

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Joint
Application of AT&T
Communications of the Mountain
States, Inc., and AT&T Corp.
for Certificate of Public
Convenience and Necessity as a
Competitive Local Exchange
Carrier, and for Informal
Adjudication of Merger

Docket No. 12-087-01

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HEARING PROCEEDINGS  
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TAKEN AT: Public Service Commission
Hearing Room 451
160 East 300 South
Salt Lake City, Utah

DATE: Thursday, October 4, 2012

TIME: 9:03 a.m.

REPORTED BY: Scott M. Knight, RPR

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APPEARANCES

ADMINISTRATIVE LAW JUDGE: MELANIE A. REIF

FOR DIVISION OF PUBLIC UTILITIES:

JUSTIN C. JETTER, ESQ.,

ASSISTANT ATTORNEY GENERAL

160 East 300 South, Fifth Floor

Salt Lake City, Utah 84114

FOR AT&T SERVICES, INC.:

ROGER MOFFITT, ESQ.,

(Appearing via telephone)

AT&T SERVICES, INC.

645 East Plumb Lane, Room B132

Reno, Nevada 89502

ALSO PRESENT:

Sharon Mullin (Director--Regulatory, AT&T Services, Inc.,

appearing via telephone)

Janice Ono (AT&T Docket Manager, appearing via telephone)

Ron Slusher (Technical Consultant, Utah Department of Public
Utilities)

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EXHIBITS

| Number | Description | Page |
|--------|---|------|
| 1 | Letter from Janice Ono to Trixie Behr, July 26, 2012, with attached copies of Joint Application for CPCN as a CLEC and for Informal Adjudication of Merger | 7 |
| 2 | Letter from Roger Moffitt to Trixie Behr, September 28, 2012, with attached indemnity bond | 7 |

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Hearing Proceedings

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PROCEEDINGS

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THE COURT: Let's be on the record. Good

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morning. I'm Melanie Reif, administrative law judge with the

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Public Service Commission. And this morning we're hearing

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Docket No. 12-087-01. This matter is entitled In the Matter of

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the Joint Application of AT&T Communications of the Mountain

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States, Inc., and AT&T Corp. for Certificate of Public

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Convenience and Necessity as a Competitive Local Exchange

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Carrier, and for Informal Adjudication of Merger.

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Specifically, this matter has been noticed for

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hearing regarding the merger part of the application, so that's

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what we are hearing this morning.

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And let's start by taking appearances. Mr. Moffitt,

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please.

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MR. MOFFITT: Yes. My name is Roger Moffitt.

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I'm general attorney with AT&T Services, Inc. I represent both

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of the entities involved in the merger here.

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Also on is Sharon Mullin, who is our director of

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regulatory operations for Utah; as well as Janice Ono, who is

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the area manager, docket manager for Utah, for AT&T as well.

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THE COURT: Okay. Thank you, Mr. Moffitt.

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MR. JETTER: And Justin Jetter with the Attorney

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General's office. I represent the Division of Public Utilities.

1 And with me is Ron Slusher, a technical consultant for the
2 Division of Public Utilities.

3 THE COURT: Thank you, Mr. Jetter.

4 Mr. Moffitt, I'll let you proceed first this morning.
5 Will you be calling a witness in this matter?

6 MR. MOFFITT: Unless you need, I don't think we
7 intended to offer any additional information. We provided
8 verified information in our application that we think address all
9 of the issues that should be addressed. This is essentially an
10 internal reorganization that occasioned because of the fact, of
11 course, because regulatory requirements for keeping separate
12 entities of--are largely disappearing. As a result, AT&T is taking
13 to kind of consolidate its entities in more sensible kind of
14 format, and that's what this is part of. There will be more of
15 these down the line. We just filed another one recently. So
16 these are just internal reorganizations.

17 THE COURT: Okay. Thank you very much.

18 Are there any questions for Mr. Moffitt or any of his
19 clients who are on the line?

20 MR. JETTER: No. No, we don't have any question.

21 THE COURT: Okay. Thank you. Mr. Moffitt, was
22 there anything else that you wanted to add regarding your
23 application?

