Now - - And then Mr. Stakem makes the argument that there are questions about the merits, you know, you should dismiss it if there are some questions about the merits. And I don't believe that this Court has got to the point where making a decision as to whether there is some concern when we get to the merits, I don't believe that's a legitimate argument.

Now the question then becomes where does Staff lie. When we originally had the arguments, Staff had not had an opportunity to fully evaluate the appendixes and had not had an opportunity to fully form a position. We stated during that proceeding that we needed additional time to do that. Well, during that time we have gone back and looked at the proceeding. We have gone through the appendixes with Southwestern Bell, we have gone through with AT&T and it is our position that for a 271, no. But for a 252, there is legitimate reason. We believe that it should be allowed to go into effect under 252.

Now some people say you can't look at it in a vacuum. But, Your Honors, it is there. You can almost look at it as a loophole. There's 252 and 271. And we believe that under 271 - - excuse me - - under 252 that it should be allowed to go into effect. However, keep in mind that this Commission Staff reserves the right, much as the law says, to review it.

CHAIRMAN GRAVES: So, Mr. Gray, are you saying that in the hearing on the merits under 97-20 the Staff to the extent they participate would be supportive of Southwestern Bell's seeking approval of these statements of general conditions?

MR. GRAY: No, Your Honor. I want to make sure - - We are stating no opposition to it going into - -

CHAIRMAN GRAVES: No opposition. All right.

MR. GRAY: No opposition to it going into effect. And when the time comes - -

CHAIRMAN GRAVES: And that will be the position at the hearing on the merits?

MR. GRAY: We're not sure yet, Your Honor, because we have not gotten a comfort level yet with all the documents. Now we have gone through that, but we have not created that comfort level yet. So we would state no opposition yet. We do not want our non-opposition to be seen in any way as saying that we approve of it.

CHAIRMAN GRAVES: Okay. Mr. Stakem.

MR. STAKEM: I know that it is unusual, and if I'm out of order, I'm sure that somebody will tell me that and I'll abide by it. I am simply amazingly confused at the representation of the Staff's position.

To say that for 271 purposes they're opposed

to it, no, I think is what he said, 271 purposes, no, but for 252 it should be allowed to go into effect, the allowing it, the permitting it to go into effect has only one effect, and that's to trigger 271.

This statement - - Now Counsel may not agree with me, but that's what the law says. And if he doesn't want it to go into effect for 271, I would like some explanation on the record of how he believes that's going to occur. How can that be?

CHAIRMAN GRAVES: Well, we can get into a relative discussion of the merits, I guess, and the underlying hearing on the merits. I mean, I think that the language is, as, I think, Mr. Stakem has indicated, is perhaps not artfully drafted, the statute, and that there are ranges of interpretations as to what can happen. I can understand the argument being made that you can allow a statement of conditions to go into effect and to then turn around and argue that they are not sufficient for rising to the level of competition being present to qualify under 271. It does allow you to ask for approval under 271. It does not guaranty that you get it or that you can't then turn around and say regardless of what they have got in their general statement of condition, they're not sufficient to meet the requirements.

MR. STAKEM: There is a second fallacy in

this notion about dismissal and what. The merits determination goes not just to 271. It goes to 252. The notion that a merits determination was a 271 issue and not a 252 issue is nonsense. The statute - - It is 252 that has the prohibition that it can't be approved on the merits without compliance with 251 and the rest of the provisions.

CHAIRMAN GRAVES: And what Mr. Gray said today is that Staff doesn't have a problem with it being offered and going into effect, but they haven't stated a position as to whether or not they approve of it. At the hearing on the merits they could stand up and say we don't think it ought to be approved, per se. And, as I understand it, they have that right. I mean, the agency still has the right to disapprove it at any point. I mean, is that a reasonable understanding of the statute?

MR. STAKEM: Yes, sir.

CHAIRMAN GRAVES: Okay.

MS. THOMPSON: Your Honor, but I think one of the points Mr. Stakem was trying to make is that for Staff to say we oppose interim relief for purposes of a 271 filing but support it for purposes of 252, why don't we ask Bell if this is allowed to go into effect do you think we can prevent you then from going to the FCC. I think the answer would be no.

