

6 JUDGE JONES: Okay. Then I'll see
7 who that -- I'm sure that judge is probably still
8 here.

9 MR. FARRANT: He was kind of short,
10 about 65 maybe.

11 MS. KILPATRICK: Judge Stearley.

12 JUDGE JONES: Yeah, it's Judge
13 Stearley. I have his information. I can contact
14 him and find out what facilities. But hopefully
15 you're able to resolve something. It's apparent
16 that this is -- I mean, I don't doubt that you're
17 having trouble if you're saying you're having
18 trouble.

19 At the same time, I don't doubt that
20 Staff tested line and it tested okay. So I don't
21 know where that leaves us. I'll have to figure out
22 how to resolve the issue with the Commissioners if
23 you-all are unable to do so during this informal
24 discussion that you're about to have.

25 You've been through this process

1 before, but do you have any questions, Mr. Farrant?

2 MR. FARRANT: It's not that I have
3 questions. It's just -- it's just an ongoing
4 thing, and it seems like every time they make a
5 repair, they put another Band-Aid on it, and nobody
6 wants to do it right. Then they want to charge
7 nearly \$70 a month for phone service.

8 And I had problems when I came back
9 from vacation. When I was on vacation after four
10 or five days, I contacted CenturyLink. I asked to
11 be put on vacation mode. No problem. They did
12 that. When I get back from vacation, they turn
13 around, oh, well, you're going to be billed an
14 extra \$10 a month now. We've made improvements
15 since you've been gone, and you're on the old plan.

16 And, you know, that angered me, too.
17 It's just like you're now going to raise the phone
18 another \$10 a month? You never gave me any
19 forewarning about it. I thought I went on vacation
20 mode and that was the end of it. You know, it's
21 just one thing after another.

22 JUDGE JONES: Well, that sounds like
23 something that needs to be discussed also with our
24 Staff attorney, CenturyLink and our Staff
25 technicians are here. Customer service is also

1 here.

2 MR. FARRANT: I would like to be able
3 to pull in one of the old telephone repairmen and
4 have him at the hearing if at all possible, but I
5 don't remember his name.

6 JUDGE JONES: From CenturyLink?

7 MR. FARRANT: Yeah. CenturyLink,
8 yeah. He told me one time he was here for, I think
9 he said three days or five days fixing this and
10 fixing that and fixing this. And I remember I had
11 him out here one day, he was making a repair, and
12 he spent a better part of three hours here and he
13 went down the road, he made one fix. He went down
14 the other side of the road, made another fix. And
15 I feel that he's an important witness.

16 JUDGE JONES: Well, maybe that's
17 something that can be explored before we set up a
18 hearing if it's necessary to have a hearing.

19 MR. FARRANT: Yeah.

20 JUDGE JONES: But I'm going to go
21 ahead and leave you-all to talk and --

22 MS. DALE: Judge?

23 JUDGE JONES: Yeah.

24 MS. DALE: Before we go off the
25 record --

1 THE REPORTER: Cully, I can't hear
2 you.

3 JUDGE JONES: Just a minute, Cully.
4 Are you on speaker phone, Cully?

5 MS. DALE: No. I have not ever been
6 on speaker phone in this conversation. But in any
7 event, I just wanted to state that Staff would like
8 to renew its motion to dismiss. Nothing discussed
9 here indicates that there's any request for any
10 relief that the Commission can grant.

11 MS. KILPATRICK: CenturyLink would
12 join in that.

13 JUDGE JONES: Okay. Well, I'll take
14 that to the Commissioners. In fact, I'll probably
15 informally discuss it with them. We don't have an
16 agenda next week, but we do the week after, and
17 perhaps something can be on then.

18 JUDGE DALE: Thank you.

19 JUDGE JONES: Does anybody have
20 anything else before I leave you-all to talk?

21 MR. FARRANT: Yes.

22 JUDGE JONES: Yes, Mr. Farrant?

23 MR. FARRANT: I object to the motion
24 of having this dismissed, because it's inadequate
25 service at best. And I just had problems here

1 yesterday. It was like little lightning bolts
2 going through the telephone. Hasn't done that in a
3 few weeks. And then about a month or so ago, maybe
4 two or three months, time gets away from me, I made
5 phone calls to people and I was cut off five times
6 that day. Phone went dead. Get back on the phone
7 with somebody, phone went dead again.

8 When they hooked up new service here
9 a while back, they did it wrong. There was a busy
10 tone all day long. Then they were going to fix it.
11 Then this guy Junior tells us, oh, the guy forgot
12 to put it on touch tone. So I object to the motion
13 to dismiss.

14 JUDGE JONES: Okay. Everyone's
15 motions and objections are noted.

16 So I'll leave you-all to talk and see
17 if something can be worked out. Tim, will you let
18 me know how things work out when you're done?

19 MR. OPITZ: Yes.

20 JUDGE JONES: We're off the record.

21 (WHEREUPON, the recorded portion of
22 the prehearing conference concluded at 1:14 p.m.)

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STATE OF MISSOURI)

) ss.

