

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

—

TRANSCRIPT OF PROCEEDINGS
October 1, 1997
Jefferson City, Missouri
Volume I

—

In the Matter of the Application)
of the Mid-Missouri Group and the)
Small Telephone Group of Incumbent)
Local Exchange Companies for) Case No. TO-98-49
Designation Telecommunications)
Company Carriers Eligible for)
Federal Universal Service Support)
Pursuant to Section 254 of the)
Telecommunications Act of 1996.)

OCT 1 1997

—

BEFORE:

L. ANNE WICKLIFFE, Presiding,
DEPUTY CHIEF REGULATORY LAW JUDGE.

—

REPORTED BY:

KRISTAL R. MURPHY, CSR, RPR, CCR
ASSOCIATED COURT REPORTERS, INC.
714 West High Street
Post Office Box 1308
JEFFERSON CITY, MISSOURI 65102
(314) 636-7551

ASSOCIATED COURT REPORTERS, INC.
(573) 636-7551 JEFFERSON CITY, MO 65101

1 APPEARANCES:

2
3 W.R. ENGLAND, III, Attorney at Law
4 SONDRA B. MORGAN, Attorney at Law
5 Brydon, Swearngen & England, P.C.
6 P.O. Box 456
7 312 East Capitol Avenue
8 Jefferson City, Missouri 65102-0456

9 FOR: ALLTEL Missouri, Inc.
10 BPS Telephone Company.
11 Bourbeuse Telephone Company.
12 Cass County Telephone Company.
13 Citizens Telephone Company of Higginsville,
14 Missouri, Inc.
15 Craw-Kan Telephone Cooperative, Inc.
16 Ellington Telephone Company.
17 Farber Telephone Company.
18 Fidelity Telephone Company.
19 Goodman Telephone Company, Inc.
20 Granby Telephone Company.
21 Grand River Mutual Telephone Corporation.
22 Green Hills Telephone Corporation.
23 Holway Telephone Company.
24 Iamo Telephone Company.
25 KLM Telephone Company.
Kingdom Telephone Company.
Lathrop Telephone Company.
Le-Ru Telephone Company.
Mark Twain Rural Telephone Company.
McDonald County Telephone Company.
Miller Telephone Company.
New Florence Telephone Company.
New London Telephone Company.
Orchard Farm Telephone Company.
Oregon Farmers Mutual Telephone Company.
Ozark Telephone Company.
Rock Port Telephone Company.
Seneca Telephone Company.
Stee'ville Telephone Exchange, Inc.
Stoutland Telephone Company.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CRAIG S. JOHNSON, Attorney at Law
Andereck, Evans, Milne, Peace & Baumhoer
305 East McCarty Street
Post Office Box 1438
Jefferson City, Missouri 65102

FOR: Alma Telephone Company.
Choctaw Telephone Company.
Chariton Valley Telephone Corporation.
Modern Telecommunications Company.
Mid-Missouri Telephone Company.
MoKan Dial, Inc.
Northeast Missouri Rural Telephone
Company.
Peace Valley Telephone Company.

KENNETH J. HEINZ, Attorney at Law
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 South Bemiston, Suite 200
Clayton, Missouri 63105

FOR: MCI Telecommunications Corporation.

JULIE THOMAS BOWLES, Attorney at Law
8140 Ward Parkway, 5E
Kansas City, Missouri 64114

FOR: Sprint Communications Company, L.P.

LINDA K. GARDNER, Senior Attorney
5454 West 110th Street
Overland Park, Kansas 66211

FOR: United Telephone Company of Missouri
d/b/a Sprint.

MICHAEL F. DANDINO, Senior Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102,

FOR: Office of Public Counsel and the Public.

PENNY G. BAKER, Deputy General Counsel
P.O. Box 360
Jefferson City, Missouri 65102

FOR: Staff of the Missouri Public Service
Commission.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

(Written Entries of Appearance filed.)

JUDGE WICKLIFFE: We are on the record in Case No. TO-98-49, which is the application of the Mid-Missouri Group and the Small Telephone Company Group for a designation as carriers eligible for federal universal service support under the Telecommunications Act of 1996.

Some of the parties have asked to be excused. In particular, Southwestern Bell Telephone Company asked to be excused from today's prehearing conference, and their counsel advised me that they will be filing a pleading stating that they have no objection to the designation that's being requested and are not requesting an evidentiary hearing.

GTE Midwest asked to be excused and Sprint United asked to be excused, although their sister company, Sprint L.P., is here today represented by counsel.

At this time I'm going to ask the parties to make their appearances, and other than the Applicants, at the time that counsel makes their appearance, please state whether your company is objecting to the designation of these carriers as eligible for USF support and state whether you are requesting an

1 evidentiary hearing in the case.

