

BEFORE THE  
NEW YORK STATE PUBLIC SERVICE COMMISSION

---

Proceeding to Examine Issues Related  
to a Universal Service Fund. Case 09-M-0527

---

PROCEDURAL CONFERENCE

Tuesday, November 27, 2012  
10:04 a.m.  
NYS Public Service Commission  
Agency Building 3, 3rd Floor  
Albany, New York

BEFORE: HOWARD A. JACK, ALJ

APPEARANCES:

FOR THE NYS DEPARTMENT OF PUBLIC SERVICE:

Maureen McCauley  
Three Empire State Plaza  
Albany, New York 12223-1350

FOR ATT CORP.:

Mary Burgess  
111 Washington Street, Suite 706  
Albany, NY 12210

William K. Mosca, Jr.  
Bevan, Mosca, Giuditta & Zarillo, P.C.  
222 Mount Airy Road, Suite 200  
Basking Ridge, New Jersey 07920

FOR TW TELECOM OF NEW YORK L.P., LEVEL 3 COMMUNICATIONS,  
LLC, AND WINDSTREAM COMMUNICATIONS, INC.:

Brian T. FitzGerald  
Cullen and Dykman LLP  
99 Washington Avenue, Suite 2020  
Albany, New York 12210

**ALEXY ASSOCIATES, INC.**  
**(518) 798-6109**

FOR NYSTA SMALLER ILECS:

Thomas J. Moorman  
Woods & Aitken LLP  
2154 Wisconsin Avenue, Suite 200  
Washington, D.C. 20007

FOR FRONTIER COMMUNICATIONS:

Craig Miller  
137 Harrison Street  
Gloversville, New York 12078

Joseph Starsick  
(Present via telephone)

FOR THE NYS DEPARTMENT OF STATE UTILITY INTERVENTION  
UNIT:

Gregg C. Collar  
99 Washington Avenue, Suite 1020  
Albany, New York 12231-0001

FOR VERIZON NEW YORK INC., AND CELLCO PARTNERSHIP D/B/A  
VERIZON WIRELESS:

Joseph Post  
140 West Street 27th Floor  
New York, New York 10007-2109  
(Present via telephone)

FOR CABLE TELECOMMUNICATIONS ASSOCIATION OF NEW YORK:

Maureen Helmer  
Hiscock & Barclay, LLP  
80 State Street  
Albany, New York 12207  
(Present via telephone)

FOR T-MOBILE NORTHEAST, LLC:

Michele Thomas  
4 Campus Drive  
Parsippany, New Jersey 07054  
(Present via telephone)

**ALEXY ASSOCIATES, INC.**  
**(518) 798-6109**

PRO SE:

Alan Flacks  
Cathedral Station, PO Box 2000  
New York, New York 10025-1557  
(Present via telephone)

FOR SPRINT COMMUNICATIONS COMPANY L.P.:

James Appleby  
6450 Sprint Parkway  
Overland Park, Kansas 66251  
(Present via telephone)

**ALEXY ASSOCIATES, INC.**  
**(518) 798-6109**

1 ALJ JACK: On the record. Good morning.  
2 I call Case 09-M-0527, the Universal Service Fund.  
3 We are now in the litigation stage of Phase III of  
4 the proceeding. Phase III of the case focuses on  
5 issues related to revision of intrastate intercarrier  
6 access charges and to issues concerning revisions to  
7 the Targeted Accessibility Fund.

8 I am Administrative Law Judge Howard Jack.  
9 Today we are here to discuss the specific issues and  
10 procedural steps involved in Phase III including to  
11 what extent there might be any need for evidentiary  
12 hearings to test any disputed issues of material  
13 fact.

14 A substantial majority of the parties filed a  
15 Joint Proposal and Settlement Agreement on November  
16 19, 2012, intended to resolve the issues in Phase  
17 III, and we will be discussing procedures to consider  
18 that Joint Proposal including any opposition to it.

19 The subject, date, and time for this  
20 conference were set out in the procedural ruling  
21 issued on November 1, 2012, and the notice issued on  
22 November 7, 2012.

23 To help ensure a clean record as well as for  
24 the convenience of all present here in the room,  
25 please use the microphone when you're speaking for

1 the record. When you do speak, please identify  
2 yourself. That will help the reporter keep track of  
3 who's talking when.

4 I would like to begin by taking appearances  
5 now. Please speak slowly and clearly into a  
6 microphone and spell your last name for the benefit  
7 of the reporter. If you have a business card with  
8 you, it would also be helpful if you would leave one  
9 with the reporter if you have not already done so.

10 So let's begin with the appearances for those  
11 people who are here in the room.

12 MS. BURGESS: For AT&T, Mary Burgess,  
13 B-U-R-G-E-S-S.

14 MR. MOSCA: Also for AT&T, William K.  
15 Mosca, Jr., Bevan, Mosca, Giuditta & Zarillo.

16 MR. FITZGERALD: For tw telecom of new  
17 york l.p., Level 3 Communications, LLC, Windstream  
18 Communications, Inc., the law firm of Cullen and  
19 Dykman, LLP, by Brian T. FitzGerald,  
20 F-I-T-Z-G-E-R-A-L-D.

21 MS. MCCAULEY: For New York State  
22 Department of Public Service staff, Maureen McCauley,  
23 spell the last name M-C-C-A-U-L-E-Y, associate  
24 counsel.

25 MR. MOORMAN: On behalf of the NYSTA

1 Smaller ILECs, Thomas J. Moorman, M-O-O-R-M-A-N, law  
2 firm of Woods & Aitken, LLP.

3 MR. MILLER: Craig Miller, Frontier  
4 Communications.

5 MR. COLLAR: Gregg Collar, C-O-L-L-A-R,  
6 Department of State's Utility Intervention Unit.

7 ALJ JACK: Do we have anyone else in the  
8 room?

9 All right. May I take some appearances from  
10 those people who are participating by telephone.

11 MR. POST: Joseph Post, P-O-S-T,  
12 representing Verizon New York Inc. and Cellco,  
13 C-E-L-L-C-O, Partnership d/b/a Verizon Wireless.

14 ALJ JACK: Thank you.

15 MS. HELMER: Maureen Helmer,  
16 H-E-L-M-E-R, on behalf of the Cable  
17 Telecommunications Association of New York, CTANY,  
18 with the firm of Hiscock & Barclay, LLP.

19 MR. STARSICK: Joe Starsick,  
20 S-T-A-R-S-I-C-K, Frontier.

21 MS. THOMAS: Michele, M-I-C-H-E-L-E,  
22 Thomas on behalf of T-Mobile Northeast, LLC.

23 MR. FLACKS: Good morning, Judge Jack.  
24 Alan Flacks, third party intervenor pro se, A-L-A-N.  
25 Flacks is spelled F as in frontier-L-A-C as in

1           communications-K-S as in service.

2                         ALJ JACK: Any further appearances on  
3 the telephone? All right. Thank you.

4                         Okay, the first order of business is to talk  
5 about what issues we have before us. I guess in some  
6 ways, I think I perhaps should hear first from those  
7 parties who are offering the Joint Proposal and  
8 Settlement Agreement which would on its face truncate  
9 the proceeding considerably if it were to be adopted  
10 by the commission. So is there a spokesperson for  
11 the supporters of the Joint Proposal who would like  
12 to address that?

13                        MR. POST: Your Honor, this is Joseph  
14 Post. I'm really not authorized to be a  
15 spokesperson. The views that I'll express are widely  
16 shared by the Joint Proposal proponents. Certainly  
17 if anyone disagrees with anything I say, they can so  
18 indicate.

19                        Let me say that first of all to avoid any  
20 misunderstanding, although the Joint Proposal  
21 proponents believe that the Joint Proposal is a  
22 legitimate resolution of the issues within the  
23 meaning of the Phase II settlement and that it should  
24 be considered as a settlement, we don't think that  
25 issue really needs to be decided by Your Honor.

1           If the litigation trigger under the Phase II  
2 settlement is deemed to have been tripped, if we are  
3 in fact in the litigation stage of the Phase III  
4 proceedings, really nothing would change. The reason  
5 is that we believe that as a matter of process the  
6 views raised by the Joint Proposal --

7           ALJ JACK: Excuse me, Mr. Post. You're  
8 breaking up. Is someone rattling papers or something  
9 there near a phone? If you do that, we will have a  
10 difficult time hearing people who are trying to  
11 participate by phone. So please if you are not  
12 speaking and you're listening in by phone, mute your  
13 phone when you're not speaking.

14           Mr. Post, could you repeat yourself? I'm  
15 sorry to ask you to do that.

16           MR. POST: Not at all, Your Honor. If I  
17 can't be heard, please let me know.

18           I was explaining that although we believe that  
19 the litigation trigger has not yet been tripped under  
20 the Phase II settlement and although therefore the  
21 proposed resolution of the Phase III issues in the  
22 Joint Proposal should be considered before such  
23 litigation begins, nothing in our view really hinges  
24 on the resolution of that issue, and we don't believe  
25 that it needs to be resolved by Your Honor.

1           If this is deemed to be the litigation phase  
2 of the Phase III issues, we think the exact same  
3 result should follow because we believe that within  
4 that litigation, the issues raised by the Joint  
5 Proposal should be litigated first. In other words,  
6 we believe that the Phase III litigation should be  
7 bifurcated and that the first phase should deal with  
8 the issues raised by the Joint Proposal with all  
9 other issues to be considered in a subsequent phase  
10 if it turns out to be necessary.

11           Now, the Joint Proposal offers a substantive  
12 resolution of the Phase III issues. Essentially that  
13 resolution entails addressing issues relating to  
14 originating access in coordination with or at least  
15 following the nationwide resolution of those issues  
16 that will be proposed by the FCC pursuant to its  
17 Further Notice of Proposed Rulemaking. It's our view  
18 that coordinating with the FCC resolution is likely  
19 to result in an outcome that's fairer to all affected  
20 interests and to achieve a better balance of the  
21 impacts of such a resolution on various groups who  
22 have an interest in that outcome.

23           Now, of course the issues raised in the Joint  
24 Proposal are only a subset of the total range of  
25 substantive issues that may be raised in Phase III,

1 but we believe there are sound reasons for reviewing  
2 the JP issues first. We think it's pretty clear that  
3 detailed litigation of all issues that anyone might  
4 raise that's relevant to the issue of changing access  
5 charges is going to be time consuming and it's going  
6 to entail a considerable level of effort from the  
7 parties, from Your Honor, from advisory staff, and  
8 ultimately from the commission.

9 However, if the position of the JP proponents  
10 is accepted, then that burdensome litigation need not  
11 be undertaken at this time, and depending upon the  
12 resolution ultimately reached by the FCC, it may  
13 never be necessary since the FCC's resolution may  
14 preclude any arguable need for further action by this  
15 commission.

16 Now, the review of JP issues can be relatively  
17 expeditious. It can clearly, we believe, proceed on  
18 the basis of written comments, and if Your Honor  
19 deems it necessary, oral arguments. Thus, efficiency  
20 considerations favor reviewing the JP issues first.

21 Such consideration of those issues is not  
22 precluded by the Phase II settlement. Section 11a of  
23 that settlement as adopted by the commission  
24 specifically reserves the right of all parties to  
25 argue for or against commission action on the Phase

1 III issues on any ground, and the issues raised in  
2 the JP regarding coordination with the FCC are  
3 legitimate Phase III issues. The only issue that's  
4 really added by our proposal is the proposed  
5 bifurcation in which that subset of issues would be  
6 considered first. Since the Phase II settlement says  
7 nothing about how the litigation would be conducted,  
8 there's nothing about our proposal that's  
9 inconsistent with the Phase II settlement.

10 Now, just to put a little flesh on those  
11 bones, I would suggest the following procedures  
12 within Phase III. As I said, I believe that Phase  
13 III should be bifurcated into a Phase III-A concerned  
14 about the issues raised by the JP and a Phase III-B  
15 dealing with all other issues.

