



1		I N D E X	
	WITNESS	DIRECT	CROSS
2	MICHAEL L. RAMSEY		
	Mr. Hird	37	
3			
	MATTHEW JOHNSON		
4	Mr. Johnson	40	

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1 APPEARANCES:

2 MATTHEW L. HARVEY (via telephone)  
3 Office of General Counsel  
4 Illinois Commerce Commission  
5 160 N. LaSalle Street, Suite C-800  
6 Chicago, Illinois 60601  
7 mharvey@icc.illinois.gov

8  
9 Appearing on behalf of the Illinois  
10 Commerce Commission;

11 JOHN R. CLEMONS  
12 Southern Illinois Law Center, LLC  
13 813 W. Main Street  
14 Carbondale, Illinois 62901  
15 silc@silclaw.net

16  
17 Appearing on behalf of Jackson County  
18 ETSB;

19 RICHARD W. HIRD  
20 Petefish, Immel, Heeb & Hird, LLP  
21 842 Louisiana Street  
22 Lawrence, Kansas 66044  
23 rhird@petefishlaw.com

24  
25 Appearing on behalf of NG-911, Inc.;

26 MARK ORTLIEB (via telephone)  
27 225 W. Randolph St., Room 25D  
28 Chicago, Illinois 60601  
29 mo2753@att.com

30  
31 Appearing on behalf of Illinois Bell  
32 Telephone Company and New Cingular  
33 Wireless, PCS, LLC;

34 MATT JOHNSON  
35 P.O. Box 730  
36 Springfield, Illinois 62705  
37 mjohnson@il-ita.com

38  
39 Appearing on his own behalf

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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket No. 13-0669. This docket was initiated by Jackson County Emergency Telephone System Board and concerns their petition to modify their 911 plan.

May I have the appearances for the record, please. Start here in Springfield.

MR. CLEMONS: Judge, I'm John Clemons for the Petitioner, the Jackson County Emergency Telephone System Board, and my office is 813 West Main Street, Carbondale, Illinois 62901.

JUDGE ALBERS: All right. Thank you.

MR. HIRD: Your Honor, my name is Richard W. Hird. I'm the counsel for NG-911, Inc., which is an intervenor. My business address is 842 Louisiana, Lawrence, Kansas 66044.

JUDGE ALBERS: Thank you.

MR. JOHNSON: Your Honor, Matt Johnson, P.O. Box 730, Springfield, Illinois, 62705.

JUDGE ALBERS: Okay. And any other attorneys in the room here?

(No response.)

JUDGE ALBERS: No. All right. On the

1 phone?

2 MR. HARVEY: Appearing for the Staff of the  
3 Illinois Commerce Commission, Matthew L. Harvey,  
4 H-a-r-v-e-y, 160 North LaSalle Street, Suite C-800,  
5 Chicago, Illinois 60601.

6 MR. ORTLIEB: And appearing on behalf of  
7 AT&T Illinois and AT&T Mobility is Mark Ortlieb,  
8 O-r-t-l-i-e-b, 225 West Randolph Street, Suite 2500,  
9 Chicago, Illinois 60606.

10 JUDGE ALBERS: Thank you. I think the only  
11 other intervenor I haven't heard from yet is Frontier.  
12 Anyone from Frontier on the line?

13 MS. BOSWELL: I'm with Frontier, but I  
14 don't need to enter an appearance. Karen Boswell.

15 JUDGE ALBERS: All right. Let the record  
16 reflect there are no others wishing to enter an  
17 appearance.

18 As far as preliminary matters, the  
19 only thing I have is the AT&T motion that was filed  
20 yesterday concerning the admission of AT&T Exhibit 2.  
21 We can take it up with Mr. Neinast's testimony when it  
22 comes up.

23 Does anybody else have any other  
24 preliminary matters they wanted to raise?

1 (No response.)

