

1 lw-18

2 FCC. It may be thousands of pages, I don't know if it will  
3 be 4,000, or 2,000, or 6,000, but it will be mostly  
4 paperwork that the Commission has already looked at,  
5 interconnection agreements, arbitration decisions, the  
6 statement of terms and conditions.

7 It is significant to note, and I think Mr.  
8 Moon admits this, there is no authority that allows the  
9 Commission to extend the 90 day period. But he says you  
10 can't order it, but then he turns around and the description  
11 he gave of what he wants you to do is essentially an order.  
12 He says you can't do it unless you give us at least 90 days  
13 advanced notice. I don't see the difference between that  
14 and an order.

15 We will file, and I guess this may be the  
16 docket to do it in, 97-64, we will file a copy of the  
17 application, the 271 application, in this docket if that's  
18 what the Commission desires so that it will be available to  
19 other parties to look at. I cannot - - I am certainly not  
20 authorized to say that we will file that 90 days in advance,  
21 or nine days in advance, or three days in advance. But we  
22 will provide a copy of it before it is filed at the FCC,  
23 even if it is just one day.

24 When you boil this thing down to its essence,  
25 this motion is just another delay tactic designed to prevent  
or stall competition. It is no different than the similar

1 lw-19

2 delay tactics and delay arguments that were made in the  
3 97-20 case on January 29th and which will probably be  
4 repeated again this afternoon. Those delay tactics were  
5 rejected by this Court on January 29th, and this one should  
6 be rejected as well. Thank you.

7 THE COURT: Okay. Thank you, sir.

8 Mr. Fite, any final comments?

9 MR. FITE: I just have a couple. I'm not  
10 going to address obviously all of the issues. But I would  
11 state that Mr. Toppins' last comment about laying the  
12 document on people perhaps one day prior to the filing is  
13 exactly why we are here today, it is to avoid that type of  
14 activity where people do not have proper notice.

15 The parties, if they agree, can set a  
16 procedural schedule today. That point was not addressed by  
17 Mr. Toppins. I do not know what their position is as to  
18 whether or not they would be willing to try to work out a  
19 procedural agreement today, but we certainly could do it by  
20 agreement.

21 THE COURT: Okay. Thank you, sir.

22 Take a short recess. And close the record.

23 (Whereupon, a brief recess was had, after  
24 which the following occurred:)

25 THE COURT: Okay. Let's go back on the  
record, please.

2 I have read the pleadings that both parties  
3 filed in this matter and listened to the arguments this  
4 morning. I don't find this - - I do find this different  
5 from extending a time limit on an arbitration. The  
6 arbitration law regarding arbitration is specific. This  
7 request for advance notice is akin to the notice of filing  
8 requirements by the OCC for rate hearings, i.e., minimum  
9 filing requirements, et cetera. The statute sets time  
10 frames for processing a rate case, but the OCC has placed  
11 rules in effect that provides the OCC with advance  
12 information that allows for the orderly review and  
13 processing of the case. The same principle should apply  
14 here. Advance requirements to an applicant or for an  
15 applicant in a complicated proceeding is nothing unusual,  
16 so, therefore, I recommend the motion.

17 I also take notice of the fact that there was  
18 an oral request this morning for a procedural schedule. I'm  
19 going to take that as an oral motion that was presented at  
20 the time of the hearing this morning. The record was  
21 opened, and, therefore, I can take notice of it. I'm going  
22 to request the parties take a short recess and see if you  
23 can come to an agreement on a procedural schedule. If you  
24 can't, then I will set dates on the matter.

25 MR. GRAY: Your Honor, I might point out to  
you that right now we have some USF stuff going upstairs and

1 lw-21

2 we all need to get up there. That is really going to hamper  
3 that effort.