MR. GRAY: Your Honor, I might point out, this is highly unusual. The parties have had their opportunity to make their statements uninterrupted, so - -

CHAIRMAN GRAVES: Well, we are trying to get to the bottom of it. We're not going to - - We haven't stood on form so far today, and I think what we need to do is just try and get the arguments out. I understand the difficulty in going forward, and it is a convoluted process. It is the first time any of us has gone through it, and I understand the frustration level of all the parties involved, but, you know, what is important is that we try to reach an understanding as to what we can or can't do.

I personally at this point have some confusion as to what our absolute authority is. I personally, I think, at this point if I had to make a flash judgment on anything would say that we could probably let something go into effect, but we could turn around and say that it is not sufficient, and that Bell doesn't meet the check list, and we are not precluded in any way by approving a statement of conditions and say if they want to go offer this to folks or if somebody wants to, to use the analogy, to take it off the rack, they can. But that doesn't mean that we think that's sufficient to meet the competition requirements under 271. I don't think by agreeing to one we in any way waive what goes on afterwards.

Now can they go ask for relief at the FCC? Probably. And I don't think anybody can tell us what the FCC would do if the state stood up and said, well, wait a minute, just because they have got this doesn't mean they have met our requirements, because here are the things we have tried to resolve and we haven't gotten any answer to these things, and we are not at all comfortable that they have done that. I mean, the FCC can take that and still say, sorry, we think it is enough and go forward. I don't think, quite frankly, the FCC would do that in light of the 8th Circuit's handling of the pricing scenarios where the FCC tried to tell the states how to price it and the Courts have looked at it and said, no, we are not sure you can do it that way. And it's because it is the first time we have had to deal with it, we haven't had any experience and I don't know where to come down. It is clear that we are all interpreting this differently and it is one of these things that probably won't ever get worked out until we litigate it to death.

VICE CHAIRMAN ANTHONY: Let's let Mr. Gray - -

MS. THOMPSON: Maybe if I could just ask Mr. Gray to clarify then when he says - -

MR. GRAY: Am I on the witness stand?

MS. THOMPSON: - - for 271, no, and for 252,

yes. I guess maybe I interjected when I shouldn't have. Does that mean Staff recommends allowing it to go into effect with the knowledge that Bell can then go file with the FCC immediately?

MR. GRAY: That gets back to - -

CHAIRMAN GRAVES: The issue in 64.

MR. GRAY: Yeah.

CHAIRMAN GRAVES: Which requires 90 days advance filing.

MS. THOMPSON: Okay.

MR. GRAY: And, as you can see, just from the filing that Staff made, Staff still has a concern about 271 and wanting to fully explore that.

Your Honor, I will conclude real quickly. Your Honor, I want to make sure that everyone absolutely understands Staff's position. We have no opposition to this going into effect and we do not want to our non-opposition to be seen in any way as stating an approval at this point. I think that in Staff's mind we have an ideal as to how we think things may work out in something like this. We see it going into effect, the SGTC going into effect, then if Bell chooses to go to the FCC at that point, during the time that the FCC is processing their case if the Staff determines or if this Commission determines not to approve it, then the FCC says, well, Bell, you have arrived too early, you do

not have an approved agreement, so go back and try it again. So we don't believe anyone is harmed at this point. But there is a short time frame which we would have to do that under because if Bell is at the FCC, and I don't see the FCC doing it - - giving a decision earlier than - - at the earliest, you know, we're talking 60, 75 days, then during that time this Commission would need to have had to clean up its action or made a final determination as to what position it is ultimately going to take.

On the issue of the 90 days, we would ask that you uphold the ALJ and require the 90 day notice as requested.

VICE CHAIRMAN ANTHONY: When is the hearing on the merits scheduled to start?

CHAIRMAN GRAVES: Good question.

MR. GRAY: Your Honor, we have not sat down and decided that yet. The procedural schedule has not been put together.

VICE CHAIRMAN ANTHONY: What's the soonest that you think it could start feasibly?

MR. GRAY: I would have to look at the calendar.