2 JUDGE ALBERS: All right. That's fine.  
3 Hearing none, we'll move on.

4 From the emails that were exchanged  
5 prior to today, it doesn't sound like there's any  
6 cross-examination for any of the witnesses. So I  
7 think it's just a matter of admitting the testimony.  
8 So in no particular order, would, Mr. Clemons, you  
9 like to go first?

10 MR. CLEMONS: Yes, your Honor. We have  
11 filed as of yesterday afternoon and by electronic  
12 filing and also emailing to everyone, an affidavit of  
13 Patrick J. Lustig, who is also present this morning,  
14 and I believe the attorneys are prepared in this  
15 proceeding to stipulate to the Court that this is  
16 appropriate and that the affidavit should be admitted,  
17 and what the affidavit indicates essentially is that  
18 Mr. Lustig is standing on his prefiled testimony. He  
19 is the director for the Jackson County Emergency  
20 Telephone System Board, the Petitioner in this  
21 proceeding, and he would be standing on his initial  
22 prefiled testimony which was filed with the petition  
23 to modify on December 6th of 2013, and then he filed  
24 additional testimony which was titled Prefiled

1 Rebuttal Testimony of Patrick J. Lustig, and that was  
2 filed on March 18, 2014, and the affidavit also  
3 indicates that in our initial verified petition to  
4 modify, there were numerous attachments and exhibits.  
5 In the prefiled rebuttal testimony there were also  
6 several exhibits, and it is my understanding from  
7 conferring with other counsel that there is no  
8 objection that these exhibits and attachments all be  
9 considered part of the record, and they actually  
10 already have been filed as part of the record --

11 JUDGE ALBERS: Right.

12 MR. CLEMONS: -- is my understanding.

13 JUDGE ALBERS: Okay.

14 MR. CLEMONS: I do have the original of the  
15 affidavit if the Court needs that.

16 JUDGE ALBERS: Oh, you filed it on  
17 e-Docket?

18 MR. CLEMONS: Yes, yesterday.

19 JUDGE ALBERS: No, that's okay. We don't  
20 need it. I think so the record is clear, why don't we  
21 assign an exhibit number to each of the three exhibits  
22 concerning Mr. Lustig. We can call his prefiled --  
23 his written direct JCETSB Exhibit 1, and his rebuttal  
24 JCETSB Exhibit 2, and we'll call the affidavit

1 JCETSB Exhibit 3. So any objection then to the  
2 admission of any of those exhibits along with their  
3 attachments?

4 MR. HARVEY: None from staff, your Honor.

5 MR. ORTLIEB: No objection from AT&T.

6 MR. HIRD: No objection from NG-911, Inc.

7 JUDGE ALBERS: Hearing no objection, then  
8 they're all admitted.

9 (JCETSB Exhibits 1, 2, and 3  
10 admitted.)

11 JUDGE ALBERS: Anything further from  
12 Jackson County?

13 MR. CLEMONS: No, your Honor. Thank you.

14 JUDGE ALBERS: All right. Thank you.

15 Mr. Hird.

16 MR. HIRD: Yes, your Honor. I have Mr.  
17 Ramsey present. We didn't file an affidavit. So I  
18 would call Michael Ramsey.

19

20 \* \* \* \* \*

21 MICHAEL RAMSEY,

22 of lawful age, produced, sworn and examined on behalf  
23 of NG-911, testifies and says:

24

1 DIRECT EXAMINATION

2 QUESTIONS BY MR. HIRD:

3 Q. Mr. Ramsey, would you state your full name?

4 A. Michael L. Ramsey.

5 Q. And your business address?

6 A. 815 South Highland Street, Williamsburg,  
7 Iowa 52361.

8 Q. What is your position with NG-911, Inc.?

9 A. President and CEO.

10 Q. Mr. Ramsey, did you cause to be filed on  
11 the Commission's e-filed system prefiled testimony as  
12 a witness for NG-911, Inc., consisting of direct  
13 testimony filed on January 21, 2014, consisting of 14  
14 pages of text, rebuttal testimony filed March 18,  
15 2014, consisting of 11 pages of text, and surrebuttal  
16 testimony filed on April 4th, 2014, consisting of five  
17 pages of testimony?

