

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4
5
6 TRANSCRIPT OF PROCEEDINGS
7 Pre-hearing Conference
8 October 16, 2007
9 Jefferson City, Missouri
10 Volume 1
11
12 In the Matter of Level 3)
Communications, L.L.C's Tariff)Case No.
13 Filing to Introduce New Access)TT-2008-0085
Services)
14)
15
16 NANCY DIPPELL, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE
17
18
19 REPORTED BY:
20 MINDY VISLAY, CCR
MIDWEST LITIGATION SERVICES
21
22
23
24
25

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

2

3 MARY ANN YOUNG, Attorney at Law
4 William D. Steinmeier, P.C.
5 2031 Tower Drive
6 P.O. Box 104595
7 Jefferson City, MO 65110
8 (573) 634-8109

6

FOR: Level 3 Communications

7

8 LEO J. BUB, Attorney
9 AT&T Companies
10 909 Chestnut Street
11 One AT&T Center
12 St. Louis, MO 63101
13 (314) 235-2508

11

FOR: AT&T Companies

12

13 WILLIAM K. HAAS,
14 P.O. Box 360
15 200 Madison Street
16 Jefferson City, MO 65102
17 (573) 751-3234

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 DIPPELL: This is Case No.
3 TT-2008-0085 in the matter of Level 3 Communications,
4 L.L.C.'s tariff filing to introduce new access
5 services.

6 My name is Nancy Dippell, I'm the Regulatory Law
7 Judge assigned to this case, and we have come here
8 today for a pre-hearing conference. And I'm going to
9 begin by asking for entries of appearance, beginning
10 with Staff.

11 MR. HAAS: Good morning, William K. Haas
12 appearing on behalf of the Staff of the Commission.
13 My address is Post Office Box 360, Jefferson City,
14 Missouri 65102.

15 JUDGE DIPPELL: And Ms. Young?

16 MS. YOUNG: Thank you. Appearing on behalf
17 of Level 3 Communications, L.L.C., I'm Mary Ann Young
18 with the law firm of William D. Steinmeier, P.C., Post
19 Office Box 104595, Jefferson City, Missouri.

20 JUDGE DIPPELL: And Mr. Strumberger?

21 MR. STRUMBERGER: Good morning, my name is
22 Gregg Strumberger with Level 3 Communications. My
23 address is 1025 Eldorado Boulevard in Broomfield,
24 Colorado 80021.

25 JUDGE DIPPELL: And Mr. Bub?

1 MR. BUB: Good morning, Your Honor, thank
2 you. This is Leo Bub with AT&T Companies,
3 specifically listed in our application to intervene in
4 this proceeding. Our address is One AT&T Center, St.
5 Louis, Missouri 63101.

6 JUDGE DIPPELL: And Mr. Strumberger, I
7 can't recall if you submitted an entry of appearance
8 before in this case. Are you a Missouri attorney or
9 just licensed in Colorado?

10 MR. STRUMBERGER: Actually, Massachusetts
11 and District of Columbia. But I will just be
12 listening in today and let Ms. Young handle the
13 hearing.

14 JUDGE DIPPELL: I'd be happy to admit you,
15 but there is a hundred dollar Supreme Court fee if you
16 make an official entry. So, we'll leave it in Ms.
17 Young's hands.

18 So, I got all excited when Mr. Dority's client
19 withdrew its objection --

20 MR. DORITY: That was not my client.

21 JUDGE DIPPELL: It was Embarq, I'm sorry.
22 Mr. Dority is present in the room, and I was thinking
23 it was him.

24 Well, I got excited when Embarq withdrew. I
25 thought you all were working this all out amongst

1 yourselves, but it appears that AT&T still has some
2 issues.

3 Mr. Bub, nothing's changed with that since your
4 last filing, has it?

5 MR. BUB: Your Honor, it is correct that
6 there are issues between the companies. But I will
7 tell you that there are discussions under way on a
8 multi-state level to attempt to resolve, or at the
9 very least narrow, the issues. I don't think that has
10 been reflected in the proceedings, or any pleadings,
11 but those discussions are going on.

12 It's my understanding that a resolution has not
13 been reached at this point though. Mr. Strumberger is
14 probably a little closer to that than I am.

