

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Mid-Missouri Telephone Company,)	
)	
Petitioner,)	
)	
vs.)	Case No. TC-2002-190
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
COMMENTS CONCERNING MID-MISSOURI'S RESPONSE
TO STAFF'S FINAL INVESTIGATION REPORT**

Southwestern Bell Telephone Company¹ respectfully submits the following Comments concerning the Response Mid-Missouri Telephone Company ("Mid-Missouri") filed on November 25, 2002 to Staff's November 18, 2002 Final Investigation Report.

1. Staff's Report is Factual, Balanced and Neutral. The ad hominem attack Mid-Missouri's levels at the Missouri Public Service Commission Staff is genuinely surprising. Pursuant to the Commission's March 28, 2002 Order in this case,² Staff simply followed the Commission's directive to "determine whether or not Southwestern Bell Telephone Company has complied with the Commission's Order of July 18, 2000 in Case No. TC-2001-20"(the "July 18 Order" or "Order") and to file status reports on its investigation. As the Report itself reflects, Staff limited its Report to the factual information presented to it during the course of its

¹ Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company, will be referred to in this pleading as "Southwestern Bell" or "SWBT."

² Order Suspending Procedural Schedule, Directing Staff Investigation and Setting Prehearing Conference, Case No. TC-2002-190, issued March 28, 2002.

investigation. In concluding that “there is no definitive evidence to support Mid-Missouri’s complaint,”³ Staff simply called it as they saw it.

While Mid-Missouri is certainly free to disagree with Staff’s conclusions (or those of any other party), the Commission should not condone Mid-Missouri’s continued effort to impugn the integrity of anyone who dares to disagree with Mid-Missouri’s position.

2. Staff’s Conclusion Rests on Firm Ground. A review of its Complaint and Direct Testimony shows that Mid-Missouri has not presented any data from which it can be determined whether the calls at issue here were being transited in violation of the Commission’s July 18, 2002 Order in Case No. TC-2001-20. In its Complaint, Mid-Missouri claims the following types of traffic are being transited improperly over Southwestern Bell’s facilities:

SWBT is delivering its own traffic originated outside the 524 LATA. SWBT is delivering GTE (Verizon or Contel) traffic originated outside the 524 LATA. SWBT is delivering Sprint traffic outside the 524 LATA. SWBT is delivering Alltel traffic originated outside the 524 LATA. SWBT is delivering wireless traffic originated outside the Kansas City MTA. SWBT is delivering IXC traffic which is not FGA traffic.”⁴

In an attempt to support these allegations, Mid-Missouri purports to provide usage data (appended as Schedules 3HC through 10HC to its Direct Testimony), which it claims to have recorded at its switch. These schedules, however, are just very high-level summaries providing no call detail information. All they provide is a total of the number of the calls it claims originated in various exchanges and terminated to one of Mid-Missouri’s exchanges, the carriers

³ Staff’s Final Report on its Investigation of Mid-Missouri Complaint Against Southwestern Bell Telephone Company, Case No. TC-2002-190, filed November 18, 2002, p. 2.

⁴ See, the Direct Testimony of Mid-Missouri witness David Jones, filed February 22, 2002, at page 5. See also, Mid-Missouri’s Complaint filed October 16, 2001, 8(a) through (t).

it believes originated the calls, and the carrier connect time. They do not identify any individual call. They do not specify the date and time the calls purportedly were made. And they fail to provide the originating and terminating telephone numbers.

In its testimony, Mid-Missouri claims that this information “allows Mid-Missouri to identify if the call was originated by landline or wireless (CMRS carrier), the identity of the originating carrier and the jurisdiction of the call, i.e., whether the call was interstate or intrastate, intra-LATA or inter-LATA or intra-MTA or inter-MTA.”⁵ But as Staff’s Report explains, it actually proves nothing:

Definitive conclusions were difficult to draw from the information submitted by Mid-Missouri Telephone Company. For example, complete 10-digit originating or terminating telephone numbers were not provided in the direct testimony of Mid-Missouri Telephone Company witness David Jones. In addition, Mid-Missouri’s data showing the alleged originating carriers may not be correct. Interconnection methods may mask the true location and identity of certain CLECs or other transiting carriers. The data that Mid-Missouri provided in its testimony is summary in nature; it does not contain the records of individual call records where Southwestern Bell could match call records with its own call records. The lack of information pertaining to the originating caller and the carrier makes it difficult to conclude, with certainty, that the alleged telephone calls violated the order in Case No. TC-2001-20.⁶

3. The Subsequent Traffic Study Shows Mid-Missouri’s Claims are Incorrect. As Staff indicates in its Report, Southwestern Bell suggested that the parties conduct a real time traffic study to examine in detail all calls that transit Southwestern Bell’s network and terminate to Mid-Missouri exchanges. Southwestern Bell suggested the traffic study because of the inconclusive nature of Mid-Missouri’s data and Southwestern Bell’s own lack of data for the historical periods cited in the Complaint.

⁵ Jones Direct at p. 5.

⁶ Staff Investigation Report, p. 2, appended as Exhibit 1 to Staff’s Final Report on its Investigation of Mid-Missouri’s Complaint Against Southwestern Bell Telephone Company, filed November 18, 2002.