18 A. Yes.

19 Q. Do you have any changes or corrections to  
20 your testimony?

21 A. I have one correction on page 10, line 239,  
22 changing the percentage from ten percent to 30  
23 percent.

24 Q. Is that in your rebuttal testimony?

1           A.    This is in my rebuttal testimony, yes.

2           Q.    Okay.  Is the prefiled testimony as  
3 corrected true and correct as of today?

4           A.    Yes.

5           Q.    If I were to ask you the same questions  
6 today which are provided in the prefiled testimony as  
7 corrected, would your answers be the same today?

8           A.    Yes.

9           Q.    Okay.  With respect to AT&T's second data  
10 requests numbered 17 through 20, did you prepare or  
11 cause to be prepared under your direction and control  
12 the responses provided on April 7, 2014?

13          A.    Yes.

14          Q.    And, as I recall, at the time we provided  
15 the responses you were actually attending the Iowa 911  
16 conference, correct?

17          A.    Yes, I was.

18          Q.    So the version was not provided to AT&T?

19          A.    No, it was not.

20          Q.    Okay.  The responses, would you verify  
21 under oath today the truth and accuracy of the  
22 responses that were provided to AT&T's second data  
23 request?

24          A.    Yes.

1 MR. HIRD: I have nothing further, your  
2 Honor.

3 JUDGE ALBERS: Okay. Just for my own  
4 clarity, the DR responses you're referring to were the  
5 ones that are part of the AT&T Exhibit 2?

6 MR. HIRD: Yes I believe so.

7 JUDGE ALBERS: All right. Thank you. All  
8 right. And again just to clearly mark all of these  
9 exhibits, why don't we call his direct NG-911 Exhibit  
10 1, his rebuttal NG-911 Exhibit 2, and his surrebuttal  
11 NG-911 Exhibit 3.

12 And no one had any questions for Mr.  
13 Ramsey. Does anyone have any objections to the  
14 admission of those exhibits?

15 MR. ORTLIEB: No objection from AT&T.

16 MR. HARVEY: No objection. Staff has no  
17 objection, your Honor.

18 MR. CLEMONS: No objection from the  
19 Petitioner, your Honor.

20 JUDGE ALBERS: Hearing no objection,  
21 they're all admitted.

22 (NG-911 Exhibits 1,2, and  
23 3 admitted.)

24 JUDGE ALBERS: Thank you, Mr. Ramsey.

1 THE WITNESS: Thank you, your Honor.

2 (Witness excused.)

3 JUDGE ALBERS: Mr. Harvey -- Oh, I'm sorry,  
4 Mr. Johnson is here in the room. Go ahead, Mr.  
5 Johnson.

6 MR. JOHNSON: Thank you, your Honor. Matt  
7 Johnson. I have not prefiled an affidavit, but I do  
8 have an interest in this docket before the Commission,  
9 and I have prefiled --

10 JUDGE ALBERS: Why don't we go ahead and  
11 swear you in first.

12 \* \* \* \* \*

13 MATTHEW JOHNSON,  
14 of lawful age, produced, sworn and examined on behalf  
15 of himself, testifies and says:

16  
17 MR. JOHNSON: Thank you, your Honor. I  
18 have prefiled witness direct testimony in this  
19 proceeding on behalf of myself. I wrote and prepared  
20 this testimony myself. I have no changes or  
21 corrections to the prefiled testimony. And if I were  
22 asked these same questions today, my answers would be  
23 the same. Your Honor, I would request that my  
24 evidence in the form of prefiled testimony be admitted

1 into the record in this docket.

