

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COLUMBIA, SOUTH CAROLINA

HEARING #09-11036

JUNE 10, 2009

11:50 A.M.

**ALLOWABLE EX PARTE BRIEFING**

REQUESTED BY THE SOUTH CAROLINA TELEPHONE COALITION - General overview of "Customer Choice and Technology Investment Act of 2009" (2009 Act No. 7).

**TRANSCRIPT OF  
PROCEEDINGS**

**VOLUME 1**

**HEARING BEFORE:** Elizabeth B. 'Lib' FLEMING, *CHAIRMAN*, John E. "Butch" HOWARD, *VICE CHAIRMAN*; and COMMISSIONERS David A. WRIGHT, G. O'Neal HAMILTON, Swain E. WHITFIELD, Mignon L. CLYBURN, and Randy MITCHELL.

ADVISOR TO COMMISSION: Joseph Melchers, Esq.

**STAFF:** Jocelyn G. Boyd, Deputy Clerk; F. David Butler, Jr., Senior Counsel; Randall Dong, Esq., and Josh Minges, Esq., Legal Staff; Doug Pratt and Tom Ellison, Advisory Staff; Jo Elizabeth M. Wheat, CVR-CM-GNSC, Court Reporter; and Deborah Easterling, Hearing Room Assistant.

**APPEARANCES:**

*PEG FOX, ESQUIRE, and SUE-ANN GERALD SHANNON, ESQUIRE*, representing THE SOUTH CAROLINA TELEPHONE COALITION

*NANETTE EDWARDS, ESQUIRE*, representing THE OFFICE OF REGULATORY STAFF

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P R O C E E D I N G S

1  
2           **CHAIRMAN FLEMING:** Please be seated. This  
3 briefing is now called to order. At this time, I'm  
4 going to ask Attorney Melchers to read the  
5 information about the ex parte briefing.

6           **MR. MELCHERS:** Thank you, Madam Chairman,  
7 Commissioners. The South Carolina Telephone  
8 Coalition has requested an allowable ex parte  
9 briefing scheduled for today at 11 a.m. or  
10 immediately following the briefing which was  
11 noticed by AT&T South Carolina. And they're going  
12 to be addressing a general overview of the Customer  
13 Choice and Technology Investment Act of 2009.  
14 Thank you.

15           **CHAIRMAN FLEMING:** Would you please come  
16 forward, and we look forward to hearing what you  
17 have to tell us today, as well.

18           **MS. FOX:** Thank you, Madam Chair,  
19 Commissioners, good morning -- still. I'm Peg Fox  
20 with the McNair Law Firm. With me today is Suzie  
21 Shannon, also from the McNair Law Firm, and we're  
22 here on behalf of the South Carolina Telephone  
23 Coalition.

24           I'd like to thank you for granting our request  
25 for an ex parte briefing. As Mr. Turner pointed

1 out, that is not something that you are required to  
2 do, and we do appreciate that courtesy. I'd also  
3 like to thank AT&T for inviting us to be a part of  
4 their ex parte presentation this morning. Again,  
5 that's not something that they are required to do,  
6 and we do appreciate being able to be here and be  
7 present and to hear their description of the Act.

8 So the next question I guess you have is why  
9 are we here? We noticed our ex parte presentation  
10 sort of in an abundance of caution, to make sure  
11 that if the Commissioners had any questions of us,  
12 that we could do that separate and apart from  
13 AT&T's presentation, because it wouldn't be  
14 appropriate for us to speak on behalf of the  
15 Coalition during an AT&T presentation. So that is  
16 the reason for noticing the separate ex parte.

17 But I would like to tell you that we were, as  
18 a coalition of rural companies, very engaged in the  
19 legislative process on this bill. Our primary  
20 concerns were making sure that the bill -- or the  
21 Act, now -- did not impact in any way companies  
22 that did not elect to be regulated in that manner,  
23 and didn't affect our customers or impact those  
24 companies in any way, to include, as Mr. Turner  
25 discussed, you know, the wholesale services and

1 carrier-to-carrier arrangements, this Commission's  
2 jurisdiction to address carrier-to-carrier  
3 disputes, and things of that nature. We just  
4 wanted to make sure that our companies are not  
5 impacted by the bill. And AT&T worked with us,  
6 listened to our concerns, and addressed those  
7 primary concerns that we had.

8 So with that, that's a very brief  
9 presentation, but if the Commissioners have any  
10 questions, I'd be happy to address those at this  
11 time.

12 **CHAIRMAN FLEMING:** All right. Commissioners?

13 [No response]

14 **CHAIRMAN FLEMING:** Everybody is silent.

15 Commissioner --

16 **VICE CHAIRMAN HOWARD:** Well, I --

17 **CHAIRMAN FLEMING:** -- Mitchell -- oh,  
18 Commissioner Howard beat you to the draw. I saw  
19 your hand go up.

20 **VICE CHAIRMAN HOWARD:** I know you probably  
21 can't answer this, but it's just on my mind. Do  
22 you feel like the companies in the coalition will  
23 or will not sign up? Or do you know at this point?

24 **MS. FOX:** Well, Commissioner Howard, I can  
25 tell you that during the legislative process when

1 we were looking at the bill, it was not something  
2 that our companies were interested in. Now, you  
3 know, as has been discussed today, the  
4 telecommunications world is changing so much, you  
5 know, six months, a year, two years from now, I  
6 can't say. You know, that Act will be there and  
7 available. But at the present time, none of the  
8 rural companies that we represent has a current  
9 intention to be elected in that manner. They're  
10 very happy being carriers of last resort and  
11 providing affordable service to all requesting  
12 customers in their rural areas, and it's just a  
13 different business model, I think.

14 **VICE CHAIRMAN HOWARD:** Thank you.

15 **COMMISSIONER MITCHELL:** You answered my  
16 question.

17 [Laughter]

18 **MS. FOX:** My answer's the same, Commissioner  
19 Mitchell.

20 **COMMISSIONER MITCHELL:** You did a great job  
21 explaining it.

22 **MS. FOX:** Thank you.

23 **CHAIRMAN FLEMING:** Are there any other  
24 questions?

25 [No response]



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**CHAIRMAN FLEMING:** If not, thank you, very  
much --

**MS. FOX:** Thank you.

**CHAIRMAN FLEMING:** -- for being here, as well,  
and having the opportunity to ask questions. And  
this briefing is now adjourned.

[WHEREUPON, at 12:00 p.m., proceedings in  
the above-entitled matter were  
concluded.]

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C E R T I F I C A T E

I, Jo Elizabeth M. Wheat, CVR-CM-GNSC, do hereby certify that the foregoing is, to the best of my skill and ability, a true and correct transcript of all the proceedings had in an Allowable Ex Parte Briefing held in the above-captioned matter before the Public Service Commission of South Carolina.

Given under my hand, this the 10th day of June, 2009.

  
\_\_\_\_\_  
Jo Elizabeth M. Wheat, CVR-CM-GNSC

ATTEST:

  
\_\_\_\_\_

Charles L. A. Terreni  
CHIEF CLERK/ADMINISTRATOR