MR. CADIEUX: Commissioner, I think there is a fundamental question there. We have thought about this, I think for some of us, and I think one of the questions is

2 have we seen all the Bell affirmative direct testimony
3 that's going to be filed in support of the SGTC. Is what
4 has been filed to this point the entirety of their
5 affirmative case. If the answer is yes, we probably can get
6 it to a hearing on the merits of the SGTC faster than if the
7 answer is, no, what we filed in that hearing we had 10 days
8 ago was really just to support the interim request, and we
9 really intend to supply more testimony and evidence to try
10 to support the SGTC on the merits. If that's the answer,
11 then I think obviously that pushes back the time that we
12 could have the hearing on the merits. So I think that's the
13 first question that we would have to determine.
14 VICE CHAIRMAN ANTHONY: Okay.
15 MR. GRAY: And, Your Honor, I believe this
16 Commission has some control over that, because Bell can't do
17 anything until an order is issued by this Commission. If
18 the Commission should hold off issuing its order
19 disposition, then it slows up the process, it gives us time
20 to have a hearing.
21 VICE CHAIRMAN ANTHONY: Thank you.
22 CHAIRMAN GRAVES: Well, we know there is a
23 great deal of latitude in the way we can process
24 applications and handle them. What I have said all along -
25 -
VICE CHAIRMAN ANTHONY: Has everybody spoken?

MS. THOMPSON: I think so.

CHAIRMAN GRAVES: Well, we have rebuttal, the opportunity for rebuttal comments, if parties would like to make them.

MR. TOPPINS: You know, I went first and then everybody is against me.

CHAIRMAN GRAVES: Sure.

MR. TOPPINS: If I could respond on one point.

CHAIRMAN GRAVES: Sure. Sure.

MR. TOPPINS: And I won't go back through everything, but there is one very important point.

THE COURT REPORTER: I need to change my paper, please.

CHAIRMAN GRAVES: Okay. Let's go off the record for just a second.

(Pause.)

CHAIRMAN GRAVES: Okay. We will go back on the record.

Mr. Toppins.

MR. TOPPINS: Just one point, and this relates to the 90 day rule, because I do not want to see the Commission - - I disagree with Mr. Gray. I think if the Commission entered a 90 day rule, it would violate the Act. And let me explain why.

The clear language of the Act says that on and after the date of enactment a Bell Company can file. So on February 8th we could have filed in the absence of any 90 day requirement. In fact when you look at what has happened here, the motion for the 90 day rule was filed on February the 7th. If we had decided to proceed under Track A only at the FCC, we could have filed on February the 6th or some date earlier without a 90 day requirement. Now if we want to file if this goes in there will be a 90 day requirement. So the law has changed. Now in effect the Federal law will have changed because it will have had added 90 days.

Mr. Cadieux talks about an expedited procedure. I think we ought to go back through and add up all the dates together and we will see that this is not really all that expedited, because you have got to recall that we could not file a statement of terms and conditions as part of a 271 filing for 10 months under the Act. We had to wait 10 months. That was to take you from February 8th to December the 8th. We waited until the AT&T arbitration case was over to start preparing the statement so that we could incorporate those items.

Then you have got the 60 day period under 252. You have got the 90 day period that the Staff and others want on advance notice. You have got the 90 day period at the FCC. So you add it all up and you're at 540

days. And that's not expedited any way you look at it.

Now I don't think the Commission - - It is my view that I don't believe the Commission can extend the time period in the Federal law. And I have listened very carefully and I have heard no one point to any authority that says that you can. However, I know that we are all struggling with timing. I have listened very carefully to the arguments and the questions from the bench, and I know that there is a concern about the practical impact on the success of any filing that's made without adequate notice. If we don't give adequate time for the Commission to review the 271 filing, then, of course, the odds go up that the Commission will give a negative response to the FCC when it comes a-calling on this consultation thing. That's a practical issue here, and I'm not ignorant of that.

Although I don't believe the Commission can artificially extend the period by 90 days, I'm certainly willing to explain the reality of providing adequate time to my client and ask them to give serious consideration to the very, very delicate balance between trying to move ahead towards competition as soon as we can and giving the Commission adequate time to look at the filing. So I would not be surprised or opposed necessarily to an order that made it clear rather directly that the Commission expects adequate time to review the 271 filing before it is made. I

don't think that that can be set down in stone as a 90 day requirement, or a 180 day requirement, or something other. Thank you.

CHAIRMAN GRAVES: Thank you.

Are there other comments at this point?

MS. THOMPSON: Your Honor, based on Mr. Toppins' statements, I'm not sure Sprint would disagree with that. But I don't know - - I guess for clarification purposes, do you have a position right now what adequate notice to the Commission and other people of your filing is?