2 JUDGE ALBERS: All right. Why don't we  
3 identify that as Johnson Exhibit 1.

4 Does anyone have any objections to  
5 the admission of Johnson Exhibit 1?

6 MR. CLEMONS: Judge, on behalf of the  
7 Petitioner, Jackson County Emergency Telephone System  
8 Board, we do object. We have some concerns, and then  
9 the basis of the objection is Mr. Johnson who is with  
10 the Illinois Telecommunications Association as  
11 president has essentially said that the purpose of his  
12 testimony is to merely establish that there be no  
13 creation of precedence or requirements for later Next  
14 Generation 911s, and then he goes on and indicates  
15 that he's not commenting on the merits of this  
16 petition before the Commerce Commission. So my  
17 objection essentially is grounded on relevance. I'm  
18 not -- I'm not sure that -- that any of this is  
19 relevant then. Obviously if the Illinois Commerce  
20 Commission receives other proposals, other petitions  
21 for an NG-911 type system or program, it's going to  
22 review those on the merits, of whatever that petition  
23 is, whatever the situation is at that time, whatever  
24 the law is at that time. So I'm not sure being here

1 to say we don't want to create precedence or  
2 requirements for other systems is of any relevance.  
3 The Commission has to follow the law with whatever  
4 petitions come after this, and then he really has no  
5 comment on the merits. So I'm having a hard time with  
6 the relevance.

7 MR. HIRD: NG-911 joins in the objection.  
8 The testimony specifically says that it does not  
9 comment on the Jackson County plan filing, and I think  
10 that's what we're here for.

11 JUDGE ALBERS: Okay. I think someone  
12 else --

13 MR. ORTLIEB: Mark Ortlieb with AT&T, and I  
14 just have a few comments to give you in opposition to  
15 that -- to that objection. If you will entertain --

16 JUDGE ALBERS: Yeah. Did anybody else want  
17 to voice any objections first just to get all those  
18 out in the open?

19 MR. HARVEY: No, your Honor. Staff does  
20 remain neutral.

21 JUDGE ALBERS: Okay. Could you speak up,  
22 Mr. Harvey? The court reporter is having difficulty  
23 hearing you.

24 MR. HARVEY: I apologize, your Honor. I'll

1 try to bellow. Staff will not offer any comments on  
2 this question.

3 JUDGE ALBERS: All right. Go ahead, Mr.  
4 Ortlieb.

5 MR. ORTLIEB: Well, your Honor, the  
6 objection appears to be one of relevance, and I think  
7 just a plain reading of the -- of Mr. Johnson's  
8 testimony demonstrates its relevancy. He has a policy  
9 based on comments on this proceeding. It is -- It is  
10 certainly relevant to the -- to what the order will  
11 say in terms of addressing the particulars of this  
12 case. I think what Mr. Johnson is suggesting is that  
13 the Commission not venture beyond the four corners of  
14 this case and not attempt policy that might affect  
15 future as yet unfiled case.

16 In a curious way I think Mr.  
17 Clemons' comments show that he basically agrees with  
18 Mr. Johnson. I take his comment to be, of course, we  
19 all know that what we're here today to do is to  
20 address only the petition in front of us, and so I  
21 think that's the common sense point. I think we all  
22 agree on that. I think that's what the testimony  
23 says. So it's certainly relevance. The final point  
24 would be that obviously the Commission has and you as

1 the ALJ have a wide leeway to determine what is  
2 relevant in a proceeding.

3 JUDGE ALBERS: All right. Mr. Johnson, do  
4 you want to speak in your own defense?

5 MR. JOHNSON: As someone who has a strong  
6 interest in this proceeding, I'm sorry -- someone who  
7 has an interest in this proceeding, I -- I found it  
8 relevant. I think it's important for the -- as we  
9 determine the future of Next Generation 911 in this  
10 state, that I felt compelled to get my thoughts in  
11 with the Commerce Commission and make sure that --  
12 that my voice was heard as someone who has an interest  
13 in this proceeding and an interest in the future of  
14 the state. So I thought it was relevant to what was  
15 going on and the implications that this proceeding has  
16 on 911 not just in this case but in future cases.

17 JUDGE ALBERS: All right. Well, I  
18 understand your objections. I think though I will go  
19 ahead and overrule them, and I'll give it the -- his  
20 testimony the appropriate weight, and I'm sure the  
21 Commission will too. So with that, Johnson Exhibit 1  
22 is admitted.