The parties conducted the traffic study using data from September 12, 2002. Of over 2,500 calls tracked in the test, Mid-Missouri identified 69 calls it claimed violated the Commission's July 18, 2000 Order. Specifically, Mid-Missouri claimed that these 69 calls were landline calls originated outside the 524 LATA (i.e., impermissible interLATA calls). It claimed 41 were originated by Southwestern Bell, 26 by Sprint, and 2 by Verizon. Southwestern Bell investigated each of these calls and found that in every case, Mid-Missouri's claims were incorrect:

- The 41 calls Mid-Missouri claimed were Southwestern Bell landline calls were actually calls originated from a wireless provider (40 by Cingular and 1 by Alltel). These calls represent either intraMA (as noted by Staff) or roaming which SWBT could transit under the July 18 Order. As there is no means for the parties to identify the location of a cellular customer when roaming, none of these calls support a violation.
- Mid-Missouri is similarly mistaken with respect to the calls it identified as Sprint landline calls. Of those 26 calls, 15 were actually originated by a wireless provider and support no violation. The remaining 11 were made by landline customers to wireless numbers that were in turn call forwarded (also called "redirected") to Mid-Missouri. As calls from these cellular customers to the Mid-Missouri exchanges would not support a violation, there is no justification for asserting that calls that are forwarded from these same numbers should be blocked. Again, there is no evidence of a violation.
- Mid-Missouri is also in error with respect to the two calls it claims were originated by Verizon landline customers outside the 524 LATA. Both were actually call-forwarded calls and do not provide evidence of violation of the Order. The first (a landline call originated by a Verizon customer in Troy to a SWBT landline customer in Booneville with call forwarding to a Mid-Missouri customer) was appropriately allowed to transit Southwestern Bell's network as the second leg of the call was from a SWBT customer in the 524 LATA terminating to a Mid-Missouri customer in the same LATA. This call is handled as an ordinary intraLATA toll call (in the ordinary course of business, SWBT sent an appropriate access usage record which Mid-Missouri will use to bill terminating access charges to SWBT). The other call (a landline call originated by a Verizon landline customer to a wireless subscriber that was call forwarded to a Mid-Missouri customer) likewise does not evidence a violation of the Order. As calls from this wireless subscriber to

Mid-Missouri's exchange would be considered intraMTA, there was no requirement to block it.

As Staff's Report reflects, this real time traffic study demonstrates the unreliability of the characterizations Mid-Missouri has made and fully supports Staff's conclusion that there is "no definitive evidence to support Mid-Missouri's complaint."⁷ In fact, Mid-Missouri's own testimony supports Staff's conclusion. Intending to reference what he believed was a small number of wireless-originated calls, Mid-Missouri's witness admitted that its own records are not definitive as "some of these calls could possibly have been made when the caller was roaming in the Kansas City MTA."⁸ Since the recent traffic study has shown that calls Mid-Missouri identified as landline calls were actually wireless-originated, Mid-Missouri's data on those calls would be inconclusive as well.

Southwestern Bell in good faith endeavored to appropriately comply with the Commission's July 18 Order. Consistent with the commitments made to the Commission during the July 14, 2000 hearing, SWBT has had its network technicians identify the trunk groups associated with the carriers whose traffic was to be blocked and develop special translations to screen out traffic from those trunks destined for Mid-Missouri's exchanges. As a result, certain traffic has been blocked and other traffic has been permitted to continue flowing. Until Mid-Missouri filed this formal Complaint, Southwestern Bell was unaware that Mid-Missouri had any problems with these blocking arrangements. Before filing the Complaint, Mid-Missouri neither identified any such potential problems to Southwestern Bell nor attempted to resolve them. Had Mid-Missouri done so, their Complaint, which has never been shown to have any proper

⁷ Staff's Final Report, p. 2.

⁸ Jones Direct, p. 11.

evidentiary support, may have been avoided. Southwestern Bell remains willing to attempt to resolve this dispute on a carrier-to-carrier basis.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

BY 

PAUL G. LANE	#27011
LEO J. BUB	#34326
ANTHONY K. CONROY	#35199
MIMI B. MACDONALD	#37606

Attorneys for Southwestern Bell Telephone, L.P.

One SBC Center, Room 3518

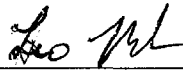
St. Louis, Missouri 63101

314-235-2508 (Telephone)/314-247-0014 (Facsimile)

leo.bub@sbc.com

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on December 5, 2002.



Leo J. Bub

KEITH KRUEGER
MISSOURI PUBLIC SERVICE COMMISSION
PO BOX 360
JEFFERSON CITY, MO 65102

CRAIG S. JOHNSON
LISA CHASE
ANDERECK, EVANS, MILNE, PEACE &
JOHNSON LLC
PO BOX 1439
JEFFERSON CITY, MO 65102

MICHAEL F. DANDINO
JOHN B. COFFMAN
OFFICE OF THE PUBLIC COUNSEL
PO BOX 7800
JEFFERSON CITY, MO 65102

JAMES M. FISCHER
LARRY W. DORITY
FISCHER & DORITY P.C.
101 MADISON, SUITE 400
JEFFERSON CITY, MO 65101