4 THE COURT: Okay. I'll give you five minutes  
5 to set a procedural schedule.

6 MR. TOPPINS: Your Honor, the granting of  
7 that motion essentially - - has a tremendous effect - -

8 THE COURT: It is interconnected to 97-20.

9 MR. TOPPINS: Huh?

10 THE COURT: It is interconnected with 97-20.

11 MR. TOPPINS: Well, it does, because if your  
12 ruling in 97-20 were upheld, we would be permitted to file a  
13 271 application as soon as we get the order. Now we are  
14 being faced with waiting out an additional 90 days.

15 May I take an oral appeal and have that heard  
16 this afternoon as well?

17 THE COURT: Yes, sir.

18 If you remember the ruling I made on 97-20,  
19 the statement you just made is not necessarily consistent  
20 with the ruling I made. I mean I understand what the  
21 parties are going to argue, you argued it already before me.  
22 I disregarded most of those arguments. I don't think that's  
23 consistent with what I did this morning.

24 MR. TOPPINS: Well, it is our position that  
25 if a statement of terms and conditions is permitted to go  
into effect, we can file under 271.

1 lw-22

2 THE COURT: On an interim basis.

3 MR. TOPPINS: On an interim basis.

4 THE COURT: Right.

5 MR. TOPPINS: We can file a 271.

6 THE COURT: Right. But that is not why I  
7 granted the 97-20. Okay?

8 MR. TOPPINS: Okay.

9 THE COURT: Okay. Let's take a short recess.  
10 I understand you need to go upstairs. Go out and look at  
11 the calender, please, and see if you can come up with a date  
12 that we can back up from. If not, then I will choose a  
13 date.

14 (Whereupon, a brief recess was had, after  
15 which the following occurred:)

16 THE COURT: Let's go back on the record,  
17 please, in 97-64. In an off-the-record discussion, rather  
18 than take up the question of whether a procedural schedule  
19 is properly before us or not, after discussing it with the  
20 Counsel what I'm going to do is recommend that the parties  
21 reach an agreement on a procedural schedule by close of  
22 business tomorrow afternoon or a request that a motion be  
23 filed for a procedural schedule if the parties do not agree  
24 by close of business tomorrow. And then such motion, if the  
25 parties can't agree, we can set at any time next week. But  
go ahead and notice it for next Thursday, and we can advance

1 lw-23

2 it by agreement of the parties if you decide there's a  
3 better time.

4 Mr. Gray.

5 MR. GRAY: Your Honor, I might recommend that  
6 as far as the motion being heard any time next week instead  
7 of Thursday, I may not be here. It might be easier to set  
8 it on Wednesday and then continue it over to Thursday.

9 THE COURT: You are not going to be here  
10 Thursday. Is Wednesday okay with everybody?

11 Okay. We'll set it Wednesday morning at  
12 8:30.

13 MR. FITE: Your Honor, can we just assume  
14 that if an agreement is not reach that we would be here  
15 Wednesday at 8:30 so we don't have to file a formal motion  
16 at 4:00 tomorrow afternoon? Will you accept an oral  
17 request?

18 THE COURT: No. There is a question in the  
19 rules. In a quick perusal of the rules, there is a question  
20 whether we can have oral motions or not. And rather than  
21 argue that issue, I decided I would just do this instead.  
22 If you come to an agreement - - Or, AT&T, why don't you file  
23 a motion for a procedural schedule and set it for next  
24 Wednesday at 8:30.

25 Okay? Close the record.

(Whereupon, the record was closed.)

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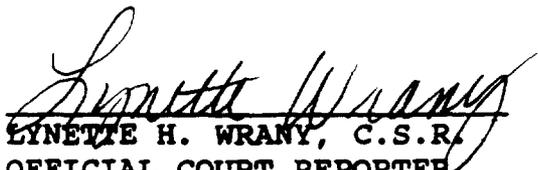
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2 COUNTY OF OKLAHOMA )  
3 ) ss.  
4 STATE OF OKLAHOMA )  
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8 REPORTER'S CERTIFICATE

9 I, LYNETTE H. WRANY, Official Court Reporter within and  
10 for the Corporation Commission of the State of Oklahoma, do  
11 hereby certify that the above and foregoing is a true and  
12 complete transcript of the record made before the  
13 Corporation Commission of the State of Oklahoma in Cause  
14 Number PUD 97-64, heard on the 13th day of February, 1997.