16 Within Phase III-A, I would suggest that after  
17 Your Honor issues a procedural ruling at the end  
18 following this conference, then within a period of  
19 three to four weeks after that, the parties could  
20 submit simultaneous initial comments for or against  
21 the JP resolution. Two weeks after that, there could  
22 be a simultaneous exchange of reply comments for and  
23 against. Following that, there could be oral  
24 arguments if Your Honor deems that it would be  
25 helpful to the resolution of the issues. And the

1 final stage of Phase III-A would be a recommended  
2 decision, the normal exceptions process, and  
3 commission resolution. Following that --

4 ALJ JACK: Just one second, Mr. Post.  
5 You understand though that whether there would be a  
6 recommended decision or not or whether something  
7 would go directly to the commission, assuming that we  
8 follow the procedure you're suggesting, is not a call  
9 for the administrative law judge but one for the  
10 secretary.

11 MR. POST: I do understand that, Your  
12 Honor. I was assuming perhaps inappropriately that  
13 the same procedure that we had used in Phase II would  
14 govern, but I do recognize that of course the  
15 secretary has the discretion to carry out that  
16 process in another way.

17 ALJ JACK: Thank you. I just wanted to  
18 make that clear.

19 MR. POST: In either event, the ultimate  
20 outcome of section III-A would be a commission  
21 resolution.

22 And in Phase III-B if it were deemed to be  
23 necessary as a result of the Phase III-A resolution,  
24 I think that would appropriately begin with a  
25 subsequent procedural conference to discuss whether

1           evidentiary hearings would be required and to set a  
2           detailed schedule. It would appear that it isn't  
3           necessary to set a detailed procedural schedule for  
4           Phase III-B at this time. So I would reserve the  
5           opportunity to discuss those issues following the  
6           conclusion of Phase III-A.

7                     That is Verizon's view, Your Honor, of the  
8           reasons why the JP proponents' position should be  
9           accepted.

10                    ALJ JACK: Thank you, Mr. Post.

11                    Are there other members of the supporters of  
12           the JP who would like to address what Mr. Post has  
13           just said?

14                    MR. FITZGERALD: Your Honor, this is  
15           Brian FitzGerald. I'd just like to reiterate  
16           Mr. Post's point that we believe that the approach he  
17           outlined would be efficient, and it's one that we  
18           think would respect the resources of the parties, but  
19           also it wouldn't delay the process, but it would  
20           avoid us having to go into an unnecessary phase.  
21           Thank you.

22                    ALJ JACK: Thank you.

23                    Is there anyone else who wants to speak for  
24           the supporters?

25                    MR. MOORMAN: Your Honor, Tom Moorman on

1           behalf of the NYSTA Smaller ILECs. I'd also like to  
2           reiterate the NYSTA Smaller ILECs' support for the  
3           III-A litigation schedule to review the Joint  
4           Proposal and reiterate and amplify Mr. Post's  
5           observation that this is a substantive resolution of  
6           the Phase III issues with effectively an affirmative  
7           commission finding that the public interest is served  
8           by the continuation of the existing intrastate  
9           originating access rates and rate structures that  
10          remain unaffected by the FCC's November 18, 2011,  
11          decision with specific time frames and triggers to  
12          relook at those issues based on the specific language  
13          in I believe paragraph 1 and paragraph 2 of the Joint  
14          Proposal, and that is entirely consistent with  
15          paragraph 11 of the Phase II Joint Proposal which was  
16          approved by the commission earlier in this  
17          proceeding.

18                   MS. HELMER: This is Maureen Helmer just  
19                   to express my support on behalf of CTANY for the  
20                   comments that have already been made by the  
21                   proponents.

22                   ALJ JACK: Do we have any other members  
23                   of the proponents of the Joint Proposal that wish to  
24                   speak?

25                   All right then. Are there parties who are

1           opposed to the Joint Proposal who would like to  
2           address what Mr. Post has just proposed?

3                       MR. FLACKS:   Judge Jack, Alan Flacks.  
4           Can you hear me?

5                       ALJ JACK:   Yes, sir.

6                       MR. FLACKS:   I take a general exception  
7           to this, but first I think I owe you an apology.  
8           When I first came on the line, I identified myself as  
9           most seemed to be taking the lead in most of these  
10          things.   So I forgot you're the boss.

11                      I'd also before making my comments like to  
12          remind the parties that I'd like to be copied on  
13          things by U.S. mail.   I think my address may be in  
14          the record for the list of parties.   I understand  
15          full well I won't get as timely notice as by  
16          electronic mail since I don't have access except by  
17          public libraries which are very hard to access when  
18          the branch is open as well as limiting 45 minutes a  
19          day throughout the whole system here in New York  
20          City.

21                      My objection is this.   With reference to the  
22          first phase, the second phase settlement  
23          negotiations, I'm not going into anything substantive  
24          here.   There was no unanimity among parties on a  
25          number of items that required extended time to hash

1 things out. So I think we should be very careful  
2 before accepting Verizon's proposal because there may  
3 be people not here today or signed onto that who  
4 would have objections, substantial or otherwise.

5 Secondly, as I said in my comments which never  
6 seem to have reached the record according to the  
7 secretary's office despite hand delivery and U.S.  
8 mail, the public must be looked out for by you and  
9 the commission because the Secretary of State, Cesar  
10 Perales's unit, to me their work is a zero, a  
11 nullity, and at variance to Cesar Perales's history  
12 when he used to work here in the city as I knew him  
13 at legal services where he stuck up for the people.  
14 Simple language. Stuck up for the people. His  
15 intervenor unit seems to be nothing more than a  
16 rubber stamp, and I've told Perales's secretary this.

17 So I respectfully ask that we be very careful  
18 before accepting without really looking into the  
19 Verizon proposal for Phase III. Clearly, and I don't  
20 fault Joe Post on this, he'd like you to accept  
21 everything Verizon puts forward. Thank you.

22 ALJ JACK: Thank you, Mr. Flacks.

23 Do we have someone who wishes to speak for the  
24 opponents of the Joint Proposal?

25 MS. BURGESS: Yes, please, Your Honor.

1 Mary Burgess for AT&T.

2 In May of this year, many parties including  
3 AT&T signed a Joint Proposal in Phase II of this  
4 case. The commission approved the Joint Proposal in  
5 August. The JP provided for a collaborative process  
6 to address access charge reform issues, and if there  
7 was not consensus that all remaining issues could be  
8 resolved, the collaboration would end and litigation  
9 of all unresolved issues would begin.

10 Judge Stein correctly concluded that the  
11 parties had reached an impasse in the collaborative  
12 process. Although a number of parties had taken the  
13 same position on an issue, she concluded that it  
14 could not fairly be termed a consensus. Thus the  
15 litigation trigger was tripped.

16 To allow the JP to go forward without having a  
17 fully litigated process would contravene the Phase II  
18 Joint Proposal and would undermine the commission's  
19 longstanding tradition honoring settlements. The  
20 litigation trigger has been tripped.

21 Verizon states that a bifurcated proceeding  
22 would be preferable. However, it is necessary to  
23 have detailed litigation of all issues. Verizon  
24 claims that litigation would be time consuming.  
25 However, we have litigated this issue in many states,

1 as has Verizon, and as Your Honor pointed out in your  
2 procedural ruling, the fact that many parties have  
3 taken the same position could actually expedite  
4 litigation and allow parties to achieve efficiencies.  
5 It is an option for parties to form a coalition in  
6 litigation and present a consolidated position, and  
7 they're free to do so, but discovery is necessary.  
8 It is not sufficient to proceed on written comments.

9 By bifurcating Phase III into III-A and III-B,  
10 we're merely looking at another attempt to delay  
11 hearing this case and giving the commission an  
12 opportunity to decide these issues. The issue has  
13 been pending for nine years.

14 AT&T filed its first complaint in 2003. We  
15 filed an amended complaint in 2009. In 2009, we came  
16 to a prehearing conference in this proceeding and had  
17 a proposed litigation schedule. However, the  
18 commission decided that Universal Service Fund issues  
19 would be decided first and access issues were put  
20 into Phase III. We're now at Phase III and the  
21 parties are trying to further delay consideration by  
22 breaking Phase III into III-A and III-B, and as they  
23 have admitted, Phase III-B may never happen.

24 It is time for Your Honor and the commission  
25 to honor the agreement that we all signed in Phase II

1 and give AT&T our day in court. It is not an  
2 unnecessary phase. It is absolutely necessary. We  
3 must have an opportunity to develop a record. To  
4 call the JP in Phase III a substantive resolution is  
5 a misnomer. A substantive resolution will result  
6 from a fully developed record.

7 MR. MOSCA: Your Honor, Bill Mosca. I  
8 just wanted to add a couple things. When this case  
9 was first proposed by AT&T, my children were in grade  
10 school. They're now in grad school. When the FCC  
11 came down with its decision in this case, it came  
12 down with its -- not this case. Excuse me. In the  
13 overall FCC decision, the ICC decision, that was  
14 well-known to the parties long before their Phase II  
15 was resolved. So the parties here knew exactly what  
16 we were doing when we resolved Phase II as it was  
17 resolved and what Phase III was supposed to entail.  
18 It was supposed to entail moving to litigation, not  
19 pretending that there was some substantive resolution  
20 that just merely delayed things procedurally. Thank  
21 you.

22 MS. BURGESS: And Your Honor requested  
23 that parties come prepared today with a proposed  
24 litigation schedule, and AT&T has that. With Your  
25 Honor's permission, I would distribute it to the

1 parties in the room and read it for the parties on  
2 the telephone.

3 ALJ JACK: Yes, please. Go right ahead.

4 MR. FLACKS: Judge Jack, while she's  
5 distributing that, Alan Flacks. I concur with the  
6 attorney from AT&T.

7 Secondly, for the gentleman who talked about  
8 his children, I refer him to the famous case of  
9 Jarndyce versus Jarndyce as Dickens's Bleak House.

10 ALJ JACK: All right. Ms. Burgess, did  
11 you want to go ahead and outline your proposed  
12 schedule for the benefit of those parties who are  
13 listening on the phone?

14 MS. BURGESS: Yes, please, Your Honor.  
15 AT&T's proposed litigation schedule for Phase III  
16 issues: Discovery would beginning in early December.  
17 Parties would submit initial testimony on February  
18 15, 2013. Parties would submit reply testimony on  
19 March 15, 2013. Evidentiary hearings would be held  
20 beginning April 1, 2013. Initial briefs would be  
21 filed on May 3, 2013, and reply briefs would be filed  
22 May 17, 2013.

23 ALJ JACK: Thank you.

24 Are there other parties who oppose the Joint  
25 Proposal and the procedure that Mr. Post has put

1 forward other than AT&T and Mr. Flacks who would like  
2 to speak on that issue right now?

3 Is it correct that AT&T and Mr. Flacks are the  
4 only parties that oppose the Joint Proposal?

5 MS. BURGESS: Our understanding is that  
6 Sprint opposed it as well, but I don't believe --  
7 they did not sign the Joint Proposal.

8 ALJ JACK: Right. I understand, but  
9 T-Mobile, for example, has not signed the Joint  
10 Proposal, but they have filed a letter in essence  
11 saying that they don't object to it. Now, we don't  
12 know --

13 MR. APPLEBY: Excuse me.

14 ALJ JACK: Yes.

15 MR. APPLEBY: This is Jim Appleby with  
16 Sprint. I'm sitting in for Ken Schifman. However, I  
17 am not an attorney. So I did not enter an appearance  
18 in this situation.

19 Sprint does believe that we should move  
20 forward with the litigation in this case. I wanted  
21 to chime in for that.

22 ALJ JACK: Thank you, Mr. Appleby.  
23 Could you state your full name, Mr. Appleby?

24 MR. APPLEBY: Sure. It's James Appleby,  
25 A-P-P-L-E-B-Y.

1 ALJ JACK: Thank you.

2 One other question. Is there any party who  
3 believes that there are issues related to the  
4 Targeted Accessibility Fund that we need to address  
5 in stage III or Phase III of the litigation?

6 So is it correct that those parties who do  
7 oppose the Joint Proposal would not object to the way  
8 the Joint Proposal proposes to address the Targeted  
9 Accessibility Fund?

