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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

September 16, 2003
Jefferson City, Missouri
Volume 1

Sprint Communications Company L.P.,)
Complainant,)
v.) Case No. TC-2003-1104
Southwestern Bell Telephone Company,) *SIC*
Respondent.)

LEWIS MILLS, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

REPORTED BY:
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1 P R O C E E D I N G S

2 JUDGE MILLS: We're on the record this morning
3 for a prehearing conference in a complaint by Sprint
4 Communications Company L.P. vs. Southwestern Bell Telephone
5 Company, Case No. TC-2002-1104.

6 Let's start by take entries of appearance with
7 Staff, then Sprint, then Southwestern Bell.

8 MR. BATES: Good morning, your Honor. My name
9 is Bruce H. Bates. I represent the Staff of the Missouri
10 Public Service Commission. My address is Post Office
11 Box 360, Jefferson City, Missouri 65102.

12 MR. GARDNER: Paul H. Gardner and Lisa
13 Creighton Hendricks appearing on behalf of Sprint. My
14 address is 131 East High Street, Jefferson City, Missouri
15 65101.

16 MR. DORITY: Good morning, Judge. Appearing
17 on behalf of Southwestern Bell Telephone L.P., d/b/a SBC
18 Missouri, Larry DORITY with Fischer & DORITY, PC.

19 Also this morning appearing on behalf of SBC
20 Missouri is Bob Gryzmala who, along with Paul Lane, Leo Bub
21 and Mimi MacDonald, represent SBC Missouri. Their address
22 is One SBC Center, Room 3516, St. Louis, Missouri 63101.

23 JUDGE MILLS: Thank you.

24 We're at long last having a prehearing
25 conference in this case. I think one has been scheduled at

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1 least three or four times and postponed. From what I can
2 tell, and from what the pleadings tell me, since at least
3 March of this year the parties thought they had a settlement
4 almost in the bag and at least for the last month or so were
5 in the process of reducing that settlement to writing.

6 Is that a correct statement of where you've
7 been, where you are now?

8 MR. GARDNER: That's my understanding, your
9 Honor.

10 JUDGE MILLS: Is that SBC Missouri's
11 understanding as well?

12 MR. GRYZMALA: Yes, your Honor. A fairly
13 substantial settlement document has been prepared and
14 settled as I -- or distributed, as I understand it, among
15 all lawyers in the case, and frankly the remaining language
16 issues, if you will, are very minor if I may characterize
17 them --

18 JUDGE MILLS: Okay.

19 MR. GRYZMALA: -- is my understanding.

20 JUDGE MILLS: Wasn't that the case two weeks
21 ago when you-all asked me to give you two weeks to finish it
22 off? Has progress been made in the last two weeks or are we
23 still where we were two weeks ago?

24 MR. GARDNER: I haven't been directly involved
25 in negotiations, but my understanding is there's like one

1 sentence that's being discussed, and I don't know whether
2 the delay between now and the second -- we just found out
3 Tony wasn't part of the case. I don't know to what extent
4 Bob's talked with -- you've talked with Lisa about it, but
5 she's been most directly involved. She couldn't be here
6 today. So I can't speak in detail about what's transpired
7 between the second and today.

8 JUDGE MILLS: Let me ask this. What can I do,
9 what can the PSC do to get this thing off the dime and to
10 the finish line? I mean, do you-all just need more time?
11 Do you need a settlement officer? Anybody have an opinion
12 about that?

13 MR. GRYZMALA: Judge, I'm not acquainted with
14 the practice, but I can report that, as Mr. Gardner pointed
15 out, Tony had worked with Lisa Creighton Hendricks, and I
16 can tell you that yesterday language was proposed to
17 Ms. Creighton Hendricks, and I have not as yet received her
18 response. It's very close in terms of, as Mr. Gardner
19 pointed out, I think a single sentence. That is one area of
20 the agreement.

21 There is another area of the agreement to
22 which language has likewise been penned, and that language
23 was forwarded to Mr. Cowan, I understand, Joe Cowan,
24 yesterday, and we have as yet not received a response.

25 So from that perspective, if possible, if

1 contact or discussion could be had this morning, maybe we
2 could achieve something. But otherwise, I again would
3 suspect that it should be just a very short matter of days
4 before we can get together and get this resolved.

5 JUDGE MILLS: Okay. Well, there's -- and the
6 next scheduled event in this case is, I think, a week from
7 today is the filing of a procedural schedule. Is that -- is
8 that feasible? I mean, are you-all going to be able to tell
9 me between now and then that, no, you don't need to file a
10 procedural schedule, we've got the language worked out?
11 Obviously you can't say that for sure, but is that
12 everyone's expectation that seven more days is going to do
13 it?

14 MR. GARDNER: My understanding is that that
15 should be sufficient, although I don't know if there's going
16 to be any unanticipated problems with the language. But I
17 think, at least from Sprint's perspective, that should be
18 sufficient time for us to get this settlement finalized.

19 JUDGE MILLS: SBC Missouri, is that your
20 understanding as well?

21 MR. GRYZMALA: I'm sorry. I didn't hear, your
22 Honor.

23 JUDGE MILLS: The question was, is the
24 additional seven days going to be enough, do you think?

25 MR. GRYZMALA: In my opinion, based on what I

1 know today, Judge, it should be. It should be. I'm just
2 assuming responsibility as of yesterday. Based on my review
3 of the file and my having talked with Ms. Creighton
4 Hendricks, I believe that.

5 JUDGE MILLS: Okay. Staff, do you have any
6 input on any of this stuff?

7 MR. BATES: No, your Honor. We don't have any
8 more information than what's been said today. The parties
9 have kept us informed, which we appreciate, but we don't
10 have any additional input at this time.

11 JUDGE MILLS: Okay. Really, that's all I
12 wanted to know is where we are, where we're going, how
13 quickly we're going to get there. I think I've got as good
14 a picture as I can on that.

15 Is there anything else that we need to do
16 while we're still on the record? Okay. Seeing nothing,
17 we're off the record.

18 WHEREUPON, the recorded portion of the
19 prehearing conference was concluded.

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