15 IN WITNESS WHEREOF, I have hereunto set my hand and  
16 seal as such Official Court Reporter on this, the 20th day  
17 of February, 1997.  
18  
19  
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23  
24 Lynette H. Wrany  
Oklahoma Certified Shorthand Reporter  
Certificate No. 01167  
25 Exp. Date: December 31, 1998

  
LYNETTE H. WRANY, C.S.R.  
OFFICIAL COURT REPORTER  
OKLAHOMA CORPORATION COMMISSION



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BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA  
  
IN THE MATTER OF THE APPLICATION ) CAUSE PUD NO.  
OF SOUTHWESTERN BELL TELEPHONE ) 970000020  
COMPANY FOR APPROVAL OF A )  
STATEMENT OF GENERALLY AVAILABLE )  
TERMS AND CONDITIONS PURSUANT )  
THE TELECOMMUNICATIONS ACT )  
OF 1996. )

APPLICATION OF ERNEST G. JOHNSON, ) CAUSE PUD NO.  
DIRECTOR OF THE PUBLIC UTILITY ) 970000064  
DIVISION, OKLAHOMA CORPORATION )  
COMMISSION TO EXPLORE THE )  
REQUIREMENTS OF SECTION 271 OF )  
THE TELECOMMUNICATIONS ACT OF 1996. )

**FILED**  
FEB 20 1997

TRANSCRIPT OF PROCEEDINGS  
  
FEBRUARY 13, 1997

COURT CLERK'S OFFICE - OK  
CORPORATION COMMISSION  
OF OKLAHOMA

OFFICIAL REPORTER:  
  
LYNETTE H. WRANY, C.S.R.

2 APPEARANCES

3 JOHN GRAY, Assistant General Counsel, appeared on  
4 behalf of the Commission Staff.

5 MICKIE MOON, Assistant Attorney General, appeared on  
6 behalf of Attorney General Drew Edmondson.

7 JACK FITE, ED RUTAN and MICHELLE BORIANOFF, Attorneys  
8 at Law, appeared on behalf of AT&T Communications.

9 EDWARD J. CADIEUX and J. FRED GIST, Attorneys at Law,  
10 appeared on behalf of Brooks Fiber Communications of Tulsa  
11 and Brooks Fiber Communications of Oklahoma City.

12 NANCY THOMPSON, Attorney at Law, appeared on behalf of  
13 Sprint Communications Company, L.P.

14 ROGER TOPPINS, Attorney at Law, appeared on behalf of  
15 Southwestern Bell Telephone Company.

16 RONALD E. STAKEM, Attorney at Law, appeared on behalf  
17 of MCI.

18 STATEMENT OF CAUSE

19 This Cause PUD 970000020 AND 970000064 came on for  
20 hearing on the 13th day of February, 1997, before  
21 the Corporation Commission of the State of Oklahoma, for the  
22 purpose of hearing the appeal to the report of the ALJ.

23 The cause was called for hearing and the following  
24 proceedings were had:  
25

OFFICIAL REPORTER:

LYNETTE H. WRANY, C.S.R.

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2 P R O C E E D I N G S

3 CHAIRMAN GRAVES: Mr. Gray.

4 MR. GRAY: Thank you, Your Honors. Your  
5 Honors, before us this afternoon we have two matters. The  
6 first matter is 96-20 which is entitled, "In the Matter of  
7 the Application of Southwestern Bell Telephone Company for  
8 Approval of Statement of Generally Available Terms and  
9 Conditions Pursuant to Telecommunication Act of 1996."