10 MS. BURGESS: Clarification, Your Honor.  
11 The JP says that they will address the Targeted  
12 Accessibility Fund issues at a later date.

13 ALJ JACK: It says in essence that the  
14 parties see no need for any change to the Targeted  
15 Accessibility Fund right now.

16 MS. BURGESS: AT&T does not object.

17 MR. FLACKS: Judge Jack, Alan Flacks.  
18 Is that fund the one that triggers an increase in  
19 subscriber line rates, like 850 a month? I don't  
20 recall.

21 ALJ JACK: The Targeted Accessibility  
22 Fund is a fund that is funded through charges to rate  
23 payers, and it funds programs for low-income  
24 discounts and for emergency 911 service and for  
25 telephone service for the hearing impaired.

1 MR. FLACKS: So it does. I assume there  
2 will be no change in what the commission wanted, the  
3 X dollars per month per subscriber line increase.

4 ALJ JACK: This case does not involve  
5 any question of rates or charges for the Targeted  
6 Accessibility Fund at this point.

7 MR. FLACKS: Thank you.

8 ALJ JACK: Yes, Ms. Burgess.

9 MS. BURGESS: Just one other point, Your  
10 Honor. The two parties who are not supporting the JP  
11 are the parties who would be most harmed by a  
12 commission decision to defer action. I just wanted  
13 to note that for the record.

14 ALJ JACK: I think that's probably  
15 fairly clear. Thank you though.

16 Is there any response by -- let's assume for  
17 the sake of argument that I decide that we should go  
18 with the procedural approach that AT&T is proposing  
19 rather than that that the supporters of the JP are  
20 proposing. Are there particular comments or  
21 reactions that the supporters of the Joint Proposal  
22 have to the schedule that AT&T has proposed for Phase  
23 III litigation?

24 MR. MCCAULEY: Your Honor, Maureen  
25 McCauley. Before we get to the schedule, I would

1 just like to say one thing in response to AT&T's  
2 comments in opposition. The New York State  
3 Department of Public Service is a signatory to the  
4 Joint Proposal because we believe it is in the public  
5 interest to wait until the FCC has acted on these  
6 rates. We are concerned that if the commission acts  
7 before there is a national transition or there is an  
8 indication that is going to happen, that this could  
9 result -- could result in adverse impacts on end user  
10 rates, and that's the basis of our public interest.

11 ALJ JACK: Could you expand on that,  
12 Ms. McCauley?

13 MR. MCCAULEY: Well, Your Honor, we  
14 simply do not know what the FCC is going to do, and  
15 if we get out in front of the FCC and it seems as  
16 though -- well, before the FCC acted on the other  
17 part of the access rates, it was a state-by-state  
18 matter. You would go to the state and you would file  
19 something that says we want our access charges  
20 reduced. The state would consider it and make a  
21 decision about it.

22 The game has changed now that the FCC has  
23 acted on a national basis, and I think that it's  
24 going to continue to be how they act. There will be  
25 some sort of national response to this. We are very

1 concerned that if we acted before we knew what that  
2 was going to be, that it could have an adverse impact  
3 on end user rates. We do not want to take that  
4 chance.

5 ALJ JACK: Thank you.

6 MS. BURGESS: Your Honor, may we  
7 respond?

8 ALJ JACK: Yes, certainly.

9 MS. BURGESS: Staff counsel says that  
10 they do not know what the FCC will do. In May when  
11 we all signed the agreement including staff, no one  
12 knew what the FCC would do then. The FCC order had  
13 been out for six, seven, eight months at that point.

14 Today the FCC has not changed circumstances,  
15 and so therefore they're free to take that position  
16 in litigation. They can say in the litigated phase  
17 of the case this isn't the right time, we have to  
18 wait for the FCC, but they signed a document that  
19 provided for litigation, and it must be honored.

20 MR. POST: Your Honor.

21 ALJ JACK: Who's speaking?

22 MR. POST: Joseph Post, Your Honor.

23 ALJ JACK: Go ahead, Mr. Post.

24 MR. POST: One is I just wanted to  
25 respond to the statement Ms. Burgess just made and

1           some of her earlier arguments just by saying briefly  
2           that again our bifurcation proposal is not  
3           inconsistent with proceeding immediately to  
4           litigation. It is a way of structuring the  
5           litigation. It's a fairly conventional way of  
6           structuring litigation when appropriate circumstances  
7           exist, and I do believe that those appropriate  
8           circumstances exist here.

9           In response to Your Honor's question about  
10          AT&T's litigation schedule, I would only comment that  
11          based on our experience in Phase II, the litigated  
12          phase of Phase II which involved issues that are  
13          really no more complex than those that would be  
14          raised by a consideration of all issues relating to  
15          access charges that this is a very quick schedule. I  
16          have strong doubts that the parties would be able to  
17          complete a detailed evidentiary proceeding with  
18          discovery, the kind of proceeding that AT&T proposes  
19          in the time frame that they've suggested.

20          MR. MOSCA: Your Honor, Bill Mosca. We  
21          did this in New Jersey on a time schedule like this.  
22          It wasn't an issue at all. As in New York, the real  
23          question had been pending for years. People knew  
24          exactly what the issues were. It wasn't difficult to  
25          put together the testimony, do some discovery, a

1 couple rounds of discovery, and we proceeded.

2 So as Verizon well knows, it's litigated this  
3 issue many times mostly in favor of access reform and  
4 demanding that access immediately be brought down,  
5 and that was in states other than New York and New  
6 Jersey. They've had a chance to oppose this in New  
7 Jersey, and New Jersey has implemented access reform.  
8 It will be fully implemented as of February 1 of  
9 2013.

10 So these are not new issues. The parties know  
11 them well. This is a schedule that could accommodate  
12 all of the parties. Thank you.

13 ALJ JACK: Mr. Post, let me ask you. Do  
14 you see, other than the question of how much time  
15 should be allotted for discovery before initial  
16 testimony is filed under AT&T's proposed schedule,  
17 are there other aspects of the proposed AT&T schedule  
18 that you think are too tight?

19 MR. POST: I'm not sure -- well,  
20 certainly allowing two weeks between the replies and  
21 the hearings is inadequate. Our experience, and  
22 again I'm drawing significantly on our experience in  
23 Phase II, is that the parties need some time to  
24 digest the replies, particularly the reply testimony,  
25 particularly if extensive and numerous parties

1 participate, and to prepare cross-examination. I  
2 also think again given the complexity and magnitude  
3 of the issues, two weeks is inadequate between  
4 initial and reply briefs.

5 It's also difficult to tell to what extent it  
6 would be appropriate to have preliminary  
7 consideration of legal issues before discovery and  
8 other evidentiary proceedings begin. Certainly as a  
9 general matter, motions put within core practice  
10 called motions in limine or dispositive motions can  
11 be helpful in narrowing the issues in the litigation.

12 If Your Honor doesn't adopt the whole  
13 bifurcation that we suggested, some portions of the  
14 issues raised in the Joint Proposal could possibly  
15 perhaps be considered early in the process through  
16 some sort of motion practice or legal briefing or so  
17 forth. That might also be helpful in framing the  
18 factual issues in the litigation. So I wouldn't rule  
19 out that possibility either.

20 ALJ JACK: Thank you.

21 Ms. Burgess.

22 MS. BURGESS: If Mr. Post thinks that  
23 two weeks for a reply brief would be inadequate, AT&T  
24 is willing to push that out a week, have three weeks.  
25 I believe that was same time allotted in the Phase II

1 part of the case.

2 As for the in limine motions, none of that was  
3 necessary in New Jersey. Both companies have been  
4 through this before several times.

5 ALJ JACK: Do we have any further  
6 comments on either of the proposals that are put  
7 forth either for the Joint Proposal supporters or by  
8 the opponents of the Joint Proposal?

9 MR. FITZGERALD: Your Honor, this is  
10 Brian FitzGerald. I would request additional time  
11 should Your Honor consider the AT&T proposal between  
12 the time of the reply testimony and the evidentiary  
13 hearings. I do feel that some additional time in  
14 there would be helpful.

15 MR. FLACKS: Judge Jack, Alan Flacks.  
16 In settlement negotiations, there's always that  
17 request for added time, added time, added time, added  
18 time. I think maybe four weeks might be good.  
19 Whenever you have lawyers involved, they never wish  
20 to rush to judgment. They always want more time.

21 ALJ JACK: Mr. Flacks, what -- four  
22 weeks for what stage?

23 MR. FLACKS: After the reply briefs are  
24 submitted. When was that, 17 May?

25 ALJ JACK: You mean --

1 MR. FLACKS: -- in the post III-A, but  
2 the proposed litigation schedule by AT&T.

3 ALJ JACK: Do you mean four weeks  
4 between the filing of initial briefs and the filing  
5 of reply briefs? There is no action by the parties  
6 scheduled for after the filing of reply briefs.

7 MR. FLACKS: I'm sorry. I thought  
8 that's what you were referring to, moving forward at  
9 that time.

10 ALJ JACK: No. The parties were talking  
11 about the length of time necessary either between the  
12 filing of reply testimony and the beginning of  
13 evidentiary hearings or between the filing of initial  
14 briefs and the filing of reply briefs.

15 MR. FLACKS: There too to formulate a  
16 trial strategy for the hearings, perhaps a month  
17 might be more than adequate. Therefore no one would  
18 have to ask for more time.

19 ALJ JACK: Thank you, Mr. Flacks.

20 Do we have any further comments on either the  
21 procedures or on the schedules that have been  
22 proposed by the differing parties?

23 MR. MOORMAN: Your Honor, this is Tom  
24 Moorman for the NYSTA Smaller ILECs. I'd just like  
25 to make a clarifying comment in response I believe to

1 Mr. Flacks as well as potentially AT&T, and that is  
2 that as the document that was submitted on November  
3 19, 2012, reflects, it was executed by a diverse  
4 group that includes two government agencies as well  
5 as CLECs, large and small ILECs, and wireless and  
6 VoIP providers. So it's a wide range of diverse  
7 entities that actually are submitting the Joint  
8 Proposal for consideration.

9 ALJ JACK: Thank you, Mr. Moorman.

10 Do we have any other comments?

11 MR. FLACKS: Judge Jack, to reply, Alan  
12 Flacks. I'm sorry. I think the common wheel is not  
13 being represented. The State Public Service  
14 Commission is still operating under the George  
15 Pataki -- whatever his pronunciation is -- Pataki  
16 laissez faire behavior. Democratic governors have  
17 not changed that.

18 Secondly, as I said before, the intervenor  
19 unit from the Department of State is good for  
20 nothing, and the abolition of the state Consumer  
21 Protection Board has adversely impacted the  
22 representation of the common wheel. Thank you.

23 ALJ JACK: Thank you, Mr. Flacks.

24 Well, I am not prepared to rule from the bench  
25 here today on the proposed procedures and schedule

1           that have been put forth. I will take those under  
2           advisement.

3                    Are there any other issues that we need to  
4           discuss today?

5                    Hearing none, this conference is adjourned. I  
6           thank you all for your participation.

7                    (Whereupon, the matter, in the above-entitled  
8           action, concluded at 10:49 a.m.)

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## C E R T I F I C A T E

I, Jacqueline Stroffolino, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me is a true and accurate transcript of the same, to the best of my ability and belief.

