

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter:)
)
The Petition of MCImetro Access) Docket No:
Transmission Services LLC, d/b/a) 09-2430-01
Verizon Access Transmission)
Services and MCI Communications)
Services, Inc., d/b/a Verizon)
Business Services, For a Waiver)
Of Regulatory Requirements to)
File Price Lists For Services to)
Enterprise and Large Business)
Customers, and to Permit)
Deviation From the Rule)
Requiring Paper Billing For)
Customers Who Want Electronic)
Bills in Lieu of Paper Bills.)

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
160 East 300 South, Fourth Floor
Salt Lake City, Utah

DATE: June 4, 2009

TIME: 1:33 p.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

(June 4, 2009 - Verizon 09-2430-01)

1 APPEARANCES

2 For Verizon:

3 WILLIAM J. EVANS, ESQ.
4 PARSONS, BEHLE & LATIMER
5 One Utah Center
6 201 South Main Street, Suite 1800
7 Salt Lake City, Utah 84111
8 (801) 532-1234
9 (801) 536-6111 (fax)

10 For the Division:

11 MICHAEL L. GINSBERG, ESQ.
12 OFFICE OF THE ATTORNEY GENERAL
13 Heber Wells Building
14 160 East 300 South, Fifth Floor
15 Post Office Box 140857
16 Salt Lake City, Utah 84114-0857
17 (801) 366-0353
18 (801) 366-0352 (fax)

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20 WITNESSES

21 Name	Page
22 Casey Coleman	5
23 Don Price	9

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P R O C E E D I N G S

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THE COURT: We are on the record. This is Docket No. 09-2430-01. In the Matter of the Petition of MCImetro Access Transmission, d/b/a Verizon, For Waiver of Requirements to File Price Lists For Services For Enterprise and Large Business Customers, and to Permit E-Bills in Lieu of Paper Bills.

And with that let's take appearances, please, beginning with the Division.

MR. GINSBERG: Michael Ginsberg for the Division of Public Utilities. And with me today is Casey Coleman, who is the Division person who provided the recommendations.

THE COURT: All right, thank you.

Mr. Evans?

MR. EVANS: I am William Evans of the law firm Parsons, Behle & Latimer. Local counsel for MCImetro Access Transmission, d/b/a Verizon Access Transmission Services and MCI Communications Services, Inc., d/b/a Verizon Business Services.

We can probably condense all that into the term "Verizon" for today.

THE COURT: Okay, thank you.

And with that then let's -- we did -- the

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1 Commission did receive the Division's recommendation
2 today, and the direct testimony of Don Price for
3 Verizon. And so we'll take administrative notice of
4 that, together with all the other testimony and
5 pleadings that have been filed to date in the docket.

6 And with that, we can begin with the
7 Division. Or would you like to begin with Verizon?

8 MR. GINSBERG: We could either begin with
9 Mr. Coleman to talk about, you know, the two
10 recommendations. Or -- I, I think they're relatively
11 clear. Maybe I could just ask the --

12 THE COURT: You can, yeah --

13 MR. GINSBERG: -- Verizon witness some
14 questions, and.

15 THE COURT: Let me just -- can I swear you
16 in, Mr. Coleman? Just tell us the two recommendations
17 that you have.

18 (The witness was sworn.)

19 THE COURT: All right, thank you.

20 And do you want to just ask him about the two
21 recommendations?

22 MR. EVANS: Maybe I should do the
23 preliminaries on him? Are you asking Mr. Coleman or
24 Mr. Price?

25 THE COURT: Mr. Coleman. Sorry, I guess I'd

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1 like Mr. Coleman just to talk about his two
2 suggestions.

3 MR. GINSBERG: Okay.

4 Go ahead.

5 MR. COLEMAN: Okay. With this docket what we
6 did as a Division, obviously we got the information
7 that was received from Verizon.

8 And we were able to go to the service guide,
9 which is on line, just to look at it and get a sense
10 of what they're doing for companies who -- sorry, for
11 states who were not serving in Utah, or they already
12 had some flexibility as far as requirements. And also
13 for states similar to Utah where that flexibility
14 wasn't granted.