10 CHAIRMAN GRAVES: Is that 96 or 97-20?

11 MR. GRAY: Excuse me?

12 CHAIRMAN GRAVES: Is it 97-20?

13 MR. GRAY: 97-20.

14 CHAIRMAN GRAVES: 97-20. Okay.

15 MR. GRAY: And the second cause we have  
16 before you is cause number 97-64, which is entitled,  
17 "Application of Ernest G. Johnson, Director of the Public  
18 Utility Division, Oklahoma Corporation Commission, to  
19 Explore the Requirements of Section 271 of the  
20 Telecommunications Act of 1996."

21 And, Your Honor, we have three matters before  
22 you. I have run this past the other parties, and I think  
23 the - - how we might want to proceed is, first of all, you  
24 have the issue of an appeal to the ALJ's ruling this morning  
25 on the Motion to Intervene by Brooks Fiber, then the other  
two matters you have are the matter that was originally set

lw-5

2 before this Commission, the appeal to the ALJ's  
3 recommendation allowing Bell's statement of terms and  
4 conditions to go into effect on an interim basis, and also  
5 then you have the motion filed by AT&T requesting that the  
6 Commission require Bell to give 90 day notice prior to  
7 filing with the FCC.

8 And how I would propose that we proceed would  
9 be first to address the Brooks appeal. And I believe Staff  
10 and Brooks are the only two parties that will be making  
11 arguments in that cause. And then I have a list here of the  
12 other attorneys who will be making statements that when each  
13 counsel stands up, he gives his full arguments regarding  
14 both causes. That will be the causes for the 90 days and  
15 the ALJ's recommendation to let the statement of terms and  
16 conditions go into effect.

17 CHAIRMAN GRAVES: Okay. And the AT&T motion  
18 to - - for time is in the 97-64 docket?

19 MR. GRAY: Yes, sir.

20 CHAIRMAN GRAVES: Okay. All right. Is that  
21 agreeable with the parties? Okay. Well, with that basis  
22 then we will pick up the - - allow the ALJ to - - Do you  
23 want to set the table, Mr. Goldfield? Do you have any  
24 comments on the Brooks intervention?

25 MR. GOLDFIELD: Yes, sir. Just a brief one  
on the intervention. I thought maybe they could argue that

1 lw-6

2 and then I will give you my decision on the other one.

3 CHAIRMAN GRAVES: If you have got - - I know  
4 you had other things on your docket, if you have got time to  
5 wait, that's how I would prefer to proceed.

6 MR. GOLDFIELD: This will be real short.

7 CHAIRMAN GRAVES: Okay.

8 MR. GOLDFIELD: The question this morning  
9 came on regarding the intervention of Brooks Fiber  
10 Communications of Oklahoma, Inc., and Brooks Fiber  
11 Communications of Tulsa, Inc., and Worldcom, Inc. I granted  
12 the intervention after hearing statements of Counsel, but I  
13 granted the intervention on the condition that it go forward  
14 from this day and not be allowed to take part in this  
15 appeal today since they were not at the hearing at the  
16 request for interim relief. And that's the whole question  
17 is whether they are going to be allowed to argue this  
18 afternoon.

19 CHAIRMAN GRAVES: And they wish to intervene  
20 in both items or just the 97-20?

21 MR. GOLDFIELD: The only question is 97-20.

22 CHAIRMAN GRAVES: 97-20. Okay. And why  
23 don't we take appearances and get everybody on the record  
24 who's appearing today.

25 MR. GRAY: John Gray on behalf of the  
Commission Staff.

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2 MR. MOON: Mickie Moon on behalf of the  
3 Attorney General.

4 MR. FITE: Jack Fite and Ed Rutan on behalf  
5 of AT&T Communications. We have provided to you a statement  
6 of practice.

7 CHAIRMAN GRAVES: Yes, sir.

8 MR. FITE: For Mr. Rutan.

9 MR. CADIEUX: Edward J. Cadieux and J. Fred  
10 Gist on behalf of Brooks Fiber Communications of Tulsa, Inc.  
11 and Brooks Fiber Communications of Oklahoma, Inc.