2 We will begin with the Mid-Missouri Group.

3 MR. JOHNSON: Craig Johnson, Andereck,
4 Evans, Milne, Peace & Baumhoer, Post Office Box 1438,
5 301 East McCarty, Jefferson City, Missouri, 65102,
6 here today on behalf of Mid-Missouri Group of Local
7 Exchange Companies, Applicants.

8 JUDGE WICKLIFFE: Small Telephone Company
9 Group?

10 MR. ENGLAND: Thank you, your Honor.

11 Let the record reflect the appearance of
12 W.R. England and Sondra Morgan on behalf of the Small
13 Telephone Company Group, a group of small local
14 exchange carriers more particularly described in our
15 written entry of appearance. Our mailing address is
16 Post Office Box 456, Jefferson City, Missouri, 65102,
17 and we appear on behalf of Applicants, I guess, or a
18 portion of the Applicants in this proceeding.

19 JUDGE WICKLIFFE: Commission Staff?

20 MS. BAKER: Penny G. Baker, appearing on
21 behalf of the Missouri Public Service Commission
22 Staff, P.O. Box 360, Jefferson City, Missouri, 65102.

23 The Staff of the Missouri Public Service
24 Commission will not be requesting a hearing in this
25 matter and has no opposition to the application of the

1 Mid-Missouri Group and the Small Telephone Company
2 Group.

3 JUDGE WICKLIFFE: Office of the Public
4 Counsel?

5 MR. DANDINO: Michael Dandino, Office of the
6 Public Counsel, Post Office Box 7800, Jefferson City,
7 Missouri, 65102, representing the Office of the Public
8 Counsel and the Public.

9 Office of the Public Counsel does not
10 request an evidentiary hearing in this matter. Also
11 we have no opposition to the parties' application for
12 designation for federal universal service funds.

13 JUDGE WICKLIFFE: As we discussed off the
14 record, Sprint Communications Company L.P. made a
15 timely application to intervene, but their name was
16 inadvertently left off of the order granting
17 interventions. At this time I will grant Sprint
18 Communications Company L.P.'s application to intervene
19 and recognize their counsel.

20 MS. BOWLES: Thank you.

21 Julie Thomas Bowles for Sprint
22 Communications Company, L.P. 8140 Ward Parkway, SE,
23 Kansas City, Missouri, 64114.

24 Also, for Linda K. Gardner, United Telephone
25 Company of Missouri, d/b/a Sprint, 5454 West 110th

1 Street, Overland Park, Kansas, 66211.

2 Neither company has an objection to the
3 application and neither company will be requesting a
4 hearing.

5 JUDGE WICKLIFFE: MCI and MCI Metro Access?

6 MR. HEINZ: Kenneth Heinz with Curtis,
7 Oetting, Heinz, Garrett and Soule, 130 South Bemiston,
8 Suite 200, Clayton, Missouri, 63105.

9 Our position at this time is we're seeking
10 additional information in order to determine the
11 Company's position with regard to the application. If
12 those concerns can be clarified, there probably will
13 be no request for an evidentiary hearing or no
14 objection.

15 JUDGE WICKLIFFE: Mr. Heinz, the order that
16 set this procedural schedule stated that the parties
17 would be expected to state today whether they are
18 requesting an evidentiary hearing.

19 MR. HEINZ: We are not requesting one at
20 this time.

21 JUDGE WICKLIFFE: Thank you.

22 We discussed off the record the fact that
23 the parties need to make a filing that sets out for
24 the Commission what issues the Commission must decide
25 by the end of the year in order to make these

1 companies properly eligible for their filings with the
2 FCC for USG support and some sort of schedule for
3 addressing the issues. To the extent that the parties
4 are not in agreement about what issues need to be
5 addressed, the parties may file separate pleadings
6 expressing their position as to what should be
7 addressed by the Commission.

8 There are some tariffs that may need to be
9 filed and there were some questions regarding
10 advertising and other issues. I've asked the parties
11 when they file this advisory pleading with the
12 Commission that they specifically cite to the sections
13 of the Telecommunication Act of 1996 or to the FCC
14 order or Eighth Circuit orders on which they rely for
15 authority.

16 Is there anything that needs to be added to
17 this statement at this time?

18 (No response.)

19 JUDGE WICKLIFFE: Then that pleading will be
20 filed. All pleadings in regard to the procedures that
21 need to be undertaken will be filed by October the
22 15th.

23 Anything else before we go off the record?

24 (No response.)

25 JUDGE WICKLIFFE: Then that concludes the

1 on-the-record portion of this prehearing conference.

2 WHEREUPON, the on-the-record portion of the
3 prehearing conference was concluded.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

—