---

Jacqueline Stroffolino

Dated 12/04/2012

<b>0</b>	<b>6</b>	29:13 <b>address</b> [8] - 7:12, 13:12, 15:2, 15:13, 17:6, 22:4, 22:8, 22:11 <b>addressing</b> [1] - 9:13 <b>adequate</b> [1] - 30:17 <b>adjourned</b> [1] - 32:5 <b>administrative</b> [1] - 12:9 <b>Administrative</b> [1] - 4:8 <b>admitted</b> [1] - 18:23 <b>adopt</b> [1] - 28:12 <b>adopted</b> [2] - 7:9, 10:23 <b>adverse</b> [2] - 24:9, 25:2 <b>adversely</b> [1] - 31:21 <b>advisement</b> [1] - 32:2 <b>advisory</b> [1] - 10:7 <b>affected</b> [1] - 9:19 <b>agencies</b> [1] - 31:4 <b>Agency</b> [1] - 1:8 <b>Agreement</b> [2] - 4:15, 7:8 <b>agreement</b> [2] - 18:25, 25:11 <b>ahead</b> [3] - 20:3, 20:11, 25:23 <b>Airy</b> [1] - 1:19 <b>Aitken</b> [2] - 2:2, 6:2 <b>Alan</b> [7] - 3:2, 6:24, 15:3, 20:5, 22:17, 29:15, 31:11 <b>Albany</b> [6] - 1:9, 1:14, 1:17, 1:23, 2:11, 2:19 <b>ALJ</b> [40] - 1:10, 4:1, 6:7, 6:14, 7:2, 8:7, 12:4, 12:17, 13:10, 13:22, 14:22, 15:5, 16:22, 20:3, 20:10, 20:23, 21:8, 21:14, 21:22, 22:1, 22:13, 22:21, 23:4, 23:8, 23:14, 24:11, 25:5, 25:8, 25:21, 25:23, 27:13, 28:20, 29:5, 29:21, 29:25, 30:3, 30:10, 30:19, 31:9, 31:23 <b>allotted</b> [2] - 27:15, 28:25 <b>allow</b> [2] - 17:16, 18:4 <b>allowing</b> [1] - 27:20 <b>amended</b> [1] - 18:15 <b>amplify</b> [1] - 14:4 <b>AND</b> [2] - 1:21, 2:12 <b>apology</b> [1] - 15:7	29:13 <b>address</b> [8] - 7:12, 13:12, 15:2, 15:13, 17:6, 22:4, 22:8, 22:11 <b>addressing</b> [1] - 9:13 <b>adequate</b> [1] - 30:17 <b>adjourned</b> [1] - 32:5 <b>administrative</b> [1] - 12:9 <b>Administrative</b> [1] - 4:8 <b>admitted</b> [1] - 18:23 <b>adopt</b> [1] - 28:12 <b>adopted</b> [2] - 7:9, 10:23 <b>adverse</b> [2] - 24:9, 25:2 <b>adversely</b> [1] - 31:21 <b>advisement</b> [1] - 32:2 <b>advisory</b> [1] - 10:7 <b>affected</b> [1] - 9:19 <b>agencies</b> [1] - 31:4 <b>Agency</b> [1] - 1:8 <b>Agreement</b> [2] - 4:15, 7:8 <b>agreement</b> [2] - 18:25, 25:11 <b>ahead</b> [3] - 20:3, 20:11, 25:23 <b>Airy</b> [1] - 1:19 <b>Aitken</b> [2] - 2:2, 6:2 <b>Alan</b> [7] - 3:2, 6:24, 15:3, 20:5, 22:17, 29:15, 31:11 <b>Albany</b> [6] - 1:9, 1:14, 1:17, 1:23, 2:11, 2:19 <b>ALJ</b> [40] - 1:10, 4:1, 6:7, 6:14, 7:2, 8:7, 12:4, 12:17, 13:10, 13:22, 14:22, 15:5, 16:22, 20:3, 20:10, 20:23, 21:8, 21:14, 21:22, 22:1, 22:13, 22:21, 23:4, 23:8, 23:14, 24:11, 25:5, 25:8, 25:21, 25:23, 27:13, 28:20, 29:5, 29:21, 29:25, 30:3, 30:10, 30:19, 31:9, 31:23 <b>allotted</b> [2] - 27:15, 28:25 <b>allow</b> [2] - 17:16, 18:4 <b>allowing</b> [1] - 27:20 <b>amended</b> [1] - 18:15 <b>amplify</b> [1] - 14:4 <b>AND</b> [2] - 1:21, 2:12 <b>apology</b> [1] - 15:7	6:18 <b>based</b> [2] - 14:12, 26:11 <b>basis</b> [3] - 10:18, 24:10, 24:23 <b>Basking</b> [1] - 1:19 <b>BEFORE</b> [2] - 1:1, 1:10 <b>begin</b> [5] - 5:4, 5:10, 12:24, 17:9, 28:8 <b>beginning</b> [3] - 20:16, 20:20, 30:12 <b>begins</b> [1] - 8:23 <b>behalf</b> [5] - 5:25, 6:16, 6:22, 14:1, 14:19 <b>behavior</b> [1] - 31:16 <b>belief</b> [1] - 33:6 <b>believes</b> [1] - 22:3 <b>bench</b> [1] - 31:24 <b>benefit</b> [2] - 5:6, 20:12 <b>best</b> [1] - 33:5 <b>better</b> [1] - 9:20 <b>between</b> [6] - 27:20, 28:3, 29:11, 30:4, 30:11, 30:13 <b>Bevan</b> [2] - 1:18, 5:15 <b>bifurcated</b> [3] - 9:7, 11:13, 17:21 <b>bifurcating</b> [1] - 18:9 <b>bifurcation</b> [3] - 11:5, 26:2, 28:13 <b>Bill</b> [2] - 19:7, 26:20 <b>Bleak</b> [1] - 20:9 <b>Board</b> [1] - 31:21 <b>bones</b> [1] - 11:11 <b>boss</b> [1] - 15:10 <b>Box</b> [1] - 3:2 <b>branch</b> [1] - 15:18 <b>breaking</b> [2] - 8:8, 18:22 <b>Brian</b> [4] - 1:22, 5:19, 13:15, 29:10 <b>brief</b> [1] - 28:23 <b>briefing</b> [1] - 28:16 <b>briefly</b> [1] - 26:1 <b>briefs</b> [9] - 20:20, 20:21, 28:4, 29:23, 30:4, 30:5, 30:6, 30:14 <b>brought</b> [1] - 27:4 <b>Building</b> [1] - 1:8 <b>burdensome</b> [1] - 10:10 <b>BURGESS</b> [11] - 5:12, 16:25, 19:22, 20:14, 21:5, 22:10, 22:16, 23:9, 25:6, 25:9, 28:22 <b>Burgess</b> [7] - 1:16, 5:12, 17:1, 20:10,
<b>1</b>	<b>7</b>			
<b>2</b>	<b>8</b>			
<b>3</b>	<b>9</b>			
<b>4</b>	<b>A</b>			
	<b>A-L-A-N</b> [1] - 6:24 <b>A-P-P-L-E-B-Y</b> [1] - 21:25 <b>a.m</b> [2] - 1:7, 32:8 <b>ability</b> [1] - 33:6 <b>able</b> [1] - 26:16 <b>abolition</b> [1] - 31:20 <b>above-entitled</b> [1] - 32:7 <b>absolutely</b> [1] - 19:2 <b>accept</b> [1] - 16:20 <b>accepted</b> [2] - 10:10, 13:9 <b>accepting</b> [2] - 16:2, 16:18 <b>access</b> [14] - 4:6, 9:14, 10:4, 14:9, 15:16, 15:17, 17:6, 18:19, 24:17, 24:19, 26:15, 27:3, 27:4, 27:7 <b>Accessibility</b> [7] - 4:7, 22:4, 22:9, 22:12, 22:15, 22:21, 23:6 <b>accommodate</b> [1] - 27:11 <b>according</b> [1] - 16:6 <b>accurate</b> [1] - 33:5 <b>achieve</b> [2] - 9:20, 18:4 <b>act</b> [1] - 24:24 <b>acted</b> [4] - 24:5, 24:16, 24:23, 25:1 <b>action</b> [5] - 10:14, 10:25, 23:12, 30:5, 32:8 <b>acts</b> [1] - 24:6 <b>add</b> [1] - 19:8 <b>added</b> [5] - 11:4, 29:17 <b>additional</b> [2] - 29:10,			
	<b>B</b>			
	<b>B-U-R-G-E-S-S</b> [1] - 5:13 <b>balance</b> [1] - 9:20 <b>Barclay</b> [2] - 2:18,			