12 MS. THOMPSON: Nancy Thompson for Sprint  
13 Communications Company, L.P.

14 MR. TOPPINS: Roger Toppins for Southwestern  
15 Bell Telephone Company.

16 MR. STAKEM: Ronald E. Stakem for MCI  
17 Telecommunications Corporation.

18 MR. FITE: And, Mr. Chairman, I would also  
19 like to enter the appearance of Michelle Boriannoff for  
20 AT&T.

21 CHAIRMAN GRAVES: Okay. Mr. Cadieux, would  
22 you like to begin?

23 MR. CADIEUX: Yes, Your Honor. Thank you.

24 May it please the Commission, Brooks fully  
25 understands the general policy and the rationale for  
allowing the intervention of Brooks Fiber only on a

1 lw-8  
2 prospective basis, however, we would submit that there are  
3 some unique circumstances here which we would ask the  
4 Commission to take into account to allow us to also  
5 participate in the oral appeals that are before you today.

6 And one matter of clarification, we now as of  
7 this morning, as I understand, Brooks Fiber's motion to  
8 intervene orally in the 97-64 docket was granted. So prior  
9 to the time that the appeal was taken in the 97-64. So  
10 we're in a little bit of an awkward position of apparently  
11 having party status for the 97-64 docket not for the 97-20  
12 docket. And I'm just stating that so that it can be argued  
13 on a consolidated basis.

14 But our main interest here came up in  
15 reaction to the 97-20 docket. And the unique circumstances  
16 are that Brooks had no actual notice of the 97-20 docket or  
17 at the time it was filed had no actual notice of the hearing  
18 before the ALJ until late in the afternoon of the day of the  
19 hearing after it had occurred from some reports from - -  
20 Actually, I got a call from Washington, D.C. and that's how  
21 I first understood that there was a hearing.

22 CHAIRMAN GRAVES: Who says modern  
23 telecommunications isn't pervasive?

24 MR. GRAY: And, Your Honor, I might point out  
25 that this argument that Mr. Cadiuex is making right now was  
not argument made below either. I just checked with the

1w-9

2 Administrative Law Judge, notice was never at issue there.

3 CHAIRMAN GRAVES: I understand.

4 MR. CADIEUX: Your Honor, I believe we did  
5 say that we had no actual notice.

6 MR. GIST: I did. And it is in the motion.

7 MR. CADIEUX: Mr. Gist made the arguments  
8 below.

9 CHAIRMAN GRAVES: That's fine. We will just  
10 allow you to make your statement.

11 MR. CADIEUX: The other circumstances are  
12 that the Brooks interconnection agreement with Southwestern  
13 Bell is in part, as we understand it, a source document for  
14 the SGTC filing. So in effect an agreement that Brooks is a  
15 party to is a source of the filing in 97-20. Nevertheless,  
16 we did not receive notice of the filing and did not have  
17 notice of the hearing.

18 CHAIRMAN GRAVES: Well, let me ask. What is  
19 the interest of Brooks if you have already got an  
20 interconnection arrangement?

21 MR. CADIEUX: Well, and this would get more  
22 into the substance of the short argument that I would make  
23 in the 97-20 docket.

24 CHAIRMAN GRAVES: Well, then give me the  
25 brief version.

MR. CADIEUX: Okay. It is that if interim

1 lw-10  
2 relief is granted - -

3 CHAIRMAN GRAVES: Uh-huh.

4 MR. CADIEUX: - - and I think reasonable  
5 assumptions are made, then there will be a Southwestern Bell  
6 271 filing at the FCC probably 30 days sooner than what  
7 would otherwise be the case. That directly affects Brooks  
8 because Brooks fully expects to be a primary subject of the  
9 Commission's investigation which now is going to be in 97-64  
10 when the questions are asked has Southwestern Bell met the  
11 Track A requirements, does it have a carrier and  
12 interconnection agreement with a carrier that meets that  
13 Track A requirement - - those Track A requirements.