MR. TOPPINS: I think it is for the company, frankly, to decide. If we do it in one day, then the risk of this Commission saying, no, that's not enough time, we are going to give you a bad answer at the FCC is way up here. If we give you 90 days, I can tell my client that this is what everybody is looking for. Your chances of getting a review - - If we think our paperwork is correct, your chances of getting a favorable response when the FCC consults goes way up. Maybe there is something in between. I think it is for the company. The company is going to have to gauge that. We have got to get the thing to the FCC at some point though. Like it or not, they're the ones that are going to have to make the decision. And that's all we're trying to do. I am cognizant of the concerns that

have been raised though about the notice. I just don't think I can sit here and waive the Federal Act and say it is okay with me for you to add another 90 days in there. That is just not what it says.

MR. RUTAN: Your Honor, could I just raise one point of clarification?

CHAIRMAN GRAVES: Yes, sir. I assume that Southwestern Bell's 271 filing is in fact just about ready to go. I mean, it probably was ready two weeks ago. It is clear there is going to be an evidentiary hearing. That's what Judge Goldfield indicated. And we talked before about the fact that whatever witnesses they're going to put in the FCC filing to support the SGTC presumably also would have been offered at the hearing on the merits.

I'm assuming that when they make that available to the Commission, it also would also be a part of the evidentiary hearing where we would have the opportunity to put our witnesses on and they would have the opportunity to put their witnesses on.

CHAIRMAN GRAVES: Which docket are you talking about now? Since we have interrelated the two all day, are we talking about 20 or 64?

MR. RUTAN: I think - - Is 20 the SGTC docket?

CHAIRMAN GRAVES: Yes.

MR. RUTAN: Yeah. Yeah. In the SGTC docket they're going to be putting on testimony to support the SGTC.

CHAIRMAN GRAVES: Assuming we ever get around to setting a date?

MR. RUTAN: Well, from our point of view, we would hope you would do that.

CHAIRMAN GRAVES: Well, I understand. But I'm just saying we haven't set a it date yet.

MR. RUTAN: No. I understand.

CHAIRMAN GRAVES: All right. Okay.

Now the 64 docket, the one where Judge Goldfield recommended a 90 day advance filing, just for clarifications purposes, because it has been a while since we have talked about it, at least three hours, the nature of that filing is styled as what?

MR. RUTAN: I think we'd have to ask Mr. Gray.

CHAIRMAN GRAVES: What is the filing under that. Is that Staff's application?

MR. GRAY: Yes, Your Honor.

CHAIRMAN GRAVES: And what is the nature of that application?

MR. GRAY: It is entitled, "Application of Ernest G. Johnson to Explore the Requirement of Section 271

of the Telecommunications Act."

CHAIRMAN GRAVES: Okay. All right.

MR. TOPPINS: There is an assumption here, maybe it is right, I don't know, we haven't really talked about it, but there is going to be all these evidentiary hearings and that is very difficult to do in 20 days or 90 days.

CHAIRMAN GRAVES: I understand.

MR. TOPPINS: The application that's filed at the FCC is not - - doesn't contain prefiled testimony necessarily. It contains affidavits of individuals.

CHAIRMAN GRAVES: Right.

MR. TOPPINS: And that's what would be made available out here. I don't rule out the possibility that the parties would look at that and file comments on it and say, well, that doesn't violate or this violates a law or this violates a law.

CHAIRMAN GRAVES: What we're struggling with though is the nature of the review here regardless of what they do at the FCC, because we want to control that process. And I think why you see the Staff filing an application is to try and get their hands around what kind of data are we talking about, what kind of process are we talking about, what is the best way to give everyone an equal opportunity to raise issues that need to be addressed in whatever form

or fashion so we can try and come up with a pro forma mechanism or pro forma list of things that we ought to be comfortable with before somebody jumps out with a 271 filing. And I think the fear is - - And I think it is a legitimate recognition on your part to say if you file it with one day's notice that you are not likely to get a favorable response. And I think that's why you see the Staff filing the application saying what is it we are looking for in this, you know. Bell, come tell us what you think ought to be considered by the states when they review this for 271 purposes. Competitors, come in and tell us what you think is reasonable to be considered within 271.