23:8, 25:25, 28:21 <b>business</b> [2] - 5:7, 7:4	30:25 <b>comments</b> [12] - 10:18, 11:20, 11:22, 14:20, 15:11, 16:5, 18:8, 23:20, 24:2, 29:6, 30:20, 31:10 <b>commission</b> [18] - 7:10, 10:8, 10:15, 10:23, 10:25, 12:3, 12:7, 12:20, 14:7, 14:16, 16:9, 17:4, 18:11, 18:18, 18:24, 23:2, 23:12, 24:6 <b>COMMISSION</b> [1] - 1:2 <b>Commission</b> [2] - 1:8, 31:14 <b>commission's</b> [1] - 17:18 <b>common</b> [2] - 31:12, 31:22 <b>communications</b> [3] - 5:17, 5:18, 7:1 <b>COMMUNICATIONS</b> [4] - 1:20, 1:21, 2:4, 3:4 <b>Communications</b> [1] - 6:4 <b>communications-K-</b> <b>S</b> [1] - 7:1 <b>companies</b> [1] - 29:3 <b>COMPANY</b> [1] - 3:4 <b>complaint</b> [2] - 18:14, 18:15 <b>complete</b> [1] - 26:17 <b>complex</b> [1] - 26:13 <b>complexity</b> [1] - 28:2 <b>concerned</b> [3] - 11:13, 24:6, 25:1 <b>concerning</b> [1] - 4:6 <b>concluded</b> [3] - 17:10, 17:13, 32:8 <b>conclusion</b> [1] - 13:6 <b>concur</b> [1] - 20:5 <b>conducted</b> [1] - 11:7 <b>CONFERENCE</b> [1] - 1:6 <b>conference</b> [5] - 4:20, 11:18, 12:25, 18:16, 32:5 <b>consensus</b> [2] - 17:7, 17:14 <b>consider</b> [3] - 4:17, 24:20, 29:11 <b>considerable</b> [1] - 10:6 <b>considerably</b> [1] - 7:9 <b>consideration</b> [5] - 10:21, 18:21, 26:14, 28:7, 31:8	<b>considerations</b> [1] - 10:20 <b>considered</b> [5] - 7:24, 8:22, 9:9, 11:6, 28:15 <b>consistent</b> [1] - 14:14 <b>consolidated</b> [1] - 18:6 <b>Consumer</b> [1] - 31:20 <b>consuming</b> [2] - 10:5, 17:24 <b>continuation</b> [1] - 14:8 <b>continue</b> [1] - 24:24 <b>contravene</b> [1] - 17:17 <b>convenience</b> [1] - 4:24 <b>conventional</b> [1] - 26:5 <b>coordinating</b> [1] - 9:18 <b>coordination</b> [2] - 9:14, 11:2 <b>copied</b> [1] - 15:12 <b>core</b> [1] - 28:9 <b>CORP</b> [1] - 1:15 <b>correct</b> [2] - 21:3, 22:6 <b>correctly</b> [1] - 17:10 <b>counsel</b> [2] - 5:24, 25:9 <b>couple</b> [2] - 19:8, 27:1 <b>course</b> [2] - 9:23, 12:14 <b>court</b> [1] - 19:1 <b>Craig</b> [2] - 2:5, 6:3 <b>cross</b> [1] - 28:1 <b>cross-examination</b> [1] - 28:1 <b>CTANY</b> [2] - 6:17, 14:19 <b>Cullen</b> [2] - 1:22, 5:18	12:22 <b>deems</b> [2] - 10:19, 11:24 <b>defer</b> [1] - 23:12 <b>delay</b> [3] - 13:19, 18:10, 18:21 <b>delayed</b> [1] - 19:20 <b>delivery</b> [1] - 16:7 <b>demanding</b> [1] - 27:4 <b>democratic</b> [1] - 31:16 <b>Department</b> [4] - 5:22, 6:6, 24:3, 31:19 <b>DEPARTMENT</b> [2] - 1:12, 2:9 <b>despite</b> [1] - 16:7 <b>detailed</b> [5] - 10:3, 13:2, 13:3, 17:23, 26:17 <b>develop</b> [1] - 19:3 <b>developed</b> [1] - 19:6 <b>Dickens's</b> [1] - 20:9 <b>differing</b> [1] - 30:22 <b>difficult</b> [3] - 8:10, 26:24, 28:5 <b>digest</b> [1] - 27:24 <b>directly</b> [1] - 12:7 <b>disagrees</b> [1] - 7:17 <b>discounts</b> [1] - 22:24 <b>discovery</b> [7] - 18:7, 20:16, 26:18, 26:25, 27:1, 27:15, 28:7 <b>discretion</b> [1] - 12:15 <b>discuss</b> [4] - 4:9, 12:25, 13:5, 32:4 <b>discussing</b> [1] - 4:17 <b>dispositive</b> [1] - 28:10 <b>disputed</b> [1] - 4:12 <b>distribute</b> [1] - 19:25 <b>distributing</b> [1] - 20:5 <b>diverse</b> [2] - 31:3, 31:6 <b>document</b> [2] - 25:18, 31:2 <b>dollars</b> [1] - 23:3 <b>done</b> [1] - 5:9 <b>doubts</b> [1] - 26:16 <b>down</b> [3] - 19:11, 19:12, 27:4 <b>drawing</b> [1] - 27:22 <b>Drive</b> [1] - 2:22 <b>Dykman</b> [2] - 1:22, 5:19	<b>eight</b> [1] - 25:13 <b>either</b> [6] - 12:19, 28:19, 29:6, 29:7, 30:11, 30:20 <b>electronic</b> [1] - 15:16 <b>emergency</b> [1] - 22:24 <b>Empire</b> [1] - 1:13 <b>end</b> [4] - 11:17, 17:8, 24:9, 25:3 <b>ensure</b> [1] - 4:23 <b>entail</b> [3] - 10:6, 19:17, 19:18 <b>entails</b> [1] - 9:13 <b>enter</b> [1] - 21:17 <b>entirely</b> [1] - 14:14 <b>entities</b> [1] - 31:7 <b>entitled</b> [1] - 32:7 <b>essence</b> [2] - 21:10, 22:13 <b>essentially</b> [1] - 9:12 <b>event</b> [1] - 12:19 <b>evidentiary</b> [7] - 4:11, 13:1, 20:19, 26:17, 28:8, 29:12, 30:13 <b>exact</b> [1] - 9:2 <b>exactly</b> [2] - 19:15, 26:24 <b>examination</b> [1] - 28:1 <b>Examine</b> [1] - 1:4 <b>example</b> [1] - 21:9 <b>except</b> [1] - 15:16 <b>exception</b> [1] - 15:6 <b>exceptions</b> [1] - 12:2 <b>exchange</b> [1] - 11:22 <b>excuse</b> [3] - 8:7, 19:12, 21:13 <b>executed</b> [1] - 31:3 <b>existed</b> [2] - 26:7, 26:8 <b>existing</b> [1] - 14:8 <b>expand</b> [1] - 24:11 <b>expedite</b> [1] - 18:3 <b>expeditious</b> [1] - 10:17 <b>experience</b> [3] - 26:11, 27:21, 27:22 <b>explaining</b> [1] - 8:18 <b>express</b> [2] - 7:15, 14:19 <b>extended</b> [1] - 15:25 <b>extensive</b> [1] - 27:25 <b>extent</b> [2] - 4:11, 28:5
<b>C</b>				
<b>CABLE</b> [1] - 2:16 <b>Cable</b> [1] - 6:16 <b>Campus</b> [1] - 2:22 <b>card</b> [1] - 5:7 <b>careful</b> [2] - 16:1, 16:17 <b>carry</b> [1] - 12:15 <b>Case</b> [2] - 1:4, 4:2 <b>case</b> [11] - 4:4, 17:4, 18:11, 19:8, 19:11, 19:12, 20:8, 21:20, 23:4, 25:17, 29:1 <b>Cathedral</b> [1] - 3:2 <b>Cellco</b> [1] - 6:12 <b>CELLCO</b> [2] - 2:12, 6:13 <b>certainly</b> [4] - 7:16, 25:8, 27:20, 28:8 <b>certify</b> [1] - 33:4 <b>Cesar</b> [2] - 16:9, 16:11 <b>chance</b> [2] - 25:4, 27:6 <b>change</b> [3] - 8:4, 22:14, 23:2 <b>changed</b> [3] - 24:22, 25:14, 31:17 <b>changing</b> [1] - 10:4 <b>charge</b> [1] - 17:6 <b>charges</b> [6] - 4:6, 10:5, 22:22, 23:5, 24:19, 26:15 <b>children</b> [2] - 19:9, 20:8 <b>chime</b> [1] - 21:21 <b>circumstances</b> [3] - 25:14, 26:6, 26:8 <b>City</b> [1] - 15:20 <b>city</b> [1] - 16:12 <b>claims</b> [1] - 17:24 <b>clarification</b> [1] - 22:10 <b>clarifying</b> [1] - 30:25 <b>clean</b> [1] - 4:23 <b>clear</b> [3] - 10:2, 12:18, 23:15 <b>clearly</b> [3] - 5:5, 10:17, 16:19 <b>CLECs</b> [1] - 31:5 <b>coalition</b> [1] - 18:5 <b>collaboration</b> [1] - 17:8 <b>collaborative</b> [2] - 17:5, 17:11 <b>Collar</b> [2] - 2:10, 6:5 <b>COLLAR</b> [2] - 6:5 <b>comment</b> [2] - 26:10,				
		<b>D</b>		
		<b>D.C</b> [1] - 2:3 <b>d/b/a</b> [1] - 6:13 <b>D/B/A</b> [1] - 2:12 <b>date</b> [2] - 4:19, 22:12 <b>Dated</b> [1] - 33:16 <b>deal</b> [1] - 9:7 <b>dealing</b> [1] - 11:15 <b>December</b> [1] - 20:16 <b>decide</b> [2] - 18:12, 23:17 <b>decided</b> [3] - 7:25, 18:18, 18:19 <b>decision</b> [8] - 12:2, 12:6, 14:11, 19:11, 19:13, 23:12, 24:21 <b>deemed</b> [3] - 8:2, 9:1,		
			<b>E</b>	<b>F</b>
			<b>early</b> [2] - 20:16, 28:15 <b>effectively</b> [1] - 14:6 <b>efficiencies</b> [1] - 18:4 <b>efficiency</b> [1] - 10:19 <b>efficient</b> [1] - 13:17 <b>effort</b> [1] - 10:6	<b>F-I-T-Z-G-E-R-A-L-D</b> [1] - 5:20 <b>face</b> [1] - 7:8 <b>fact</b> [3] - 4:13, 8:3, 18:2 <b>factual</b> [1] - 28:18

<p><b>faire</b> [1] - 31:16  <b>fairer</b> [1] - 9:19  <b>fairly</b> [3] - 17:14, 23:15, 26:5  <b>famous</b> [1] - 20:8  <b>fault</b> [1] - 16:20  <b>favor</b> [2] - 10:20, 27:3  <b>FCC</b> [16] - 9:16, 9:18, 10:12, 11:2, 19:10, 19:13, 24:5, 24:14, 24:15, 24:16, 24:22, 25:10, 25:12, 25:14, 25:18  <b>FCC's</b> [2] - 10:13, 14:10  <b>February</b> [2] - 20:17, 27:8  <b>file</b> [1] - 24:18  <b>filed</b> [7] - 4:14, 18:14, 18:15, 20:21, 21:10, 27:16  <b>filing</b> [6] - 30:4, 30:6, 30:12, 30:13, 30:14  <b>final</b> [1] - 12:1  <b>firm</b> [3] - 5:18, 6:2, 6:18  <b>first</b> [14] - 7:4, 7:6, 7:19, 9:5, 9:7, 10:2, 10:20, 11:6, 15:7, 15:8, 15:22, 18:14, 18:19, 19:9  <b>FitzGerald</b> [4] - 1:22, 5:19, 13:15, 29:10  <b>FITZGERALD</b> [3] - 5:16, 13:14, 29:9  <b>Flacks</b> [15] - 3:2, 6:24, 6:25, 15:3, 16:22, 20:5, 21:1, 21:3, 22:17, 29:15, 29:21, 30:19, 31:1, 31:12, 31:23  <b>FLACKS</b> [13] - 6:23, 15:3, 15:6, 20:4, 22:17, 23:1, 23:7, 29:15, 29:23, 30:1, 30:7, 30:15, 31:11  <b>flesh</b> [1] - 11:10  <b>Floor</b> [2] - 1:8, 2:14  <b>focuses</b> [1] - 4:4  <b>follow</b> [2] - 9:3, 12:8  <b>following</b> [6] - 9:15, 11:11, 11:18, 11:23, 12:3, 13:5  <b>FOR</b> [10] - 1:12, 1:15, 1:20, 2:1, 2:4, 2:9, 2:12, 2:16, 2:20, 3:4  <b>foregoing</b> [1] - 33:4  <b>forgot</b> [1] - 15:10  <b>form</b> [1] - 18:5  <b>formulate</b> [1] - 30:15</p>	<p><b>forth</b> [3] - 28:17, 29:7, 32:1  <b>forward</b> [5] - 16:21, 17:16, 21:1, 21:20, 30:8  <b>four</b> [4] - 11:19, 29:18, 29:21, 30:3  <b>frame</b> [1] - 26:19  <b>frames</b> [1] - 14:11  <b>framing</b> [1] - 28:17  <b>free</b> [2] - 18:7, 25:15  <b>front</b> [1] - 24:15  <b>Frontier</b> [2] - 6:3, 6:20  <b>frontier</b> [1] - 6:25  <b>FRONTIER</b> [1] - 2:4  <b>frontier-L-A-C</b> [1] - 6:25  <b>full</b> [2] - 15:15, 21:23  <b>fully</b> [3] - 17:17, 19:6, 27:8  <b>fund</b> [2] - 22:18, 22:22  <b>Fund</b> [10] - 1:4, 4:2, 4:7, 18:18, 22:4, 22:9, 22:12, 22:15, 22:22, 23:6  <b>funded</b> [1] - 22:22  <b>funds</b> [1] - 22:23</p>	<p>18:11, 22:25, 32:5  <b>hearings</b> [7] - 4:12, 13:1, 20:19, 27:21, 29:13, 30:13, 30:16  <b>held</b> [1] - 20:19  <b>Helmer</b> [3] - 2:17, 6:15, 14:18  <b>HELMER</b> [3] - 6:15, 6:16, 14:18  <b>help</b> [2] - 4:23, 5:2  <b>helpful</b> [5] - 5:8, 11:25, 28:11, 28:17, 29:14  <b>hereby</b> [1] - 33:4  <b>hinges</b> [1] - 8:23  <b>Hiscock</b> [2] - 2:18, 6:18  <b>history</b> [1] - 16:11  <b>honor</b> [1] - 18:25  <b>Honor</b> [30] - 7:13, 7:25, 8:16, 8:25, 10:7, 10:18, 11:17, 11:24, 12:12, 13:7, 13:14, 13:25, 16:25, 18:1, 18:24, 19:7, 19:22, 20:14, 22:10, 23:10, 23:24, 24:13, 25:6, 25:20, 25:22, 26:20, 28:12, 29:9, 29:11, 30:23  <b>Honor's</b> [2] - 19:25, 26:9  <b>honored</b> [1] - 25:19  <b>honoring</b> [1] - 17:19  <b>House</b> [1] - 20:9  <b>Howard</b> [1] - 4:8  <b>HOWARD</b> [1] - 1:10</p>	<p><b>III-A</b> [10] - 11:13, 11:16, 12:1, 12:20, 12:23, 13:6, 14:3, 18:9, 18:22, 30:1  <b>III-B</b> [6] - 11:14, 12:22, 13:4, 18:9, 18:22, 18:23  <b>ILECS</b> [1] - 2:1  <b>ILECs</b> [4] - 6:1, 14:1, 30:24, 31:5  <b>ILECs'</b> [1] - 14:2  <b>immediately</b> [2] - 26:3, 27:4  <b>impact</b> [1] - 25:2  <b>impacted</b> [1] - 31:21  <b>impacts</b> [2] - 9:21, 24:9  <b>impaired</b> [1] - 22:25  <b>impasse</b> [1] - 17:11  <b>implemented</b> [2] - 27:7, 27:8  <b>inadequate</b> [3] - 27:21, 28:3, 28:23  <b>inappropriately</b> [1] - 12:12  <b>INC</b> [2] - 1:21, 2:12  <b>Inc</b> [2] - 5:18, 6:12  <b>includes</b> [1] - 31:4  <b>including</b> [4] - 4:10, 4:18, 17:2, 25:11  <b>income</b> [1] - 22:23  <b>inconsistent</b> [2] - 11:9, 26:3  <b>increase</b> [2] - 22:18, 23:3  <b>indicate</b> [1] - 7:18  <b>indication</b> [1] - 24:8  <b>initial</b> [7] - 11:20, 20:17, 20:20, 27:15, 28:4, 30:4, 30:13  <b>intended</b> [1] - 4:16  <b>intercarrier</b> [1] - 4:5  <b>interest</b> [4] - 9:22, 14:7, 24:5, 24:10  <b>interests</b> [1] - 9:20  <b>intervenor</b> [3] - 6:24, 16:15, 31:18  <b>Intervention</b> [1] - 6:6  <b>INTERVENTION</b> [1] - 2:9  <b>intrastate</b> [2] - 4:5, 14:8  <b>involve</b> [1] - 23:4  <b>involved</b> [3] - 4:10, 26:12, 29:19  <b>issue</b> [10] - 7:25, 8:24, 10:4, 11:3, 17:13, 17:25, 18:12, 21:2, 26:22, 27:3  <b>issued</b> [2] - 4:21</p>	<p><b>Issues</b> [1] - 1:4  <b>issues</b> [53] - 4:5, 4:6, 4:9, 4:12, 4:16, 7:5, 7:22, 8:21, 9:2, 9:4, 9:8, 9:9, 9:12, 9:13, 9:15, 9:23, 9:25, 10:2, 10:3, 10:16, 10:20, 10:21, 11:1, 11:3, 11:5, 11:14, 11:15, 11:17, 11:25, 13:5, 14:6, 14:12, 17:6, 17:7, 17:9, 17:23, 18:12, 18:18, 18:19, 20:16, 22:3, 22:12, 26:12, 26:14, 26:24, 27:10, 28:3, 28:7, 28:11, 28:14, 28:18, 32:3  <b>items</b> [1] - 15:25</p>
<b>J</b>				
			<p><b>Jack</b> [7] - 4:8, 6:23, 15:3, 20:4, 22:17, 29:15, 31:11  <b>JACK</b> [40] - 1:10, 4:1, 6:7, 6:14, 7:2, 8:7, 12:4, 12:17, 13:10, 13:22, 14:22, 15:5, 16:22, 20:3, 20:10, 20:23, 21:8, 21:14, 21:22, 22:1, 22:13, 22:21, 23:4, 23:8, 23:14, 24:11, 25:5, 25:8, 25:21, 25:23, 27:13, 28:20, 29:5, 29:21, 29:25, 30:3, 30:10, 30:19, 31:9, 31:23  <b>Jacqueline</b> [2] - 33:2, 33:12  <b>James</b> [2] - 3:5, 21:24  <b>Jarndyce</b> [2] - 20:9  <b>Jersey</b> [7] - 1:19, 2:22, 26:21, 27:6, 27:7, 29:3  <b>Jim</b> [1] - 21:15  <b>Joe</b> [2] - 6:19, 16:20  <b>Joint</b> [34] - 4:15, 4:18, 7:7, 7:11, 7:16, 7:20, 7:21, 8:6, 8:22, 9:4, 9:8, 9:11, 9:23, 14:3, 14:13, 14:15, 14:23, 15:1, 16:24, 17:3, 17:4, 17:18, 20:24, 21:4, 21:7, 21:9, 22:7, 22:8, 23:21, 24:4, 28:14, 29:7, 29:8, 31:7  <b>joseph</b> [1] - 2:14  <b>Joseph</b> [4] - 2:7, 6:11,</p>	