23 (Johnson Exhibit 1 admitted.)

24 JUDGE ALBERS: All right. Mr. Harvey, do

1 you -- would you care to go next?

2 MR. HARVEY: I'll be glad to, your Honor.  
3 The staff offers the following exhibits into evidence.  
4 The first is --

5 JUDGE ALBERS: Off the record for a minute.  
6 (WHEREUPON, a discussion was held  
7 off the record.)

8 MR. HARVEY: Staff offers the following --  
9 let's try something here. Staff offers the following  
10 exhibits into evidence. Is that better?

11 JUDGE ALBERS: Yes.

12 MR. HARVEY: First is the direct testimony  
13 of Marci Elliott, spelled M-a-r-c-i E-l-l-i-o-t-t,  
14 that has been marked for identification as Staff  
15 Exhibit 1.0. It was filed on e-Docket on February  
16 21st, 2014. It consists of a cover page and 11 pages  
17 of narrative text. There are no attachments. Also,  
18 on December or check that, February 21st, 2014, Staff  
19 filed the direct testimony of Russell W. Murray --  
20 Murray is spelled M-u-r-r-a-y. That has been marked  
21 for identification as Staff Exhibit 2.0 consisting of  
22 a cover page and 11 pages of text in narrative form.  
23 There are likewise no attachments. On April 22nd,  
24 2014, Staff filed Staff Exhibit 3.0 which is the

1 affidavit of Marci Elliott, the identical Marci  
2 Elliott who sponsored Staff Exhibit 1.0, and the  
3 affidavit attests to the truth and accuracy of the  
4 matters asserted in Staff Exhibit 1.0. Also, on April  
5 22nd, 2014, Staff filed on e-Docket Staff Exhibit 4.0,  
6 which is the affidavit of Kathy Stewart. It states  
7 that Ms. Stewart is adopting the testimony of Russell  
8 W. Murray previously filed on e-Docket and marked for  
9 identification as Staff Exhibit 2.0 due to Mr. Murray  
10 being compelled to take extended medical leave. It  
11 states that Ms. Stewart has reviewed Mr. Murray's  
12 testimony and concurs in it. At this point Staff  
13 moves for the admission into evidence of Staff  
14 Exhibits 1.0, 2.0, 3.0 and 4.0.

15 JUDGE ALBERS: Is there any objection to  
16 any of those?

17 MR. CLEMONS: No objection by the  
18 Petitioner.

19 MR. HIRD: No objection for NG-911, Inc.

20 JUDGE ALBERS: Hearing no objections then,  
21 Staff Exhibits 1 through 4 are admitted.

22 (Staff Exhibits 1 through 4  
23 admitted.)

24 JUDGE ALBERS: Anything further from Staff?

1 MR. HARVEY: Nothing further, your Honor.

2 JUDGE ALBERS: Okay. I think our final  
3 witness is Mr. Neinast. Mr. Ortlieb, if you're ready?

4 MR. ORTLIEB: Yes, thank you. AT&T offers  
5 for admission into evidence the following exhibits:  
6 AT&T Exhibit 1.0 is the direct testimony of Mark  
7 Neinast, N-e-i-n-a-s-t. This was filed on e-Docket on  
8 February 21st. It consists of 26 pages of testimony  
9 together with six exhibits marked Exhibits MN1 through  
10 MN6, Exhibit MN4 is confidential. AT&T Exhibit 1.1 is  
11 the rebuttal testimony of Mark Neinast, which is filed  
12 on e-Docket on March 28th. There is a confidential  
13 version and a public version of Exhibit 1.1. AT&T  
14 Exhibit 1.2 is the affidavit of Mr. Neinast in which  
15 he attests to the accuracy of the prefiled written  
16 testimony, and then finally, your Honor, AT&T Exhibit  
17 2.0 is -- are the responses of NG-911, Inc., to AT&T  
18 Illinois' second set of data requests numbers 17  
19 through 20, and I have prepared a motion for admission  
20 of those data request responses into evidence.