14 So to the extent you grant the interim relief  
15 and you accelerate that process, you are going to collapse  
16 and accelerate a process that's going to effect Brooks in  
17 terms of responding to data requests, potentially putting on  
18 our own witnesses or having people available for  
19 depositions. So it is more that that is the direct effect  
20 on Brooks if the interim relief is granted.

21 We have some - - Obviously we have general  
22 concerns and views about the proper interpretation of when  
23 Track B is available and not available. I will grant you  
24 that those views are probably similar to the views you will  
25 hear from AT&T, MCI and Sprint.

CHAIRMAN GRAVES: Okay. Okay.

1 lw-11

2 MR. CADIEUX: I will try to condense this  
3 down. One of the other unique circumstances, Brooks  
4 apparently was - - from the transcript was referred to  
5 liberally in the record below. And, obviously, we have not  
6 had an opportunity to make ourselves available to get the  
7 information directly from the source. And we believe that  
8 for that reason it would be fair to allow us to participate  
9 in the argument.

10 Our comments will be limited. I would intend  
11 to follow after AT&T, MCI and Sprint. I would expect after  
12 their comments that Brooks would be able to target its  
13 comments. I think we might have a little bit of different  
14 view, but generally I think our arguments would be somewhat  
15 in the same vein. But it will not unduly delay the  
16 process.

17 CHAIRMAN GRAVES: Okay. Does anybody else  
18 wish to be heard on this?

19 Mr. Gray.

20 MR. GRAY: Your Honor, while Staff has no  
21 objection to the party's intervention, we don't believe it  
22 is appropriate for them to intervene at this particular  
23 phase. As Your Honors will recall, I don't think you have  
24 ever had occasion at this Commission where the Commission  
25 Staff has stood up and protested an intervention where it  
wasn't appropriate. We believe here that in order to have

1 lw-12

2 an orderly process, we do a lot things at this Commission  
3 and they're precedential setting. And it has been the  
4 Commission's policy not to allow a party to intervene at  
5 this particular phase.

6 Your Honors will recall, talking about  
7 precedents, the OG&E rate case or, excuse me, the OG&E  
8 special contract with the Federal Prisoners Transfer System.  
9 That case went to the State Supreme Court and the State  
10 Supreme Court upheld this Commission on this very issue. So  
11 I believe the Commission has set out this policy.

12 Brooks Fiber makes the argument that they  
13 were mentioned in the transcript. Your Honors, the only  
14 reason why Brooks Fiber was mentioned in the transcript at  
15 the previous proceeding was the fact the question was  
16 whether or not Southwestern Bell could go under Track A or  
17 B. And the question was - - at that point was whether or  
18 not the Brooks Fiber agreement rose to the level  
19 contemplated by Track A under the 271.

20 So it was nothing substantive. It had no  
21 effect on Brooks Fiber at all. It was just whether or not  
22 they rose to that level, because that's a question that will  
23 ultimately have to be answered when the FCC looks at it to  
24 determine whether or not Southwestern Bell is available for  
25 Track A or Track B. So that was the only mention.

Your Honor, I will make this real brief. I

lw-13

2 believe the policy has been laid out by the Commission. I  
3 believe it is something that this Commission has followed.  
4 It is something that this Commission should continue to  
5 follow. We do things in one case that has effect in other  
6 cases. And the parties would - - I'm afraid that would be  
7 precedential setting and someone could try to raise their  
8 argument before. We welcome Brooks Fiber when the case on  
9 the merits is finally heard. And we would welcome anyone  
10 else, but we don't think it is appropriate for them to  
11 participate in the appeal today based on the policy that  
12 this Commission has laid down based on the Supreme Court  
13 decision that has previously been rendered by your State  
14 Supreme Court.

15 VICE CHAIRMAN ANTHONY: You would agree that  
16 they could make public comment if they wanted to?

17 MR. GRAY: I don't believe it has been this  
18 Commission's policy to allow public comments on appeals. On  
19 merits hearings this Commission has allowed public comments,  
20 but not on its appeals.