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COUNTY OF COLE)

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I, Kellene K. Feddersen, Certified

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Shorthand Reporter with the firm of Midwest

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Litigation Services, do hereby certify that I was

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personally present at the proceedings had in the

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above-entitled cause at the time and place set

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forth in the caption sheet thereof; that I then and

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there took down in Stenotype the proceedings had;

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and that the foregoing is a full, true and correct

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transcript of such Stenotype notes so made at such

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time and place.

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Given at my office in the City of

Jefferson,

16

County of Cole, State of Missouri.

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Kellene K. Feddersen, RPR, CSR, CCR

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<p>A</p> <p>able 12:15 14:2</p> <p>above-entitled 17:9</p> <p>access 8:25</p> <p>add 5:9</p> <p>adequate 4:22 5:1,7</p> <p>affect 6:15,21</p> <p>agenda 15:16</p> <p>ago 8:14,15 10:8 16:3</p> <p>agreement 4:5</p> <p>ahead 14:21</p> <p>angered 13:16</p> <p>anybody 15:19</p> <p>apparent 12:15</p> <p>appearances 2:1 3:11</p> <p>appearing 3:18 3:21</p> <p>April 1:7</p> <p>area 7:15</p> <p>arrangements 11:24</p> <p>aside 4:16</p> <p>asked 8:2 13:10</p> <p>assigned 3:8</p> <p>assuming 7:21</p> <p>assumption 4:22</p> <p>attorney 13:24</p>	<p>behalf 3:19</p> <p>believe 3:20 8:18</p> <p>best 5:15,17,18 15:25</p> <p>better 4:3 14:12</p> <p>billed 13:13</p> <p>blocks 10:25</p> <p>blood 7:2</p> <p>bolts 16:1</p> <p>Box 2:8 3:19</p> <p>bring 4:2</p> <p>brings 4:23</p> <p>busy 16:9</p>	<p>Commissioners 5:5 12:22 15:14</p> <p>communication 11:1</p> <p>companies 5:1 7:15,16</p> <p>company 4:7,15 7:3,5,8</p> <p>Complainant 1:12</p> <p>complaint 3:25 5:14 11:12,14</p> <p>complaints 8:6</p> <p>computer 8:25</p> <p>concerned 4:11</p> <p>concluded 16:22</p> <p>conference 1:6 3:2,23,25 16:22</p> <p>contact 7:4,8 9:21 12:13</p> <p>contacted 7:9 9:20 13:10</p> <p>context 5:8</p> <p>conversation 15:6</p> <p>Corporate 2:2</p> <p>correct 7:19 17:12</p> <p>Counsel 2:2,6,7</p> <p>County 17:4,16</p> <p>Court 5:6</p> <p>CSR 1:22 17:18</p> <p>Cully 2:6 3:20 15:1,3,4</p> <p>Customer 13:25</p> <p>cut 16:5</p>	<p>dead 16:6,7</p> <p>dealing 4:4</p> <p>decide 5:5</p> <p>device 6:11</p> <p>directly 7:5,8</p> <p>discuss 5:10 15:15</p> <p>discussed 13:23 15:8</p> <p>discussion 12:24</p> <p>dismiss 4:10 15:8 16:13</p> <p>dismissed 15:24</p> <p>doubt 11:20 12:16,19</p> <p>Duane 1:11</p> <p>E</p> <p>E 3:1,1 17:2,2</p> <p>EFIS 8:21,22</p> <p>electronically 8:19</p> <p>else's 11:5</p> <p>Embarq 1:14 2:5 3:6</p> <p>empathize 10:19</p> <p>ended 11:4</p> <p>entries 3:11</p> <p>essentially 4:20</p> <p>event 15:7</p> <p>Everyone's 16:14</p> <p>evidentiary 11:15</p> <p>experts 11:12</p> <p>explored 14:17</p> <p>extra 13:14</p> <p>e-mail 8:23,23 9:2</p> <p>e-mails 9:7</p>	<p>5:14,15,17,19</p> <p>5:21 6:1,18,23</p> <p>6:24 7:7,12,16</p> <p>7:20,23 8:2,9</p> <p>8:24 9:1,4,10</p> <p>9:15,18 10:1,11</p> <p>10:15,24 11:17</p> <p>11:22 12:1,5,9</p> <p>13:1,2 14:2,7</p> <p>14:19 15:21,22 15:23</p> <p>February 10:15</p> <p>Feddersen 1:22 17:5,18</p> <p>feel 14:15</p> <p>figure 5:7 12:21</p> <p>file 1:13 6:4</p> <p>filed 4:7 5:13 8:16,20,22</p> <p>find 9:13 12:14</p> <p>firm 17:6</p> <p>five 5:5 8:14 10:9 13:10 14:9 16:5</p> <p>fix 10:6,9 14:13 14:14 16:10</p> <p>fixing 11:5,6 14:9 14:10,10</p> <p>foregoing 17:12</p> <p>forewarning 13:19</p> <p>forgot 16:11</p> <p>forth 17:10</p> <p>four 8:14 10:4 13:9</p> <p>full 17:12</p> <p>funny 6:1</p>
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