7:13, 25:22 <b>JP</b> [15] - 10:2, 10:9, 10:16, 10:20, 11:2, 11:14, 11:21, 13:8, 13:12, 17:5, 17:16, 19:4, 22:11, 23:10, 23:19 <b>Jr</b> [2] - 1:18, 5:15 <b>Judge</b> [1] - 4:8 <b>judge</b> [8] - 6:23, 12:9, 15:3, 17:10, 20:4, 22:17, 29:15, 31:11 <b>judgment</b> [1] - 29:20	9:1, 9:4, 9:6, 10:3, 10:10, 11:7, 14:3, 17:8, 17:15, 17:20, 17:23, 17:24, 18:4, 18:6, 18:17, 19:18, 19:24, 20:15, 21:20, 22:5, 23:23, 25:16, 25:19, 26:4, 26:5, 26:6, 26:10, 28:11, 28:18, 30:2 <b>LLC</b> [4] - 1:21, 2:20, 5:17, 6:22 <b>LLP</b> [6] - 1:22, 2:2, 2:18, 5:19, 6:2, 6:18 <b>longstanding</b> [1] - 17:19 <b>looked</b> [1] - 16:8 <b>looking</b> [2] - 16:18, 18:10 <b>low</b> [1] - 22:23 <b>low-income</b> [1] - 22:23	- 7:20 <b>Mobile</b> [2] - 6:22, 21:9 <b>MOBILE</b> [1] - 2:20 <b>month</b> [3] - 22:19, 23:3, 30:16 <b>months</b> [1] - 25:13 <b>Moorman</b> [5] - 2:2, 6:1, 13:25, 30:24, 31:9 <b>MOORMAN</b> [4] - 5:25, 6:1, 13:25, 30:23 <b>morning</b> [2] - 4:1, 6:23 <b>MOSCA</b> [3] - 5:14, 19:7, 26:20 <b>Mosca</b> [6] - 1:18, 1:18, 5:15, 19:7, 26:20 <b>most</b> [3] - 15:9, 23:11 <b>mostly</b> [1] - 27:3 <b>motion</b> [1] - 28:16 <b>motions</b> [4] - 28:9, 28:10, 29:2 <b>Mount</b> [1] - 1:19 <b>move</b> [1] - 21:19 <b>moving</b> [2] - 19:18, 30:8 <b>MR</b> [39] - 5:14, 5:16, 5:25, 6:3, 6:5, 6:11, 6:19, 6:23, 7:13, 8:16, 12:11, 12:19, 13:14, 13:25, 15:3, 15:6, 19:7, 20:4, 21:13, 21:15, 21:24, 22:17, 23:1, 23:7, 23:24, 24:13, 25:20, 25:22, 25:24, 26:20, 27:19, 29:9, 29:15, 29:23, 30:1, 30:7, 30:15, 30:23, 31:11 <b>MS</b> [15] - 5:12, 5:21, 6:15, 6:21, 14:18, 16:25, 19:22, 20:14, 21:5, 22:10, 22:16, 23:9, 25:6, 25:9, 28:22 <b>must</b> [3] - 16:8, 19:3, 25:19 <b>mute</b> [1] - 8:12	19:2, 29:3, 30:11 <b>need</b> [7] - 4:11, 10:10, 10:14, 22:4, 22:14, 27:23, 32:3 <b>needs</b> [2] - 7:25, 8:25 <b>negotiations</b> [2] - 15:23, 29:16 <b>never</b> [4] - 10:13, 16:5, 18:23, 29:19 <b>NEW</b> [4] - 1:2, 1:20, 2:12, 2:16 <b>new</b> [2] - 5:16, 27:10 <b>New</b> [25] - 1:9, 1:14, 1:19, 1:23, 2:6, 2:11, 2:15, 2:19, 2:22, 3:3, 5:21, 6:12, 6:17, 15:19, 24:2, 26:21, 26:22, 27:5, 27:6, 27:7, 29:3, 33:3 <b>nine</b> [1] - 18:13 <b>none</b> [2] - 29:2, 32:5 <b>normal</b> [1] - 12:2 <b>NORTHEAST</b> [1] - 2:20 <b>northeast</b> [1] - 6:22 <b>Notary</b> [1] - 33:3 <b>note</b> [1] - 23:13 <b>nothing</b> [6] - 8:4, 8:23, 11:7, 11:8, 16:15, 31:20 <b>notice</b> [2] - 4:21, 15:15 <b>Notice</b> [1] - 9:17 <b>November</b> [6] - 1:7, 4:15, 4:21, 4:22, 14:10, 31:2 <b>nullity</b> [1] - 16:11 <b>number</b> [2] - 15:25, 17:12 <b>numerous</b> [1] - 27:25 <b>NY</b> [1] - 1:17 <b>NYS</b> [3] - 1:8, 1:12, 2:9 <b>NYSTA</b> [5] - 2:1, 5:25, 14:1, 14:2, 30:24	25:11, 25:24, 30:17 <b>open</b> [1] - 15:18 <b>operating</b> [1] - 31:14 <b>opponents</b> [2] - 16:24, 29:8 <b>opportunity</b> [3] - 13:5, 18:12, 19:3 <b>oppose</b> [4] - 20:24, 21:4, 22:7, 27:6 <b>opposed</b> [2] - 15:1, 21:6 <b>opposition</b> [2] - 4:18, 24:2 <b>option</b> [1] - 18:5 <b>oral</b> [2] - 10:19, 11:23 <b>order</b> [2] - 7:4, 25:12 <b>originating</b> [2] - 9:14, 14:9 <b>otherwise</b> [1] - 16:4 <b>outcome</b> [3] - 9:19, 9:22, 12:20 <b>outline</b> [1] - 20:11 <b>outlined</b> [1] - 13:17 <b>overall</b> [1] - 19:13 <b>Overland</b> [1] - 3:6 <b>owe</b> [1] - 15:7
<b>K</b>	<b>M</b>			
<b>Kansas</b> [1] - 3:6 <b>keep</b> [1] - 5:2 <b>Ken</b> [1] - 21:16 <b>kind</b> [1] - 26:18 <b>known</b> [1] - 19:14 <b>knows</b> [1] - 27:2	<b>magnitude</b> [1] - 28:2 <b>mail</b> [3] - 15:13, 15:16, 16:8 <b>majority</b> [1] - 4:14 <b>March</b> [1] - 20:19 <b>Mary</b> [3] - 1:16, 5:12, 17:1 <b>material</b> [1] - 4:12 <b>matter</b> [4] - 8:5, 24:18, 28:9, 32:7 <b>Maureen</b> [6] - 1:13, 2:17, 5:22, 6:15, 14:18, 23:24 <b>MCCAULEY</b> [4] - 5:21, 5:23, 23:24, 24:13 <b>McCauley</b> [4] - 1:13, 5:22, 23:25, 24:12 <b>mean</b> [2] - 29:25, 30:3 <b>meaning</b> [1] - 7:23 <b>members</b> [2] - 13:11, 14:22 <b>merely</b> [2] - 18:10, 19:20 <b>Michele</b> [2] - 2:21, 6:21 <b>MICHELE</b> [1] - 6:21 <b>microphone</b> [2] - 4:25, 5:6 <b>might</b> [5] - 4:11, 10:3, 28:17, 29:18, 30:17 <b>Miller</b> [2] - 2:5, 6:3 <b>MILLER</b> [1] - 6:3 <b>minutes</b> [1] - 15:18 <b>misnomer</b> [1] - 19:5 <b>misunderstanding</b> [1]			
<b>L</b>				
<b>L.P</b> [2] - 1:20, 3:4 <b>l.p</b> [1] - 5:17 <b>laissez</b> [1] - 31:16 <b>language</b> [2] - 14:12, 16:14 <b>large</b> [1] - 31:5 <b>last</b> [2] - 5:6, 5:23 <b>law</b> [3] - 5:18, 6:1, 12:9 <b>Law</b> [1] - 4:8 <b>lawyers</b> [1] - 29:19 <b>lead</b> [1] - 15:9 <b>least</b> [1] - 9:14 <b>leave</b> [1] - 5:8 <b>legal</b> [3] - 16:13, 28:7, 28:16 <b>legitimate</b> [2] - 7:22, 11:3 <b>length</b> [1] - 30:11 <b>letter</b> [1] - 21:10 <b>level</b> [2] - 5:17, 10:6 <b>LEVEL</b> [1] - 1:20 <b>libraries</b> [1] - 15:17 <b>likely</b> [1] - 9:18 <b>limine</b> [2] - 28:10, 29:2 <b>limiting</b> [1] - 15:18 <b>line</b> [3] - 15:8, 22:19, 23:3 <b>list</b> [1] - 15:14 <b>listening</b> [2] - 8:12, 20:13 <b>litigated</b> [6] - 9:5, 17:17, 17:25, 25:16, 26:11, 27:2 <b>litigation</b> [35] - 4:3, 8:1, 8:3, 8:19, 8:23,				
			<b>P</b>	
			<b>P.C</b> [1] - 1:18 <b>papers</b> [1] - 8:8 <b>paragraph</b> [3] - 14:13, 14:15 <b>Park</b> [1] - 3:6 <b>Parkway</b> [1] - 3:6 <b>Parsippany</b> [1] - 2:22 <b>part</b> [2] - 24:17, 29:1 <b>participate</b> [2] - 8:11, 28:1 <b>participating</b> [1] - 6:10 <b>participation</b> [1] - 32:6 <b>particular</b> [1] - 23:20 <b>particularly</b> [2] - 27:24, 27:25 <b>parties</b> [39] - 4:14, 7:7, 10:7, 10:24, 11:19, 13:18, 14:25, 15:12, 15:14, 15:24, 17:2, 17:11, 17:12, 18:2, 18:4, 18:5, 18:21, 19:14, 19:15, 19:23, 20:1, 20:12, 20:17, 20:18, 20:24, 21:4, 22:6, 22:14, 23:10, 23:11, 26:16, 27:10, 27:12, 27:23, 27:25, 30:5, 30:10, 30:22 <b>PARTNERSHIP</b> [1] -	
			<b>O</b>	
			<b>object</b> [3] - 21:11, 22:7, 22:16 <b>objection</b> [1] - 15:21 <b>objections</b> [1] - 16:4 <b>observation</b> [1] - 14:5 <b>OF</b> [4] - 1:12, 1:20, 2:9, 2:16 <b>offering</b> [1] - 7:7 <b>offers</b> [1] - 9:11 <b>office</b> [1] - 16:7 <b>one</b> [11] - 5:8, 12:4, 12:9, 13:17, 22:2, 22:18, 23:9, 24:1,	
			<b>N</b>	
			<b>name</b> [3] - 5:6, 5:23, 21:23 <b>narrowing</b> [1] - 28:11 <b>national</b> [3] - 24:7, 24:23, 24:25 <b>nationwide</b> [1] - 9:15 <b>near</b> [1] - 8:9 <b>necessary</b> [10] - 9:10, 10:13, 10:19, 12:23, 13:3, 17:22, 18:7,	

