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BEFORE THE
ILLINOIS COMMERCE COMMISSION

NTS SERVICES CORP.) DOCKET NO.
) 12-0116
-vs-)
)
GALLATIN RIVER COMMUNICATIONS, LLC)
d/b/a CenturyLink)
)
)
Formal Complaint and Request for)
Declaratory Ruling pursuant to)
Sections 13-515 and 10-108 of the)
Illinois Public Utilities Act.)

Springfield, Illinois
Tuesday, March 6, 2012

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MS. JANIS VON QUALEN, Administrative Law Judge

APPEARANCES:

MR. KRISTOPHER E. TWOMEY
LAW OFFICE OF KRISTOPHER E. TWOMEY
1725 I Street, NW, Suite 300
Washington, DC 20006

(Appearing via teleconference on
behalf of NTS Services Corp.)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1 APPEARANCES: (Continued)

2 MR. EDWARD D. MCNAMARA JR.
3 MCNAMARA & EVANS
4 931 South Fourth Street
5 PO Box 5039
6 Springfield, Illinois 62705

7 (Appearing via teleconference on
8 behalf of NTS Services Corp.)

9 MR. THOMAS DETHLEFS
10 Attorney at Law
11 1801 California Street, 10th Floor.
12 Denver, Colorado 80202

13 (Appearing via teleconference on
14 behalf of CenturyLink)

15 MR. MICHAEL J. LANNON
16 MR. MATTHEW L. HARVEY
17 Office of General Counsel
18 Illinois Commerce Commission
19 160 North LaSalle Street, Suite C-800
20 Chicago, Illinois 60601-3104

21 (Appearing via teleconference on
22 behalf of Staff witnesses of the
Illinois Commerce Commission)

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WITNESS

DIRECT

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REDIRECT

RECROSS

(None)

EXHIBITS

MARKED

ADMITTED

(None)

1 CenturyLink acquired Gallatin River in 2008.
2 CenturyLink terminated that agreement. There was an
3 evergreen provision that provided for a continuation
4 of the agreement for about a year, and since that
5 time, since the termination of the agreement, we have
6 been in the process of negotiating a successor
7 agreement.

8 We can't tell from the complaint
9 whether NTS is taking a position that the old
10 agreement is still in effect or whether they agree
11 with us that there is an interim arrangement that had
12 been agreed to by the parties. So those are the two
13 motions.

14 I talked to Kris Twomey about them and
15 we have agreed that -- he hasn't told me how much
16 time he thinks he will need to respond to the
17 motions, but we would agree to anything that he
18 proposes on that front. They are very short motions.
19 And while the motions are being ruled on, we would
20 ask that the time to answer be deferred, pending a
21 ruling on the motions.

22 JUDGE VON QUALEN: All right. And when will

1 you be filing the motions?

2 MR. DETHLEFS: We anticipate filing them
3 tomorrow which would be 21 days after the filing of
4 the complaint.

5 JUDGE VON QUALEN: Okay. And when can the
6 response be filed?

7 MR. LANNON: Excuse me. I am sorry to
8 interrupt, Your Honor, but this may bear on the
9 timing of the respondent's response.

10 Staff would like an opportunity
11 sometime after the motion and before the respondent
12 replies to the motion to weigh in, if it feels
13 necessary. So somewhere in between tomorrow and
14 whenever Mr. Twomey wants to reply.

15 JUDGE VON QUALEN: Okay. And how much time,
16 Mr. Lannon, would Staff like?

17 MR. LANNON: We don't need much time. Anything
18 the parties want, we will just -- like half way I
19 think would work.

20 JUDGE VON QUALEN: All right.

21 MR. TWOMEY: Okay. In that case, for NTS how
22 about I propose we file --

1 JUDGE VON QUALEN: Is this Mr. Twomey speaking?

2 MR. TWOMEY: Yes.

3 JUDGE VON QUALEN: That's for the benefit of
4 the court reporter. We can't really tell voices yet.

5 MR. TWOMEY: Yes. For NTS I would suggest then
6 we file our response on the 21st and perhaps Staff
7 file theirs on the 14th.