15 As we did that research, you know, we saw
16 that the Web site is pretty informative. Does give
17 the information that it needs. But there were a
18 couple additional requirements that we thought would
19 make sense just to have here with the Commission on
20 top of what was with the service guide.

21 And those were some things that we were aware
22 of. One was the fact that they're asking for the
23 waiver of a hard copy bill to be provided. And we're
24 in agreement with that, but we thought it might make
25 sense to allow the companies to decide if they wanted

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1 to opt out of not getting an electronic bill and still
2 have the option to have a paper bill.

3 Although we don't see many companies using
4 that, we thought it would make sense to still have
5 that as an option if a company would chose to do that.

6 And then the other thing was just to have --
7 and our premise or understanding from what we read was
8 there may not be anything that would be filed with the
9 Commission here.

10 And although we're fine with what's on the
11 service guide and what's, what's there, we thought it
12 would still make some sense just to give a preliminary
13 understanding of what a definition of an enterprise
14 customer and/or a large business customer may be, and
15 what services could be found on the service guide.

16 Just so that we could be able to clarify, if
17 we had any telecommunications companies that were
18 asking, we would know which may be applicable to which
19 tariff. And then, you know, also just the internet
20 web address where the price -- prices and other
21 information could be listed.

22 And so those were some requirements we
23 thought that, while granting the petitions as, as they
24 were asked, the Commission may want to consider in
25 imposing with them as well.

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1 THE COURT: All right. Do you have any
2 questions for him, Mr. Evans?

3 MR. EVANS: I don't think so. Mr. Ginsberg
4 and I have had a short discussion about what the
5 surrogate price list filing at the Utah Commission
6 might look like. You know, we still have to work that
7 out. What kind of information would be on file here
8 directing customers to the online guide.

9 And -- but I think it's fairly clear that
10 that would be very abbreviated. Just enough to let
11 customers know where -- how to find the guide, and
12 which customers ought to be selecting services from
13 the online guide.

14 MR. GINSBERG: It was unclear to me, you
15 know, when I looked at the guide and -- exactly how
16 you would know whether you're an enterprise customer
17 or a large business customer.

18 That you would be buying services out of, out
19 of these tariffs as opposed to what they call the mass
20 market business customer tariff. Which I, I don't
21 remember what price list number that is.

22 But that one will still be -- the complete
23 price list will still be on file with the Commission.
24 So, I mean, someone -- which may be unlikely -- who
25 would come in here and want to look at it, they

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1 wouldn't know -- I don't, I don't think it's easy to
2 tell exactly where, where you fall.

3 And it seems to me that whatever is on file
4 here should explain that you're buying on a -- out of
5 this product, and these are the serves you can buy,
6 and here's where you go to find out what the rates and
7 terms and conditions are.

8 THE COURT: Yeah. Um, did you want to have
9 Mr. Price testify about that, or did you want to --
10 how do you want to resolve that concern?

11 MR. GINSBERG: I think, one -- he -- if he
12 has comments on it I'd certainly like to hear them.
13 And, you know, maybe he could define a little bit
14 about --

15 THE COURT: Mr. Price, did you, did you hear
16 the recommendations by the Division?

17 MR. PRICE: Yes, I did.

18 THE COURT: Would you like to make comments
19 regarding those?

20 MR. PRICE: Yes, I do.

21 THE COURT: Let me --

22 MR. PRICE: Your Honor, just to be clear --

23 THE COURT: Let me swear you in real quick,
24 Mr. Price.

25 MR. PRICE: All right.

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1 (The witness was sworn.)

2 THE COURT: All right, thank you. Go ahead.

3 MR. PRICE: All right. Yes, I did hear the,
4 the comments. And I appreciate the, the
5 thoughtfulness that was, that was given into this
6 issue.

7 I think the, the easiest way to explain the
8 distinction between customers that would be subject to
9 the guide and those that would not is that any
10 customer that is subject to the guide is a customer
11 that we have a written contract with.

12 And, and I think that's, that's, that's a
13 very important fact for the Commission to take into
14 account here. These are, you know, we've described
15 them as large enterprise customers.