I mean, to me it is not unreasonable to even, if you wanted, to have a hearing of some sort within that to say this is what we think ought to be in there, and we are going to put our guys up, and you come in and question them, and we go through it. The question is, how do you do that in a way that gives everyone some comfort level that they have had a chance to raise their issues, and, too, is not unduly burdensome in terms of the time constraints that are arguably available to parties under the Federal Act, whether we like them or not. I mean, because in theory 60 days comes along, and we haven't acted on the 20 docket yet because we haven't even set the procedural docket, and as I understand it that time runs in 30 days now. So, I mean,

arguably on a good faith effort, best effort on everybody, we don't have a hearing until 10 days after that date. And technically, as I understand the Act, there is nothing that precludes Bell from the next day filing 271 and we're out the door already. Okay?

And so the question is: Recognizing all of those rights that parties have, but recognizing also that we have an obligation to try and do our best efforts, how do we get all this information in the record, give everybody a chance to raise their issues, whether you win or lose on them you get a chance to raise them, we might get right on some, we might miss some, I guarantee we're not going to make everybody happy, but when it is all said and done we have got a record that's fairly complete that we can be reasonably comfortable that we are making our best effort to make it a good judgment and send it on affirmatively or negatively when the issue appeals or arises at the FCC.

And the question is: Given all that, how do we move forward in that process so that there is some agreement that at least everybody got a fair shot at taking it without unduly denying anybody what they arguably would have under any other legislative mandate. And that's the struggle. And that's what we're faced with now, because there is no clear cut. We have never done it before, we don't know how to do it, and everybody is kind of worried

2 about giving up something unnecessarily or, you know, not
3 asking for enough, or worried that the other side may ask
4 for too much. And that's kind of where we're struggling.
5 And I would hope that we could find a way to sort of get
6 past what I think is an unnecessary issue in the broader,
7 deeper sense, and that is the 20 docket, the 252, I mean,
8 because we have all agreed that those terms and conditions
9 may never be taken by anybody, quite frankly. They could,
10 but they may never. And let's get at the underlying issues
11 of what is involved in a 271 application and how do we get
12 that kind of information out there so we can all be
13 comfortable that we have done due diligence.
14 MR. TOPPINS: Can I make a suggestion, just a
15 very practical suggestion? The comments we may well be
16 ready to file in this tomorrow, that's probably not the case
17 because we keep reaching agreements with people and we have
18 to make all the amendments through all the pieces of it.
19 I would appreciate an opportunity, I don't
20 know what the Commissioner's schedule is, we have been here
21 four hours, or whatever, I have not had a chance to discuss
22 the concerns that have been raised with my client that can
23 tell me what position to take. Could we possibly continue
24 this a day until we have all had a chance to cogitate about
25 it and see what our clients think? And I may be able to
come back and say, well, we could live with 30 days, or 60,

or 90, or, no, dog gone it, we just - -

CHAIRMAN GRAVES: Well, I am certainly not ready to make any decision at this point. And I fully expect we would need some time to kind of think through what has been presented to us. And I would encourage the parties to sit down amongst themselves with their clients, or between yourselves, to try and talk through some of this process and procedure so, you know, we don't waste a lot of time arguing over procedural issues. Let's get to the underlying merits of this thing and get it resolved so we can get the process moving.

VICE CHAIRMAN ANTHONY: Okay. I consider that the hearing has been held and I'm going to make some comments along the lines of deliberations with the fellow Commissioners, in other words, not subject to cross-examination by the parties out there.

First of all, we have had interim relief requested at this agency during the eight years that I have been here that when there was serious concerns about the issues to be raised at the hearing on the merits, then there is a great reluctance to offer interim relief. And that weighs greatly on my mind right now.

I do not believe that the issue before us is one of timing and delay to be measured in 30 day or 60 day periods of time. For competition to - - You know, for

somebody to get a jump on getting started on competition, that's not to me the time period that I think is relevant.

In other words, I think the real issue before us is that there are substantive issues to be decided. And I think we ought to give a fair hearing to those. In other words, we ought to apply all of our efforts towards moving forward with the hearing on the merits.

The ruling that I would be able to support at this time is to uphold the Administrative Law Judge with the exception of granting the interim relief. I don't think we should grant the interim relief. I think we should do everything possible to expedite the hearing on the merits.

So I would uphold the Administrative Law Judge with the exception of granting the interim order.

CHAIRMAN GRAVES: Okay.

Ed?