8 JUDGE VON QUALEN: Mr. Lannon, is that all
9 right with you? Is this of March?

10 MR. TWOMEY: Yes, ma'am.

11 MR. LANNON: Your Honor, actually could I move
12 that up to the 13th for Staff. The 14th just happens
13 to be a particularly bad day for me.

14 JUDGE VON QUALEN: So Staff would like an
15 opportunity to respond to the motion on the 13th in
16 response?

17 MR. LANNON: Yes, Your Honor. Excuse me, Your
18 Honor, the motion and the complaint.

19 JUDGE VON QUALEN: Okay.

20 MR. TWOMEY: Your Honor, this is Kris Twomey
21 again. It's the case that NTS will need to respond
22 then to both CenturyLink and to Staff; I propose that

1 a couple extra days be added on so that NTS' response
2 is due on the 23rd of March.

3 JUDGE VON QUALEN: All right. And does
4 Gallatin wish to have an opportunity for reply?

5 MR. DETHLEFS: If I could have seven days, Your
6 Honor, that would be great.

7 JUDGE VON QUALEN: So that would be March 30,
8 and you could respond both to whatever it is that
9 Staff files and what NTS files in the response.

10 MR. DETHLEFS: Yes, that would be our plan.

11 JUDGE VON QUALEN: And would it be Staff's
12 intent to file anything additional after?

13 MR. LANNON: Your Honor, I don't think that
14 will be necessary. Thank you.

15 JUDGE VON QUALEN: Okay. So what I have is
16 that Gallatin will be filing a Motion to Dismiss and
17 a Motion for More Sufficient Complaint on March 7.
18 Staff will be filing a response to the motions and to
19 the complaint on March 13. NTS will be filing a
20 response to the motions filed by Gallatin and to
21 Staff's response on March 23. And Gallatin will be
22 filing the reply on March 30.

1 Is that everybody's understanding of
2 the proposal?

3 MR. DETHLEFS: Tom Dethlefs, yes, Your Honor.

4 MR. LANNON: Yes, Your Honor.

5 MR. TWOMEY: Kris Twomey, yes, Your Honor.

6 JUDGE VON QUALEN: And then shall we set it for
7 a status about two weeks after that?

8 MR. TWOMEY: That works for NTS.

9 MR. DETHLEFS: That works for CenturyLink as
10 well, Your Honor.

11 Could whatever Order be entered today
12 reflect that the answer would be deferred until the
13 ruling on the motions?

14 JUDGE VON QUALEN: Yes. Then it would be my
15 intent to have a ruling out before the next status so
16 that we could set whatever we need to for scheduling
17 at that time.

18 We could have the status either on
19 April 13 or April 17, if anyone has a preference.

20 MR. LANNON: Your Honor, Mike Lannon here. I
21 have an evidentiary hearing all day on the 13th. So
22 the 17th would be better for me.

1 JUDGE VON QUALEN: All right.

2 MR. DETHLEFS: Tom Dethlefs, the 17th works
3 fine for CenturyLink.

4 MR. TWOMEY: That's fine for NTS as well, as
5 long as it is after 10:00 a.m. central.

6 JUDGE VON QUALEN: Shall we make it at 11:00
7 a.m.? Does that work for everyone?

8 MR. TWOMEY: That works for NTS.

9 MR. DETHLEFS: That works for CenturyLink.

10 MR. LANNON: That works for me, Your Honor.

11 JUDGE VON QUALEN: All right. Then we will
12 adopt the schedule for the Motion to Dismiss and
13 clarify and responses, as I indicated earlier. And
14 for the record it should be clear that the answer
15 will be deferred until there is a ruling on the
16 motions.

17 And I will then continue this matter
18 to April 17, 2012, at 11:00 a.m.

19 Does anybody have anything else
20 further?

21 MR. TWOMEY: I am wondering if we want to do it
22 by conference call again. Would that work for

1 everyone?

2 MR. LANNON: Staff would appreciate it if we
3 could.

4 JUDGE VON QUALEN: That's fine.

5 MR. DETHLEFS: We will provide the same call-in
6 number.

7 JUDGE VON QUALEN: All right. Okay. With that
8 I will continue it to April 17, 2012, at 11:00 a.m.

9 (Whereupon the hearing in this
10 matter was continued until April
11 17, 2012, at 11:00 a.m. in
12 Springfield, Illinois.)

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