16 And I realize that may not be a very
17 definitive term, but by, by nature -- by the nature of
18 these customers -- the kinds of services that they
19 utilize and the nature of their operations, they are
20 customers with whom we have a contractual
21 relationship.

22 And that contract actually specifies that in
23 the event that the tariffs are withdrawn in a given
24 state, that the guide then becomes the operating,
25 operating document that contains the prices, terms,

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1 and conditions for the services that the company
2 offers to those customers.

3 THE COURT: Did that answer your questions?

4 MR. GINSBERG: I think it answers the
5 question about --

6 Do you have any problems with the two
7 recommendations?

8 MR. PRICE: No. I believe they -- the way
9 that Counsel stated it is certainly our position. In
10 other words, there may be some details that we need to
11 work out in order to make sure that we do this in a
12 way that is, that is -- that everyone's, you know, on
13 board with.

14 But in terms of principle, no. We're, we're
15 certainly in agreement with the, the clarifications
16 that, that have been m -- suggested.

17 MR. GINSBERG: So maybe the easiest way to do
18 it would be just to -- them to put together something
19 that they would intend to have on file here. And
20 we'll look at it. And if we have any problems with it
21 we can work it out with them.

22 THE COURT: Okay.

23 MR. GINSBERG: And then submit it.

24 THE COURT: And then what about the issue
25 regarding allowing customers to receive a hard copy?

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1 MR. PRICE: Yes, I, I did want to comment on
2 that as well. The, the short answer is most of our
3 customers -- particularly that I've described, the
4 large enterprise customers -- don't have any desire to
5 handle paper bills.

6 But we can take care of that. In other
7 words, the, the contract with the customer will
8 specify that indeed they, they do desire the paper
9 bill. And I think that that satisfies the concern
10 that the staff has, which is if they want a paper bill
11 they can, they can make that desire known.

12 But by contracting around that I think we,
13 we've taken care of the issue.

14 THE COURT: Okay. Any other testimony you'd
15 like to provide, Mr. Coleman, or -- for the Division?

16 MR. GINSBERG: No.

17 THE COURT: Mr. Evans, any testimony you
18 would like Mr. Price to provide?

19 MR. EVANS: Not if the other questions have
20 been answered and the Division and you are satisfied.

21 THE COURT: Yeah, I think -- we've taken
22 administrative notice of what's been filed. I think
23 that's all we need.

24 The Commission did plan for public witness
25 testimony till 2:30. At this point I guess there's no

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1 sense in converting to informal since we have the
2 hearing.

3 But what we'll do is we'll recess -- I don't
4 foresee anybody coming in. We'll recess until 2:30.
5 And I'll come back on the stand at about 2:30 if
6 nobody --

7 MR. GINSBERG: If anyone's here at 2:00 we'll
8 come and get you.

9 THE COURT: Yeah.

10 MR. EVANS: Yeah. I think it's scheduled for
11 two. I wonder if we might let Mr. Price drop off.
12 And then --

13 THE COURT: Yeah, that's fine.

14 MR. EVANS: -- if witnesses come in and we
15 need to contact him we could call him back up if we
16 need further clarification based on what we hear then.

17 THE COURT: Yeah, we can do that.

18 MR. EVANS: Okay.

19 THE COURT: So you're, you're free to go,
20 Mr. Price. Thank you.

21 MR. PRICE: Thank you, your Honor.

22 THE COURT: Then we'll go ahead and recess
23 until about 2, 2:00. If anybody comes in, the
24 secretaries will call me. If not, at 2:30 I'll just
25 enter a recommendation that these waivers be approved

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1 by the Commission.

2 MR. EVANS: Thank you very much.

3 MR. GINSBERG: Okay, thanks.

4 (A recess was taken from 1:44 to 2:32 p.m.)

5 THE COURT: We're back on the record. The
6 Commission will note that no public witnesses
7 appeared, therefore this matter is concluded. And
8 I'll make a recommendation to the Commission. Thanks.

9 (The hearing was concluded at 2:32 p.m.)

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C E R T I F I C A T E

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 13, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

SIGNED ON THIS 9th DAY OF June, 2009.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