<p>2:12  <b>partnership</b> [1] - 6:13  <b>party</b> [2] - 6:24, 22:2  <b>Pataki</b> [2] - 31:15  <b>payers</b> [1] - 22:23  <b>pending</b> [2] - 18:13, 26:23  <b>people</b> [7] - 5:11, 6:10, 8:10, 16:3, 16:13, 16:14, 26:23  <b>per</b> [2] - 23:3  <b>Perales's</b> [3] - 16:10, 16:11, 16:16  <b>perhaps</b> [4] - 7:6, 12:12, 28:15, 30:16  <b>period</b> [1] - 11:18  <b>permission</b> [1] - 19:25  <b>phase</b> [9] - 9:1, 9:7, 9:9, 13:20, 15:22, 19:2, 25:16, 26:12  <b>Phase</b> [5] - 4:3, 4:4, 4:10, 4:16, 7:23, 8:1, 8:3, 8:20, 8:21, 9:2, 9:6, 9:12, 9:25, 10:22, 10:25, 11:3, 11:6, 11:9, 11:12, 11:13, 11:14, 11:16, 12:1, 12:13, 12:22, 12:23, 13:4, 13:6, 14:6, 14:15, 16:19, 17:3, 17:17, 18:9, 18:20, 18:22, 18:23, 18:25, 19:4, 19:14, 19:16, 19:17, 20:15, 22:5, 23:22, 26:11, 26:12, 27:23, 28:25  <b>phone</b> [5] - 8:9, 8:11, 8:12, 8:13, 20:13  <b>Plaza</b> [1] - 1:13  <b>PO</b> [1] - 3:2  <b>point</b> [4] - 13:16, 23:6, 23:9, 25:13  <b>pointed</b> [1] - 18:1  <b>portions</b> [1] - 28:13  <b>position</b> [6] - 10:9, 13:8, 17:13, 18:3, 18:6, 25:15  <b>possibility</b> [1] - 28:19  <b>possibly</b> [1] - 28:14  <b>POST</b> [10] - 6:11, 7:13, 8:16, 12:11, 12:19, 25:20, 25:22, 25:24, 27:19  <b>post</b> [1] - 30:1  <b>Post</b> [15] - 2:14, 6:11, 7:14, 8:7, 8:14, 12:4, 13:10, 13:12, 15:2, 16:20, 20:25, 25:22, 25:23, 27:13, 28:22  <b>Post's</b> [2] - 13:16,</p>	<p>14:4  <b>potentially</b> [1] - 31:1  <b>practice</b> [2] - 28:9, 28:16  <b>preclude</b> [1] - 10:14  <b>precluded</b> [1] - 10:22  <b>preferable</b> [1] - 17:22  <b>prehearing</b> [1] - 18:16  <b>preliminary</b> [1] - 28:6  <b>prepare</b> [1] - 28:1  <b>prepared</b> [2] - 19:23, 31:24  <b>present</b> [8] - 2:8, 2:15, 2:19, 2:23, 3:3, 3:7, 4:24, 18:6  <b>prepending</b> [1] - 19:19  <b>pretty</b> [1] - 10:2  <b>pro</b> [1] - 6:24  <b>PRO</b> [1] - 3:1  <b>PROCEDURAL</b> [1] - 1:6  <b>procedural</b> [7] - 4:10, 4:20, 11:17, 12:25, 13:3, 18:2, 23:18  <b>procedurally</b> [1] - 19:20  <b>procedure</b> [3] - 12:8, 12:13, 20:25  <b>procedures</b> [4] - 4:17, 11:11, 30:21, 31:25  <b>proceed</b> [2] - 10:17, 18:8  <b>proceeded</b> [1] - 27:1  <b>proceeding</b> [8] - 4:4, 7:9, 14:17, 17:21, 18:16, 26:3, 26:17, 26:18  <b>Proceeding</b> [1] - 1:4  <b>proceedings</b> [2] - 8:4, 28:8  <b>process</b> [8] - 8:5, 12:2, 12:16, 13:19, 17:5, 17:12, 17:17, 28:15  <b>programs</b> [1] - 22:23  <b>pronunciation</b> [1] - 31:15  <b>proponents</b> [5] - 7:16, 7:21, 10:9, 14:21, 14:23  <b>proponents'</b> [1] - 13:8  <b>Proposal</b> [34] - 4:15, 4:18, 7:7, 7:11, 7:16, 7:20, 7:21, 8:6, 8:22, 9:5, 9:8, 9:11, 9:24, 14:4, 14:14, 14:15, 14:23, 15:1, 16:24, 17:3, 17:4, 17:18, 20:25, 21:4, 21:7, 21:10, 22:7, 22:8,</p>	<p>23:21, 24:4, 28:14, 29:7, 29:8, 31:8  <b>proposal</b> [6] - 11:4, 11:8, 16:2, 16:19, 26:2, 29:11  <b>proposals</b> [1] - 29:6  <b>proposed</b> [15] - 8:21, 9:16, 11:4, 15:2, 18:17, 19:9, 19:23, 20:11, 20:15, 23:22, 27:16, 27:17, 30:2, 30:22, 31:25  <b>Proposed</b> [1] - 9:17  <b>proposes</b> [2] - 22:8, 26:18  <b>proposing</b> [2] - 23:18, 23:20  <b>Protection</b> [1] - 31:21  <b>provided</b> [2] - 17:5, 25:19  <b>providers</b> [1] - 31:6  <b>public</b> [5] - 14:7, 15:17, 16:8, 24:4, 24:10  <b>PUBLIC</b> [2] - 1:2, 1:12  <b>Public</b> [5] - 1:8, 5:22, 24:3, 31:13, 33:3  <b>pursuant</b> [1] - 9:16  <b>push</b> [1] - 28:24  <b>put</b> [7] - 11:10, 18:19, 20:25, 26:25, 28:9, 29:6, 32:1  <b>puts</b> [1] - 16:21</p>	<p>13:8  <b>recognize</b> [1] - 12:14  <b>recommended</b> [2] - 12:1, 12:6  <b>record</b> [9] - 4:1, 4:23, 5:1, 15:14, 16:6, 19:3, 19:6, 23:13, 33:4  <b>reduced</b> [1] - 24:20  <b>refer</b> [1] - 20:8  <b>reference</b> [1] - 15:21  <b>referring</b> [1] - 30:8  <b>reflects</b> [1] - 31:3  <b>reform</b> [3] - 17:6, 27:3, 27:7  <b>regarding</b> [1] - 11:2  <b>reiterate</b> [3] - 13:15, 14:2, 14:4  <b>Related</b> [1] - 1:4  <b>related</b> [2] - 4:5, 22:3  <b>relating</b> [2] - 9:13, 26:14  <b>relatively</b> [1] - 10:16  <b>relevant</b> [1] - 10:4  <b>relook</b> [1] - 14:12  <b>remain</b> [1] - 14:10  <b>remaining</b> [1] - 17:7  <b>remind</b> [1] - 15:12  <b>repeat</b> [1] - 8:14  <b>replies</b> [2] - 27:20, 27:24  <b>reply</b> [13] - 11:22, 20:18, 20:21, 27:24, 28:4, 28:23, 29:12, 29:23, 30:5, 30:6, 30:12, 30:14, 31:11  <b>Reporter</b> [1] - 33:2  <b>reporter</b> [3] - 5:2, 5:7, 5:9  <b>representation</b> [1] - 31:22  <b>represented</b> [1] - 31:13  <b>representing</b> [1] - 6:12  <b>request</b> [2] - 29:10, 29:17  <b>requested</b> [1] - 19:22  <b>required</b> [2] - 13:1, 15:25  <b>reserve</b> [1] - 13:4  <b>reserves</b> [1] - 10:24  <b>resolution</b> [19] - 7:22, 8:21, 8:24, 9:12, 9:13, 9:15, 9:18, 9:21, 10:12, 10:13, 11:21, 11:25, 12:3, 12:21, 12:23, 14:5, 19:4, 19:5, 19:19  <b>resolve</b> [1] - 4:16</p>	<p><b>resolved</b> [5] - 8:25, 17:8, 19:15, 19:16, 19:17  <b>resources</b> [1] - 13:18  <b>respect</b> [1] - 13:18  <b>respectfully</b> [1] - 16:17  <b>respond</b> [2] - 25:7, 25:25  <b>response</b> [5] - 23:16, 24:1, 24:25, 26:9, 30:25  <b>result</b> [6] - 9:3, 9:19, 12:23, 19:5, 24:9  <b>review</b> [2] - 10:16, 14:3  <b>reviewing</b> [2] - 10:1, 10:20  <b>revision</b> [1] - 4:5  <b>revisions</b> [1] - 4:6  <b>Ridge</b> [1] - 1:19  <b>Road</b> [1] - 1:19  <b>room</b> [4] - 4:24, 5:11, 6:8, 20:1  <b>rounds</b> [1] - 27:1  <b>rubber</b> [1] - 16:16  <b>rule</b> [2] - 28:18, 31:24  <b>Rulemaking</b> [1] - 9:17  <b>ruling</b> [3] - 4:20, 11:17, 18:2  <b>rush</b> [1] - 29:20</p>
<b>S</b>				
<p><b>sake</b> [1] - 23:17  <b>schedule</b> [17] - 13:2, 13:3, 14:3, 18:17, 19:24, 20:12, 20:15, 23:22, 23:25, 26:10, 26:15, 26:21, 27:11, 27:16, 27:17, 30:2, 31:25  <b>scheduled</b> [1] - 30:6  <b>schedules</b> [1] - 30:21  <b>Schifman</b> [1] - 21:16  <b>school</b> [2] - 19:10  <b>se</b> [1] - 6:24  <b>SE</b> [1] - 3:1  <b>second</b> [2] - 12:4, 15:22  <b>secondly</b> [3] - 16:5, 20:7, 31:18  <b>Secretary</b> [1] - 16:9  <b>secretary</b> [3] - 12:10, 12:15, 16:16  <b>secretary's</b> [1] - 16:7  <b>section</b> [2] - 10:22, 12:20  <b>see</b> [2] - 22:14, 27:14  <b>seem</b> [1] - 16:6</p>				