21 JUDGE ALBERS: Okay. Just backing up a  
22 moment to Mr. Neinast' direct testimony, just to be  
23 clear then, with regard to MN3, there is an MN3A and  
24 MN3B, as well, correct?

1 MR. ORTLIEB: That's correct, your Honor.

2 JUDGE ALBERS: And then with regard to MN4,  
3 there is an MN4A, 4B, and 4C, correct?

4 MR. ORTLIEB: That is correct, your Honor.

5 JUDGE ALBERS: Okay. With regard to MN4A,  
6 B, and C, I know we discussed last time getting a  
7 redacted version of those for inclusion in the record.  
8 Rather than admit the public -- I'm sorry, getting a  
9 public version for inclusion in the record, rather  
10 than admit today the redacted public version of those  
11 three exhibits, I would suggest that we wait until we  
12 get those submitted, and just so I can take a look at  
13 them before ruling on their admissibility. So I would  
14 suggest then that hold off on admitting those three,  
15 and does anyone have any objection then to the  
16 admission of the remaining exhibits?

17 MR. CLEMONS: No objection by the  
18 Petitioner, Jackson County.

19 JUDGE ALBERS: Okay.

20 MR. HIRD: No objection. I do have a  
21 clarification question on the exhibits.

22 JUDGE ALBERS: Go ahead.

23 MR. HIRD: You said the three that -- the  
24 redacted versions. I want to make sure I'm tracking

1 which exhibits we're talking about exactly. My notes  
2 indicate Exhibit 3 -- 3A. I've got the  
3 intergovernmental agreement for use of Next Generation  
4 911 equipment.

5 JUDGE ALBERS: If I misspoke, I meant 4A.

6 MR. HIRD: Okay.

7 JUDGE ALBERS: So that if that helps.

8 MR. HIRD: That would be the agreement  
9 between Frontier and NG-911, Inc., for the aggregation  
10 service.

11 JUDGE ALBERS: I think it was MN4A, 4B, and  
12 MN4C that had public and confidential versions and Mr.  
13 Neinast direct testimony when it was originally filed.

14 MR. HIRD: All right.

15 JUDGE ALBERS: I think in each of those  
16 three -- for each of those three documents, the public  
17 version was simply a single sheet of paper saying  
18 redacted entirely essentially, and what I would like  
19 to see is just the information that actually needs  
20 redacted from those three documents.

21 MR. HIRD: Thank you, your Honor. We'll be  
22 glad to work together and get that accomplished.

23 JUDGE ALBERS: Okay. Do you have a rough  
24 date as to when I might expect that?

1                   MR. HIRD: The only thing I need to do is  
2 on the -- I think it's 4A and 4B, those are agreements  
3 between NG-911, Inc., and Frontier, and I need to get  
4 Frontier's input on what needs to be redacted from  
5 their vantage point --

6                   JUDGE ALBERS: Sure.

7                   MR. HIRD: -- before we can submit it, and  
8 then I think we'll be ready to go on that.

9                   JUDGE ALBERS: All right. And I think 4C  
10 was the -- previously identified as Exhibit 11  
11 attached to the petition, so that should be --

12                   MR. HIRD: There is a redacted copy of that  
13 already in the record.

14                   JUDGE ALBERS: Yes. So we're good there.

15                   MR. HIRD: Yes.

16                   JUDGE ALBERS: Okay.

17                   MR. ORTLIEB: Your Honor, just one  
18 clarification. I understand you to say that you were  
19 going to hold off on ruling on the admissibility of or  
20 the admission of the public version of 4A, B, and C.  
21 What about the confidential versions, are those  
22 admitted into the record today?

23                   JUDGE ALBERS: Yeah, I will. I haven't  
24 officially done so yet, but I don't see any reason why

1 we couldn't admit the official version.