21 VICE CHAIRMAN ANTHONY: Oh, I think we have  
22 allowed public comment on anything that was a public utility  
23 case before the Commissioners. But my recollection may not  
24 be right.

25 CHAIRMAN GRAVES: Does anybody else wish to  
be heard on this?

1 lw-14

2 I have got a couple of concerns. One is that  
3 we try to be consistent with our previous actions where we  
4 don't want to open a door that allows people to  
5 intentionally lay behind the log and jump up and show up at  
6 appeals and cause problems. And I recognize the  
7 circumstances in this instance where there may not have been  
8 knowledge or actual knowledge and understanding of what is  
9 going on, regardless of whether there was notice given, or  
10 should have been given, or should have been received.

11 I also know that most of the arguments that  
12 we are about to hear are more of a policy nature than a  
13 fact-based kind of argument. And I'm not - - At this point  
14 I would be inclined to allow Brooks to participate only on  
15 the limited basis of explaining their interpretation of the  
16 Act, the Federal Act, and its impact on us.

17 I would not be inclined to allow them to talk  
18 in any specific terms about their particular interconnection  
19 arrangement and how it might fit into this situation because  
20 that was not available below, it was not presented below.

21 To the extent that it approaches something  
22 like Commissioner Anthony indicated when he said public  
23 comment of a broad policy-type nature, I think that's  
24 appropriate and it might be helpful for us to have their  
25 thoughts on that. But because there was not an actual  
involvement below, I'm inclined to sort of limit the

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2 participation at this point. And I don't know if that would  
3 be agreeable with my colleagues to go on that sort of a  
4 line. Is that reasonable?

5 VICE CHAIRMAN ANTHONY: That sounds like a  
6 middle-ground approach.

7 CHAIRMAN GRAVES: Okay.

8 COMMISSIONER APPLE: I think so. But I do  
9 want to emphasize, I think as we get into areas of heavy  
10 scheduling and complexities, some adherence to the policy  
11 heretofore and the rules of the road should be understood as  
12 much ahead of time as possible.

13 CHAIRMAN GRAVES: I agree.

14 COMMISSIONER APPLE: But we try to give as  
15 much latitude as we can. But still, I think others can help  
16 solve their own problems by timeliness. So with that little  
17 admonition.

18 CHAIRMAN GRAVES: Okay. So with that  
19 understanding, we will allow a limited participation,  
20 limited only to a policy-type discussion.

21 Now is there any particular order that you  
22 all - - I guess we need to let Mr. Goldfield give us his  
23 reasoning. And then let me ask at this point is there any  
24 particular order that the parties would like to proceed? I  
25 presume everybody but Southwestern Bell is upset with the  
ALJ's ruling?

1 lw-16

2 MR. TOPPINS: He made one this morning that  
3 we are not real happy with.

4 CHAIRMAN GRAVES: Well, I'm talking now  
5 97-20.

6 COMMISSIONER APPLE: Is everybody unhappy  
7 then? Let's get that - -

8 CHAIRMAN GRAVES: Well, now if everybody is  
9 unhappy, I'm inclined to automatically approve Mr. Goldfield  
10 because that's where he ought to be.

11 MR. TOPPINS: I suppose in the whole grand  
12 scheme of things Southwestern Bell is the main movant. Or  
13 none of us would be here if we hadn't filed our initial  
14 application. So I don't mind going first.

15 CHAIRMAN GRAVES: All right. Okay. Is there  
16 any objection to that? Letting Bell set the table and  
17 everybody else can pick at it?

18 Okay. Mr. Goldfield, why don't you go ahead  
19 and share with us your decisions.

20 MR. GOLDFIELD: If it please the  
21 Commissioners, I'm going to repeat the decision that I gave  
22 in this cause. I think if you got the transcript, you  
23 probably all have read and I don't have anything additional  
24 to add to it.

25 I reviewed all the briefs that were filed in  
this cause very carefully, reviewed the case law that was