15 JUDGE DIPPELL: Ms. Young, you had some
16 procedural issues?

17 MS. YOUNG: Yes. If I may, Judge.

18 Level 3 really does feel confident that we will be
19 able to resolve the questions and issues raised by the
20 Staff in our discussions and AT&T in the reply to
21 Level 3 that they filed on October 11th.

22 However, because it is an issue being dealt with
23 on several jurisdictions, and because there were lots
24 of questions raised in the AT&T pleading, we would
25 like at this time to request some additional time

1 beyond the ten days to respond to that in the hopes
2 that that will move things forward and help explain to
3 AT&T the limited impact we think it will have on their
4 services if this tariff takes affect.

5 So, if we could, we'd like to have until
6 October 26th to respond to the AT&T pleading. And
7 that pushes us -- we understand -- right up against
8 the suspension date, which is currently October 27th.

9 And so we also understand there would need to be
10 an additional suspension. We would request that it be
11 only as minimal of a time as possible, probably
12 30 days would be adequate, we think, to try to get
13 some additional discussions taken care of and
14 hopefully get things resolved or moved forward on an
15 expedited basis if we need to.

16 JUDGE DIPPELL: So, let me make sure I've
17 got this straight. You would like until October 26th
18 to further respond to AT&T's questions, and then the
19 company would be fine with a further suspension of the
20 tariff for approximately 30 days maybe?

21 MS. YOUNG: Yes, Judge, that's correct.

22 JUDGE DIPPELL: Would Staff have any
23 problems with that plan?

24 MR. HAAS: No, we don't have a problem with
25 allowing the extra ten days.

1 I would point out that Staff also has some
2 additional questions in to Level 3. We haven't put
3 our questions in the form of a pleading, but we are
4 looking for some additional information also.

5 JUDGE DIPPELL: Okay.

6 And Mr. Bub, would AT&T have any objections to
7 either of those requests?

8 MR. BUB: We don't object as long as the
9 suspension is continued. What dates specifically
10 would the suspension go until?

11 JUDGE DIPPELL: Well, if it was another
12 30 days that would be until November 27th. I haven't
13 looked at a calendar to see how that falls.

14 MR. BUB: We are okay with that proposal,
15 Your Honor, we have no objection.

16 JUDGE DIPPELL: That suspension -- even
17 though it's sort of voluntary -- I will go ahead and
18 have the Commission issue an order doing the
19 suspension themselves instead of trying to mix the
20 company suspending with the Commission suspending. I
21 think it keeps it a little cleaner in the system.

22 MS. YOUNG: Sounds good.

23 And then, I guess the other thing -- typically, at
24 the end of the pre-hearing you want us to file a
25 procedural schedule if we don't get things resolved,

1 and I think, from Level 3's perspective, it might make
2 sense to give us more time than usual -- I don't know
3 how much time you have at the end of the week -- and I
4 think it would make sense to give the parties some
5 time after we file our response to file the procedural
6 schedule.

7 JUDGE DIPPELL: I agree with that. And I
8 think what we'll do is, if things don't get worked out
9 to all the parties' satisfaction, then we'll postpone
10 a procedural schedule of any kind until, say, ten days
11 after the 26th, and that should give you enough time
12 to know whether you are headed for a settlement,
13 perhaps, and ask to be excused from doing that again.

14 All right, are there any other procedural matters
15 or any other things that I need to be aware of?

16 I don't see anything here. Okay, I think that's
17 all I have then. I'll let you all discuss further if
18 you need to.

19 This port, I believe, is open for an hour, so just
20 until eleven. If you need more time than that, you
21 can make a conference call on this phone to two
22 different people if you need to do that.

23 MS. YOUNG: Thank you.

24 MR. HAAS: Thank you.

25 MR. BUB: Thank you.

1 JUDGE DIPPELL: We can go ahead and go off
2 the record.

3 (WHEREIN, the recorded portion of the pre-hearing
4 conference was concluded.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2

3

4 I, Mindy Vislay, Certified Court Reporter with the
5 firm of Midwest Litigation Services, and Notary Public
6 within and for the State of Missouri, do hereby
7 certify that I was personally present at the
8 proceedings had in the above-entitled cause at the
9 time and place previously described; that I then and
10 there took down in Stenotype the proceedings had; and
11 that the foregoing is a full, true and correct
12 transcript of such Stenotype notes so made at such
13 time and place.

14

15

16

17

Mindy Vislay, CCR

18

Notary Public (County of Cole)

19

My commission expires March 19, 2011

20

21

22

23

24

25