2 MR. ORTLIEB: Okay. Thank you.

3 JUDGE ALBERS: All right. Hearing no  
4 objection then, I'll go ahead and recite the exhibits  
5 for Mr. Neinast that are being admitted. AT&T's  
6 Exhibit 1.0, MN1, MN2, MN3, MN3A, MN3B, MN4, MN4A  
7 confidential, MN4B confidential, MN4C confidential,  
8 MN5, MN6, Exhibit 1.1, both the public and  
9 confidential versions, Exhibit 1.2 and Exhibit 2.0  
10 will be admitted. And we'll wait for the submission  
11 of the public versions of MN4A, 4B, and 4C, and at  
12 that time I'll issue a ruling I've taken a look at  
13 them admitting those.

14 (AT&T Exhibit 1.0 MN1, MN2, MN3,  
15 MN3A, MN3B, MN4, MN4A(confidential),  
16 MN4B (confidential), MN4C  
17 (confidential), MN5, MN6, 1.1  
18 (public) and (confidential), 1.2,  
19 and 2.0 admitted.)

20 MR. ORTLIEB: Thank you, your Honor.

21 JUDGE ALBERS: All right. I don't think  
22 there's any other exhibits to consider at this time.

23 Does anybody like to file a brief?

24 MR. HIRD: Your Honor, if I might make a

1 suggestion in that regard, the attorneys conferred  
2 yesterday morning, and I don't think there was  
3 agreement on a briefing schedule or how this was going  
4 to proceed, or what you wanted to see in the way of  
5 briefs. My suggestion that I made on the phone, and  
6 I'm not sure that it had universal acceptance at all  
7 was that we would submit a -- basically a proposed  
8 order that would include findings of facts and  
9 conclusions of law and then allow the other parties to  
10 comment on that or submit their own so that we get the  
11 issues before you; otherwise we're going to need some  
12 direction from you on what you want briefed rather  
13 than try and tackle every issue in the case.

14 JUDGE ALBERS: Well, I asked the way I did  
15 because it seemed to me that a lot of the testimony  
16 was the discussion of general concerns, a few proposed  
17 recommendations or conditions, as opposed to flat out,  
18 you know, recommending a denial or something along  
19 that line. Do you think if you prepared a proposed  
20 order like that and circulated it among the parties  
21 before giving it to me there might be some way to  
22 reach some kind of consensus? Anybody can weigh in on  
23 this.

24 MR. HIRD: I'd be glad to try.

1                   MR. ORTLIEB: From AT&T's perspective, I  
2 would be surprised if we were able to submit an agreed  
3 order, and for what it's worth, I mean I would like to  
4 be able to submit a brief in this matter, your Honor,  
5 and I -- as far as the issues that were going to be  
6 addressed, I don't -- I understand Mr. Hird is  
7 basically asking for some understanding about a  
8 narrowing of the issues to make briefing if we go that  
9 direction, make that easier. I'm not prepared to  
10 foreclose the ability to address issues, but if I were  
11 to -- you know, if we do file briefs, my expectation  
12 is the brief would basically track the issues that we  
13 raised and addressed in our testimony.

14                   JUDGE ALBERS: Let me suggest this then.  
15 How about give you folks a week or so, see if you can  
16 come up with an agreed-to outline for briefs. That  
17 way you can discuss amongst yourselves which  
18 particular issues each of you think is necessary to  
19 address and then give that to me, and then I can issue  
20 a ruling adopting that as an outline for use in briefs  
21 to the extent anybody wants to file one. Does that  
22 seem to make sense? Do you have any questions about  
23 that?

24                   MR. ORTLIEB: This is Mark Ortlieb again.

1 I will say this, the one discussion we did have  
2 amongst the counsel, and I think we agreed on is we  
3 could, if we do go the briefing route, you know, and  
4 if it's open-ended, we could -- we could do that on a  
5 pretty expedited basis, I think we discussed two weeks  
6 for briefs and a week for replies. I don't know that  
7 there was universal agreement to that, but if it is  
8 the interest of Jackson County and NG-911 to, you  
9 know, to move this along in the least amount of time,  
10 maybe that's the way to do it as rather than, you  
11 know, attempting to come up with some agreement on the  
12 issues.

