Level 3 Communications, LLC's Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, to establish an Interconnection Agreement with the Southwestern Bell Telephone Company, L.P. d/b/a SBC Missouri	)	Exhibit No. _____
	)	Issue: NIM 4, 6; OET 5, 6, 7, 10-12; ITR 1-4, 10-14, 17, 18; ITR 5-9, 19; IC 1, 4, 6-9, 14, 17, 19, 20, and 21; CHC 1
	)	Witness: Rogier DuCloo
	)	Type of Exhibit: Rebuttal Testimony
	)	Sponsoring Party: Level 3 Communications
	)	Case No. TO-2005-01166
	)	Date: February 7, 2005

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

CASE NO. TO-2005-0166

REBUTTAL TESTIMONY

OF

ROGIER DUCLOO

ON BEHALF OF LEVEL 3 COMMUNICATIONS, LLC

February 7, 2005

I. Introduction

Q. PLEASE STATE YOUR NAME, POSITION, EMPLOYER, AND BUSINESS ADDRESS.

A. My name is Rogier DuCloo. I am Director, Product Management with Level 3 Communications, LLC("Level 3"). My business address is 1025 Eldorado Boulevard, Broomfield, CO, 80021.

Q. PLEASE REVIEW YOUR EDUCATION AND RELEVANT WORK EXPERIENCE.

A. In my job as Director of Interconnection Services I am responsible for negotiation and administration of interconnection agreements with ILECs, independent telecommunications carriers, and CLECs. My Curriculum Vitae is attached as Exhibit RD-1.

Q. HAVE YOU REVIEWED THE DIRECT TESTIMONY FILED ON DECEMBER 13, 2004 BY MR. KENNETH WILSON ON BEHALF OF LEVEL 3?

A. Yes.

Q. IS IT YOUR INTENTION TO ADOPT THE PREFILED DIRECT TESTIMONY OF MR. WILSON AS YOUR OWN?

A. Yes.

Q. IF YOU WERE ASKED THE SAME QUESTIONS AS THOSE ASKED OF MR. WILSON IN HIS DIRECT TESTIMONY, WOULD YOUR RESPONSES BE THE SAME?

A. Yes.

II. Statement Of Scope And Summary

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. Some of the SBC witnesses have clouded and confused the record in this case. I would like to clear up this confusion and set the record straight. I have attempted to put forward technical facts about the network and how Level 3 needs to interconnect with SBC in an efficient manner. SBC has raised a number of issues with my testimony that I must clarify. There may also be a few disputed positions where the companies can agree to take issues off the table as what is important for SBC is not as important for Level 3.

Q. CAN YOU GIVE A PREVIEW OF THE ISSUES WHERE THE COMPANIES CAN MOVE CLOSER TO AGREEMENT?

A. Yes, two issues in particular can be resolved. SBC raises several technical issues regarding the use of so-called "Local Only" tandem switches for both local and toll traffic. While there are technical solutions that would allow these switches to handle both types of traffic, Level 3 can agree to direct only local traffic to these switches. Secondly, SBC focuses on how Meet Point traffic should not be combined with local interconnection traffic on single trunks. This obscures the real need of Level 3 to combine local traffic with toll traffic that terminates to SBC customers. Meet Point traffic, traffic exchanged to and from Level 3 end users and a third party IXC that is routed through the SBC tandem, is not the real issue and Level 3 can agree to separate trunk groups for Meet Point traffic. However, this does not eliminate the question of whether SBC can prohibit Level 3 from using existing trunks to carry IP enabled traffic.

Q. HOW WILL YOU STRUCTURE YOUR REBUTTAL TESTIMONY?

A. I will structure my rebuttal testimony to mirror the direct testimony Mr. Wilson filed (and I have adopted), though in a much more abbreviated manner. I will first clear up issues on the combining of local and toll traffic on single trunk groups and the use of Percent Local Use (PLU) to accurately bill toll traffic. I will then treat Out of Exchange Traffic and billing issues and briefly address a number of miscellaneous issues.

IV. Combining Different Traffic Types On Interconnection Trunks

Statement of the Issue: Level 3 would like to combine local and toll traffic on interconnection trunk groups. Combining traffic is both practical and efficient. The issues that SBC raises in its testimony, while sometimes confusing, can be easily answered.