24 MR. MOFFITT: No, except that we did last week,
25 upon further consideration, decide that we would be--because

1 of the fact that we would be taking deposit--customer deposits,
2 we felt we needed to obtain a bond, as required by Utah law.
3 We've obtained that bond, and we sent a copy of that bond
4 certificate in this docket last week. We understand that's been
5 received. I want to make sure you had that in your materials.

6 THE COURT: I do--

7 MR. MOFFITT: That would also be part of our
8 application.

9 THE COURT: Yes, I do have that. And it was
10 received by the Commission on the 1st of October.

11 MR. MOFFITT: We have nothing further, then,
12 beyond what we've already submitted.

13 THE COURT: Okay. And would you like to move
14 for admission of the application and subsequent filing that you
15 just referred to?

16 MR. MOFFITT: Yes, Hearing Officer, we would.
17 Thank you.

18 THE COURT: Okay. Any objection?

19 MR. JETTER: No.

20 THE COURT: Okay. Mr. Moffitt, your application
21 and--let's go ahead and--we'll admit the application as AT&T
22 Exhibit 1. And the subsequent communication that you referred
23 to that was filed on October 1st will be admitted as AT&T Exhibit
24 No. 2.

25 Exhibits-1thru2 Admitted

1 MR. MOFFITT: Thank you, Hearing Officer.

2 THE COURT: You're welcome.

3 Mr. Jetter, would you--would you like to present
4 anything on behalf of the Division?

5 MR. JETTER: You know, I think I can just--just
6 state that--for the record that the Division has reviewed the
7 application and the additional amendment and believes that it
8 would be in the public interest to approve the merger.

9 THE COURT: Okay. Anything further?

10 MR. JETTER: No. I think that's all. Thank you.

11 THE COURT: All right. Is there any objection to
12 the application that's pending before the Commission today?

13 Hearing no objection, pursuant to Rule 746-349-7,
14 the application is approved, given that no objection has been
15 made. This hearing is adjourned and an order will be
16 forthcoming.

17 Mr. Moffitt, just for your clarification, I anticipate
18 that this order will include the entire application. As we
19 discussed before we went on the record, this particular hearing
20 is required on the merger portion, so if there's anything
21 different, you'll--you'll learn that shortly.

22 MR. MOFFITT: Thank you.

23 THE COURT: Thank you.

24 MR. MOFFITT: When do you suspect that an order
25 might be forthcoming?

1 THE COURT: I don't have an exact date for you,
2 but I would imagine within probably the next--it depends in part
3 on when we get the transcript and--and when the Division--or
4 excuse me--when the Commission has an opportunity to review
5 that. But I would imagine in the next couple of weeks or so, if
6 not sooner.

7 MR. MOFFITT: The reason I ask is that they're
8 hoping to close this by the end of the month, and we were a
9 little concerned, if we could, to try to expedite this--

10 THE COURT: Okay.

11 MR. MOFFITT: --if possible.

12 THE COURT: Okay. And was an expedited request
13 made in the application?

14 MR. MOFFITT: No, but we filed back in June.
15 That's why we were kind of concerned about--about trying to
16 move it along, if we could. We understand that the Commission
17 has to go through the process that they have to, but we were
18 just a little anxious.

19 THE COURT: Okay. Well, we'll see what we can
20 do. I can't commit until there are a number of things that we
21 have resolved--getting the transcript and such--and the
22 Commission has--has to review that. So we'll strive to meet
23 your--your--
24 your deadline. And--and that's all I can say at this point.

25 MR. MOFFITT: Thank you, Hearing Officer.

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THE COURT: Okay. Thank you, everyone, for joining us. And we'll be adjourned. Have a good day.
(Proceedings adjourned at 9:10 a.m.)

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CERTIFICATE

This is to certify that the foregoing proceedings were taken before me, SCOTT M. KNIGHT, a Registered Professional Reporter and Notary Public in and for the State of Utah, residing at South Jordan, 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, 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.

Scott M. Knight, RPR
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