13 MR. CLEMONS: Judge, as Petitioner, our --  
14 one of our overriding concerns is our costs situation.  
15 The Jackson County 911 program currently now pays  
16 certain tariffs to Frontier, and then we're also  
17 having to pay NG-911 as to their services. So we can  
18 minimize that once this case is over if, of course,  
19 the ICC approves.

20 JUDGE ALBERS: Right.

21 MR. CLEMONS: So as quick as possible is  
22 our concern for financial reasons.

23 JUDGE ALBERS: Well, it sounds like it  
24 would be useful to have everyone at least figure out

1    which particular issues you're going to try to address  
2    in briefs.  That way at least you're all on the same  
3    page, and I'll have a better understanding of what I'm  
4    reading when I get them.  So I don't care if you guys  
5    want to take a day or, you know, three days, whatever,  
6    to come up with an outline, but I think it would be a  
7    good starting point, and then once we have that, you  
8    know, as fast as you want to agree to file briefs is  
9    fine with me.  So --

10                   MR. HIRD:  If I might suggest, your Honor,  
11    we'll try and get all the parties on the phone and see  
12    if we can arrange for a list of issues to be briefed,  
13    and then we'll give that to you.  I know that on  
14    behalf of my client, we'll participate in any briefing  
15    that you order certainly.  We will probably also  
16    submit some sort of a proposed order with findings of  
17    facts and conclusions of law which you could use or  
18    not.

19                   JUDGE ALBERS:  That's fine.  Okay.  All  
20    right.  How much time would you like to come up with  
21    that outline idea then?

22                   MR. HIRD:  Today's Wednesday.  Do it by  
23    Friday if we can get together by phone.

24                   MR. ORTLIEB:  That works for AT&T.

1                   MR. HARVEY: I can participate, but  
2 probably either today or Friday would be better.

3                   MR. CLEMONS: That would be fine with the  
4 Petitioner, Jackson County.

5                   MR. HIRD: Why don't we shoot for Friday  
6 trying to get together by phone, and maybe, maybe even  
7 on Friday we could get the list to the judge.

8                   JUDGE ALBERS: Okay. That will work, and  
9 then assuming I get an outline by Friday, how much  
10 time after that would you like then, two weeks from  
11 today or two weeks from the outline to prepare briefs?

12                   MR. HIRD: Two weeks from today as far as  
13 NG-911 is concerned.

14                   MR. CLEMONS: That's fine with the  
15 Petitioner, your Honor.

16                   MR. ORTLIEB: I'd ask two weeks from once  
17 we know where the issues are, two weeks from that  
18 point.

19                   MR. HARVEY: I'm kind of inclined to agree  
20 with AT&T. It seems like we ought to know what our  
21 goal is before we start putting a deadline on it.

22                   JUDGE ALBERS: Two weeks today at least is  
23 May 7th. Two weeks from Friday is the 9th. Split the  
24 difference and have initial briefs due on May 8th and

1 then replies on May 15th.

2 MR. HARVEY: Sure, your Honor, as far as  
3 Staff is concerned.

4 MR. ORTLIEB: Okay. I want to make  
5 sure --

6 JUDGE ALBERS: I would think after that I  
7 will be able to get a proposed order out pretty quick.  
8 So all right. Then any briefs you send me and the  
9 proposed order as well, please send me a Word version  
10 of those documents.

11 MR. HIRD: Yes.

12 JUDGE ALBERS: Okay. All right. Anything  
13 else for today then?

14 MR. HARVEY: Nothing from Staff, your  
15 Honor.

16 JUDGE ALBERS: Well, just so the record is  
17 clear, with regard to the motion that AT&T filed  
18 yesterday, I will go ahead and officially grant that  
19 motion concerning Exhibit 2, and I will continue this  
20 matter generally pending the receipt of revised public  
21 versions of MN4A, 4B, and 4C. So thank you everyone.

22 (WHEREUPON, the hearing was  
23 continued generally.)

24