Q. WHAT ISSUES DOES SBC RAISE IN OPPOSITION TO THE COMBINATION OF LOCAL AND TOLL TRAFFIC ON SINGLE TRUNK GROUPS?

A. SBC raises a number of issues including the inability of switching systems to handle traffic in this manner (which is not true); the potential of fraud (which can be perpetrated with or without combining traffic); and several other issues. I will address SBC's concerns and inaccuracies in the following paragraphs.

Q. SBC STATES THAT LOCAL ONLY TANDEMS CANNOT HANDLE ACCESS TRAFFIC. IS THIS TRUE?

A. It is both not true and not an issue. In the first place, most of SBC's tandems already handle both local and access traffic. The SBC tandems that are currently "Local Only" could be modified to handle access traffic. However, Level 3 is

willing to agree that trunks between Level 3 and SBC Local Only tandems will carry only local traffic. Level 3 will restrict its request for combining local and access traffic on single trunk groups to tandems that carry mixed traffic and tandems that carry access traffic, as well as end offices. This concession should remove the concern SBC has with respect to its Local Only tandems. Level 3 has agreed to modify the contract terms accordingly.

Q. WHAT IS THE CONCERN SBC HAS WITH RESPECT TO MEET POINT TRAFFIC?

A. SBC makes some largely irrelevant comments about the fact that Meet Point traffic does not normally involve SBC customers. It is technically feasible to combine Meet Point traffic with local traffic and toll traffic that is originated or terminated to SBC customers. However, since Level 3 already has established Meet Point trunk groups to SBC switches, Level 3 is willing to exclude Meet Point Traffic from interconnection trunk groups. Meet Point trunk groups merely provide a path between Level 3 and IXCs that have no direct connectivity with Level 3. Level 3 is willing to accept the infrastructure that is currently established for Meet Point trunking, provisioning trunk groups to tandems where Level 3 traffic is homed.

Q. ARE MEET POINT TRUNK GROUPS THE REAL ISSUE?

A. No. The real issue is the requirement that SBC is making for Level 3 provision a Feature Group D (FG-D) trunk group for InterLATA calls as well as a local Interconnection trunk group to every switch where Level 3 has any significant amount of traffic. When traffic bound for a particular SBC end office reaches one

DS-1 equivalent, Level 3 has agreed to provision a Direct End Office Trunk (DEOT). If Level 3 cannot combine both local and toll traffic on these DEOTs, it will be forced to provision a series of additional trunk groups for its relatively small amount of toll traffic.

Q. CAN YOU SHOW THE DIFFERENCE BETWEEN MEET POINT TRAFFIC AND THE DISPUTE ON COMBINING TRAFFIC IN A DIAGRAM TO HELP DISPEL ANY CONFUSION THAT MAY EXIST?

A. Yes, RD-2, Figure 1 shows both Meet Point Traffic (on the bottom), the SBC proposal for separate trunk groups and the Level 3 proposal for combining local and toll traffic on a single trunk group. All traffic except Meet Point traffic is between SBC customers and Level 3 customers. Meet Point Traffic is between Level 3 customers and the customers of third party IXCs.

Q. SBC MAKES A STATEMENT THAT COMBINING LOCAL AND TOLL TRAFFIC WILL LEAD TO BLOCKED CALLS DUE TO MISROUTING. IS THIS TRUE?

A. No, absolutely not. Both local and toll calls from SBC to Level 3 and Level 3 to SBC can be completed reliably over shared trunk groups. Every call, no matter whether it is local or toll, has a phone number associated with the party that is being called. Both types of calls can be completed successfully in every case, with no increase in misrouted calls.

Q. ARE OTHER CLECS COMBINING LOCAL AND TOLL TRAFFIC ON THE SAME TRUNKS WITHOUT PROBLEMS?

A. Yes, AT&T and other companies have been combining local and toll traffic on the same trunk groups for many years. This practice has not led to any increase in the misrouting of calls.

Q. SBC CLAIMS THAT COMBINING LOCAL AND TOLL CALLS ON THE SAME TRUNK GROUPS WILL LEAD TO FRAUD. THEY CITE THE INAPPROPRIATELY ROUTED TRAFFIC THAT MCI ROUTED TO AT&T (WHICH AT&T CHARACTERIZED AS FRAUD) AS AN EXAMPLE OF SUCH PROBLEMS. WHAT IS YOUR REACTION TO THIS?