<p><b>served</b> [1] - 14:7  <b>SERVICE</b> [2] - 1:2, 1:12  <b>service</b> [3] - 7:1, 22:24, 22:25  <b>Service</b> [7] - 1:4, 1:8, 4:2, 5:22, 18:18, 24:3, 31:13  <b>services</b> [1] - 16:13  <b>set</b> [3] - 4:20, 13:1, 13:3  <b>settlement</b> [10] - 7:23, 7:24, 8:2, 8:20, 10:22, 10:23, 11:6, 11:9, 15:22, 29:16  <b>Settlement</b> [2] - 4:15, 7:8  <b>settlements</b> [1] - 17:19  <b>seven</b> [1] - 25:13  <b>several</b> [1] - 29:4  <b>shared</b> [1] - 7:16  <b>Shorthand</b> [1] - 33:2  <b>sign</b> [1] - 21:7  <b>signatory</b> [1] - 24:3  <b>signed</b> [6] - 16:3, 17:3, 18:25, 21:9, 25:11, 25:18  <b>significantly</b> [1] - 27:22  <b>simple</b> [1] - 16:14  <b>simply</b> [1] - 24:14  <b>simultaneous</b> [2] - 11:20, 11:22  <b>sitting</b> [1] - 21:16  <b>situation</b> [1] - 21:18  <b>six</b> [1] - 25:13  <b>slowly</b> [1] - 5:5  <b>small</b> [1] - 31:5  <b>Smaller</b> [4] - 6:1, 14:1, 14:2, 30:24  <b>SMALLER</b> [1] - 2:1  <b>someone</b> [2] - 8:8, 16:23  <b>sorry</b> [3] - 8:15, 30:7, 31:12  <b>sort</b> [2] - 24:25, 28:16  <b>sound</b> [1] - 10:1  <b>speaking</b> [4] - 4:25, 8:12, 8:13, 25:21  <b>specific</b> [3] - 4:9, 14:11, 14:12  <b>specifically</b> [1] - 10:24  <b>spell</b> [2] - 5:6, 5:23  <b>spelled</b> [1] - 6:25  <b>spokesperson</b> [2] - 7:10, 7:15  <b>SPRINT</b> [1] - 3:4  <b>Sprint</b> [4] - 3:6, 21:6, 21:16, 21:19</p>	<p><b>staff</b> [4] - 5:22, 10:7, 25:9, 25:11  <b>stage</b> [5] - 4:3, 8:3, 12:1, 22:5, 29:22  <b>stamp</b> [1] - 16:16  <b>Starsick</b> [2] - 2:7, 6:19  <b>STARSICK</b> [2] - 6:19, 6:20  <b>state</b> [7] - 21:23, 24:17, 24:18, 24:20, 31:13, 31:20  <b>STATE</b> [2] - 1:2, 2:9  <b>State</b> [7] - 1:13, 2:18, 5:21, 16:9, 24:2, 31:19, 33:3  <b>state's</b> [1] - 6:6  <b>state-by-state</b> [1] - 24:17  <b>statement</b> [1] - 25:25  <b>states</b> [3] - 17:21, 17:25, 27:5  <b>Station</b> [1] - 3:2  <b>Stein</b> [1] - 17:10  <b>steps</b> [1] - 4:10  <b>still</b> [1] - 31:14  <b>strategy</b> [1] - 30:16  <b>Street</b> [4] - 1:16, 2:6, 2:14, 2:18  <b>Stroffolino</b> [2] - 33:2, 33:12  <b>strong</b> [1] - 26:16  <b>structures</b> [1] - 14:9  <b>structuring</b> [2] - 26:4, 26:6  <b>stuck</b> [2] - 16:13, 16:14  <b>subject</b> [1] - 4:19  <b>submit</b> [3] - 11:20, 20:17, 20:18  <b>submitted</b> [2] - 29:24, 31:2  <b>submitting</b> [1] - 31:7  <b>subscriber</b> [2] - 22:19, 23:3  <b>subsequent</b> [2] - 9:9, 12:25  <b>subset</b> [2] - 9:24, 11:5  <b>substantial</b> [2] - 4:14, 16:4  <b>substantive</b> [7] - 9:11, 9:25, 14:5, 15:23, 19:4, 19:5, 19:19  <b>sufficient</b> [1] - 18:8  <b>suggest</b> [2] - 11:11, 11:16  <b>suggested</b> [2] - 26:19, 28:13  <b>suggesting</b> [1] - 12:8  <b>Suite</b> [5] - 1:16, 1:19, 1:23, 2:3, 2:11</p>	<p><b>support</b> [2] - 14:2, 14:19  <b>supporters</b> [6] - 7:11, 13:11, 13:24, 23:19, 23:21, 29:7  <b>supporting</b> [1] - 23:10  <b>supposed</b> [2] - 19:17, 19:18  <b>system</b> [1] - 15:19</p> <p style="text-align: center;"><b>T</b></p> <p><b>T-Mobile</b> [2] - 6:22, 21:9  <b>T-MOBILE</b> [1] - 2:20  <b>Targeted</b> [7] - 4:7, 22:4, 22:8, 22:11, 22:14, 22:21, 23:5  <b>telecom</b> [1] - 5:16  <b>TELECOM</b> [1] - 1:20  <b>TELECOMMUNICATIONS</b> [1] - 2:16  <b>Telecommunication</b> [1] - 6:17  <b>telephone</b> [10] - 2:8, 2:15, 2:19, 2:23, 3:3, 3:7, 6:10, 7:3, 20:2, 22:25  <b>termed</b> [1] - 17:14  <b>test</b> [1] - 4:12  <b>testimony</b> [7] - 20:17, 20:18, 26:25, 27:16, 27:24, 29:12, 30:12  <b>THE</b> [3] - 1:1, 1:12, 2:9  <b>therefore</b> [3] - 8:20, 25:15, 30:17  <b>they've</b> [2] - 26:19, 27:6  <b>thinks</b> [1] - 28:22  <b>third</b> [1] - 6:24  <b>Thomas</b> [4] - 2:2, 2:21, 6:1, 6:22  <b>THOMAS</b> [1] - 6:21  <b>three</b> [2] - 11:19, 28:24  <b>Three</b> [1] - 1:13  <b>throughout</b> [1] - 15:19  <b>tight</b> [1] - 27:18  <b>timely</b> [1] - 15:15  <b>today</b> [6] - 4:9, 16:3, 19:23, 25:14, 31:25, 32:4  <b>together</b> [1] - 26:25  <b>Tom</b> [2] - 13:25, 30:23  <b>total</b> [1] - 9:24  <b>track</b> [1] - 5:2  <b>tradition</b> [1] - 17:19  <b>transcript</b> [1] - 33:5  <b>transition</b> [1] - 24:7  <b>trial</b> [1] - 30:16</p>	<p><b>trigger</b> [4] - 8:1, 8:19, 17:15, 17:20  <b>triggers</b> [2] - 14:11, 22:18  <b>tripped</b> [4] - 8:2, 8:19, 17:15, 17:20  <b>true</b> [1] - 33:5  <b>truncate</b> [1] - 7:8  <b>trying</b> [2] - 8:10, 18:21  <b>Tuesday</b> [1] - 1:7  <b>turns</b> [1] - 9:10  <b>TW</b> [1] - 1:20  <b>tw</b> [1] - 5:16  <b>two</b> [6] - 11:21, 23:10, 27:20, 28:3, 28:23, 31:4</p> <p style="text-align: center;"><b>U</b></p> <p><b>U.S</b> [2] - 15:13, 16:7  <b>ultimate</b> [1] - 12:19  <b>ultimately</b> [2] - 10:8, 10:12  <b>unaffected</b> [1] - 14:10  <b>unanimity</b> [1] - 15:24  <b>under</b> [5] - 8:1, 8:19, 27:16, 31:14, 32:1  <b>undermine</b> [1] - 17:18  <b>undertaken</b> [1] - 10:11  <b>Unit</b> [1] - 6:6  <b>UNIT</b> [1] - 2:9  <b>unit</b> [3] - 16:10, 16:15, 31:19  <b>Universal</b> [3] - 1:4, 4:2, 18:18  <b>unnecessary</b> [2] - 13:20, 19:2  <b>unresolved</b> [1] - 17:9  <b>up</b> [3] - 8:8, 16:13, 16:14  <b>user</b> [2] - 24:9, 25:3  <b>Utility</b> [1] - 6:6  <b>UTILITY</b> [1] - 2:9</p> <p style="text-align: center;"><b>V</b></p> <p><b>variance</b> [1] - 16:11  <b>various</b> [1] - 9:21  <b>VERIZON</b> [2] - 2:12, 2:13  <b>Verizon</b> [8] - 6:12, 6:13, 16:19, 16:21, 17:21, 17:23, 18:1, 27:2  <b>Verizon's</b> [2] - 13:7, 16:2  <b>versus</b> [1] - 20:9  <b>via</b> [6] - 2:8, 2:15, 2:19, 2:23, 3:3, 3:7  <b>view</b> [3] - 8:23, 9:17, 13:7</p>	<p><b>views</b> [2] - 7:15, 8:6  <b>VoIP</b> [1] - 31:6</p> <p style="text-align: center;"><b>W</b></p> <p><b>wait</b> [2] - 24:5, 25:18  <b>wants</b> [1] - 13:23  <b>Washington</b> [4] - 1:16, 1:23, 2:3, 2:11  <b>ways</b> [1] - 7:6  <b>week</b> [1] - 28:24  <b>weeks</b> [9] - 11:19, 11:21, 27:20, 28:3, 28:23, 28:24, 29:18, 29:22, 30:3  <b>well-known</b> [1] - 19:14  <b>West</b> [1] - 2:14  <b>wheel</b> [2] - 31:12, 31:22  <b>whole</b> [2] - 15:19, 28:12  <b>wide</b> [1] - 31:6  <b>widely</b> [1] - 7:15  <b>William</b> [2] - 1:18, 5:14  <b>willing</b> [1] - 28:24  <b>windstream</b> [1] - 5:17  <b>WINDSTREAM</b> [1] - 1:21  <b>wireless</b> [1] - 31:5  <b>Wireless</b> [1] - 6:13  <b>WIRELESS</b> [1] - 2:13  <b>Wisconsin</b> [1] - 2:3  <b>wish</b> [2] - 14:23, 29:19  <b>wishes</b> [1] - 16:23  <b>Woods</b> [2] - 2:2, 6:2  <b>words</b> [1] - 9:5  <b>written</b> [2] - 10:18, 18:8</p> <p style="text-align: center;"><b>Y</b></p> <p><b>year</b> [1] - 17:2  <b>years</b> [2] - 18:13, 26:23  <b>YORK</b> [4] - 1:2, 1:20, 2:12, 2:16  <b>york</b> [1] - 5:17  <b>York</b> [18] - 1:9, 1:14, 1:23, 2:6, 2:11, 2:15, 2:19, 3:3, 5:21, 6:12, 6:17, 15:19, 24:2, 26:22, 27:5, 33:3  <b>yourself</b> [2] - 5:2, 8:14</p> <p style="text-align: center;"><b>Z</b></p> <p><b>Zarillo</b> [2] - 1:18, 5:15  <b>zero</b> [1] - 16:10</p>
---	--	--	--	--