COMMISSIONER APPLE: I'm profoundly inspired at times by wisdom of others. One thing I am thinking through here is today we have heard some very interesting presentations of the same descriptive process here, and I'm confused right now, to say the least, about sorting this out in terms of what is, and why we are here, and what is in the best interest of the consumers. And I have the feeling that we have really been stressing because of something that the Chairman said, that each of us has our own protection

2 process in place here, but we have really gotten into the
3 form side of this thing and I think missed some of the
4 function of it.
5 And I am optimistic that some of the
6 conversation earlier that maybe that you all have more
7 solutions in this process than you brought out at this point
8 in time, recognizing that you have got to work this out.
9 But putting us in the position of making decisions on the
10 kind of information we got today, it is uncharted waters.
11 And I'm not comfortable with my data base right now in
12 saying I can pull out and give you this decision. So I'm
13 not really ready to support any of this without sleeping on
14 it probably.
15 CHAIRMAN GRAVES: Sure. Well, but the
16 critical docket in my opinion is the 64 docket, not the 20
17 docket, because that's the crux of the issue, is what
18 exactly are we talking about when we talk about 271
19 applications and approval. And I don't think anybody wants
20 a state agency, or this agency, to have to be limited to a
21 pure 20 days that the FCC has given us. I don't think
22 anybody reasonably expects that you can make a good faith
23 effort to peruse the documents that we are talking about in
24 20 days and give a reasoned, clear-conscience kind of
25 decision.
So the question is: What are the issues that

are going to be raised, what are the issues that need to be considered, and how can we get those issues on the table in a manner and in a form that allows both sides to talk about their concerns and express them in a way that Staff, and the Attorney General and other interested parties can sit down and kind of get their hands around it in a way that allows us to be prepared that when the official filing comes that we can give a measured response.

And what is clear to me is that the 20 docket is a pro forma matter. It is pro forma into the terms and the conditions, because no one has to take it, no one may take it. Everybody. I mean, the point is, what everybody is worried about is the minute you do that, it opens that door to do 271 and now you are stuck with your 20 days. So avoiding that, let's get to the merits of why we are concerned about we can't get our hands around that 20 days, and nobody should subject themselves to 20 days, and let's talk about what is out there.

I can just generally tell you that I'm not inclined to say there is any kind of competition until we get two of the biggest players to come to some sort of agreement. And I don't know what my authority is as a Commissioner to ask for a status of that event in a appropriately noticed manner so we can get everybody in the room again to tell us where we are without prejudicing one

side or the other. But we ought to have one of those and get everybody into this room and say, all right, damn it, what the hell is going on. Where are we? Do we need to come back and make decisions for you again? If so, come to us and we will do it so we can get that beyond us and we can go on. And then we can - - Because, I mean, I think that's underlying a lot of this.

There is this concern on one side or the other that somebody is hiding something, and they're trying to procedurally position it so we can spring something on somebody, and we are not going to have a chance to respond and the Commission somehow is going to be bluffed into doing one thing or another, or not pursuing fully perhaps their authority. And that's not what we're after here, because you could file after 60 days after this deal and go to the FCC and I wouldn't support any statement that, yeah, there is competition in Oklahoma today or 30 days from today unless and until I am sure we have resolved a lot of the practical interconnection problems, some of which we have talked about today.

Now if we can get that cleared out and we get everybody comfortable and Staff is comfortable with the issues that are in play in a 271 review, then I am prepared to say, yeah, I think we are ready to go forward on that basis. But it is not clear, I don't think, by anybody's

point of view yet that anyone can stand up and articulate what ought to be the standard for an appropriate 271 review yet. And that's why the Staff filed the application to say what is it we need to be worried about. And that's, quite frankly, the docket we need to concern ourselves with and find a way to get to that point.

VICE CHAIRMAN ANTHONY: Even if we keep this matter under advisement, the clock is still ticking.

CHAIRMAN GRAVES: Uh-huh.

VICE CHAIRMAN ANTHONY: And you have already explained that the number of days left is probably too few to call a hearing and have a procedural schedule and everything else.

CHAIRMAN GRAVES: Uh-huh.

VICE CHAIRMAN ANTHONY: So even if we keep all of this under advisement, I think we need to give some instruction as to who needs to move how fast so that we don't lose our 60 total, a lot of which has already gone by.

CHAIRMAN GRAVES: But, see, that's my point. The 20 docket doesn't matter if we have got a general understanding that it is not likely to be filed - - a 271 application if it were to be triggered is not likely to be well received and get any kind of support because there is a one day notice without any chance to really talk about what it is we are worried about. I mean, we have to at some