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STATE OF MISSOURI

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PUBLIC SERVICE COMMISSION

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TRANSCRIPT OF PROCEEDINGS

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Prehearing Conference

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May 22, 2006

Jefferson City, Missouri

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Volume 1

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10 In the Matter of the Application)
of Multiband, Inc., for a)
11 Certificate of Service Authority)Case No. ZA-2006-0346
to Provide Shared Tenant Services)
12 in the State of Missouri,)

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MORRIS L. WOODRUFF, Presiding
DEPUTY CHIEF REGULATORY LAW JUDGE

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

2 JUDGE WOODRUFF: Let's go ahead and get started,
3 then. Good morning, everyone, and welcome to the
4 prehearing conference in Case No. ZA-2006-0346, which
5 concerns the application of Multiband, Incorporated for a
6 Certificate of Service Authority to provide shared tenant
7 services in the state of Missouri.

8 We'll begin by taking entries of appearance,
9 beginning with the applicant, Multiband.

10 MR. STEINMEIER: Thank you, your Honor. Let the
11 record reflect the appearance of William D. Steinmeier and
12 Mary Ann (Garr) Young of William D. Steinmeier, PC, of
13 Jefferson City, Missouri on behalf of the applicant,
14 Multiband, Incorporated.

15 JUDGE WOODRUFF: Thank you. And for the Staff?

16 MR. HAAS: Good morning. My name is William K.
17 Haas. I'm appearing on behalf of the Staff of the Public
18 Service Commission. My address is Post Office Box 350,
19 Jefferson City, Missouri, 65102.

20 JUDGE WOODRUFF: And for the intervenor, AT&T?

21 MR. BUB: Thank you, your Honor. Leo Bub for
22 Southwestern Bell Telephone, LP, doing business as AT&T
23 Missouri. Our address is One AT&T Center, St. Louis,
24 Missouri, 63101.

25 JUDGE WOODRUFF: Thank you. And the other party

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1 in this case would be the Office of Public Counsel, and I
2 don't see anyone here from Public Counsel.

3 All right. As we discussed before we went on
4 the record, my name is Morris Woodruff, and I am sitting
5 in for Judge Pridgin this morning. This will remain Judge
6 Pridgin's case other than this proceeding.

7 I know that in the Order setting the prehearing
8 conference Judge Pridgin indicated that the parties were
9 directed to file a proposed procedural schedule no later
10 than May 29th, so I'll expect you to do that. And that is
11 the main purpose for this prehearing conference.

12 Is there anything else anyone wants to bring up
13 while we're on the record?

14 MR. BUB: (Mr. Bub shakes head.)

15 JUDGE WOODRUFF: I see heads nodding no, so I'll
16 assume that's the case.

17 MR. STEINMEIER: Well, I -- I might suggest,
18 your Honor, that it's not entirely clear to me yet, and
19 I've only been in the case since Friday, as the record
20 will reflect why there's a need to set a procedural
21 setting for hearing in the case.

22 The Staff has recommended approval of the
23 application. AT&T intervened in the case and did not
24 oppose the application. There is no requirement, of which
25 I'm aware, in the Commission's rules or in the statutes

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1 that facilities issue such as AT&T has alluded in its --
2 in its pleadings need to be addressed as part of an STS
3 application. It's a separate issue, which can be
4 determined in a separate case.

5 And I'm very concerned at the prospect that this
6 STS application may be treated differently than many other
7 -- every other STS application at considerable and
8 unnecessary cost to Multiband just because as part of its
9 pleadings in the -- in the case, AT&T has raised a -- an
10 issue about ownership of facilities and compensation for
11 facilities.

12 As AT&T has correctly observed, the parties are
13 in discussions about that issue. That issue will be
14 resolved out -- outside the scope of -- of this STS
15 application. And -- but it appears to me that it would
16 put Multiband at a considerable and unique and even
17 potentially discriminatory disadvantage to treat its
18 application differently than all other STS applications by
19 adding a new requirement in this case that's not present
20 in others.

21 JUDGE WOODRUFF: Okay. Well, certainly, if the
22 parties can work out any disagreements, file something to
23 explain the -- that agreement rather than a procedural
24 schedule, I'm sure that would be acceptable to Judge
25 Pridgin as well.

1 It's my understanding from a brief review of the
2 case that AT&T has requested an additional condition be
3 imposed upon the certificate that would be granted in that
4 case. And that's the question, as to whether or not that
5 should be done. Is that correct, Mr. Bub?

6 MR. BUB: That is correct, your Honor.

7 JUDGE WOODRUFF: Okay. So if you -- if the
8 parties can work this out amongst themselves, certainly,
9 that's great.

10 And if that request is ultimately withdrawn,
11 then this application could proceed in -- in the normal
12 manner.

13 MR. STEINMEIER: And, obviously, we will discuss
14 that here, your Honor. I would just state that -- that
15 the fact that an intervenor asks for a new condition to be
16 imposed on an STS application should not automatically
17 mean that that application is now subject to a procedural
18 schedule and hearing --

19 JUDGE WOODRUFF: Okay.

20 MR. STEINMEIER: -- when that requirement is --
21 is not part of the statutory requirements for achieving an
22 STS application, but, in fact, has to do with a facility's
23 issue, which is separate and apart from -- from the
24 authority issue.

25 JUDGE WOODRUFF: Okay. Well, I certainly

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1 understand your concern. And if you can work things out
2 today, you may want to file a motion to that effect that
3 Judge Pridgin can take up. And we'll -- we'll certainly
4 welcome that at the same time you file a procedural
5 schedule or whatever motion agreement the parties can
6 reach after your discussions.

7 Anything else that you want to bring up while
8 we're on the record? All right. With that, then, we're
9 off the record, and I'll leave you to your discussions.

10 MR. STEINMEIER: Thank you, your Honor.

11 JUDGE WOODRUFF: Thank you.

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