A. Fraud can be perpetrated by one company on another whether traffic is combined on one trunk group or separated onto two different trunk groups. If a company wishes to deceive another by making toll traffic look like local traffic, they can simply modify the SS7 messages to make the toll traffic look like local traffic and put the calls on the local interconnection trunk. There are ways that a dishonest company can fool its co-carrier with or without combining traffic on single trunk groups. Level 3 is a company of high integrity and will allow SBC to audit its call records if it believes PLU and PIU factors are being incorrectly calculated or manipulated in some way.

Q. DO YOU AGREE WITH SBC WITNESSES WHO CLAIM THAT IT IS IMPROPER TO COMBINE INTEREXCHANGE SWITCHED ACCESS TRAFFIC WITH LOCAL TRAFFIC ON THE SAME TRUNK GROUP?

A. No, I do not. The use of an accurate PLU factor will accomplish the same goal of properly assessing access charges without incurring the inefficiency of having

separate trunk groups. Level 3 wants to build an efficient, modern network. One way to do this is to combine traffic of different types on single trunk groups. The implication that the reason Level 3 wants to combine traffic is to deceive SBC and somehow avoid access charges is way off base.

Q. WILL LEVEL 3 ALLOW SBC TO EXAMINE CALL DETAIL RECORDS TO VERIFY PLU FACTORS?

A. Yes.

Q. ARE PLU AND PIU FACTORS ACCURATE OR ARE THEY A GUESS AS SBC SUGGESTS?

A. Level 3 will calculate its PLU and PIU factors using actual call detail records. This will be done on a regular basis. This is not a guess. SBC seems to think that once traffic is combined, traffic studies cannot be conducted to determine accurate PLU factors. This is absolutely not true. Call detail data will be collected and evaluated against billing tables and a very accurate determination will be made about the ratio of local to toll traffic.

Q. IS THERE A POSSIBILITY OF AUTOMATED BILLING FOR A BROADER CLASS OF CALLS IN THE FUTURE?

A. Yes. In Accessible letter number CLEC04-444 dated November 30, 2004, SBC gave notice of its intention to begin making changes to billing systems that will result in "creating VoIP records," effective December 13, 2004. This appears to be similar to the proposal at page 56 of Mr. Wilson's direct testimony in this proceeding to attach an originating line identifier to call records.

Q. IS A SINGLE LARGE TRUNK GROUP BETWEEN TWO SWITCHES MORE EFFICIENT THAN TWO SMALLER TRUNK GROUPS?

A. Yes. I demonstrated this in some detail in my direct testimony. SBC witness Oyer is confused about Level 3's position on the efficiency of routing traffic between two points on one trunk group instead of two. While it is true that SBC would have a more efficient network with fewer switches, Level 3 is not suggesting that SBC redesign their network at this point. We don't expect to pass all our traffic to SBC on one huge trunk group. We are merely saying that traffic between the Level 3 switch and any SBC switch should ride a single trunk group for both local and toll traffic and not two trunk groups. Level 3 has agreed to put direct trunks to SBC end offices when traffic exceeds one DS-1. This addresses the congestion problem described by SBC, without imposing additional costs on Level 3 that are not warranted. The issue of combining local and toll traffic on a single trunk group has nothing to do with whether traffic is directed to a tandem or an end office. Level 3 is always in favor of good, efficient engineering practices.

Q. IS THERE ANY NEED TO CONTINUE THE OLD PRACTICE OF SEPARATING LOCAL TRAFFIC AND TOLL TRAFFIC ONTO SEPARATE TRUNK GROUPS TO MAKE BILLING SIMPLER?

A. No. The advent of high speed computers for recording and billing make it much more sensible to gain the efficiency in trunking by combining traffic and sorting out the billing with fast, accurate computers. We should take advantage of

progress in the speed of computers to make the network more efficient. SBC would be well advised to do this within their network.

Q. IS IT CHEAPER FOR SBC TO COMBINE LOCAL AND TOLL TRAFFIC ON THE SAME TRUNK GROUPS?

A. Yes. This is true for both interconnection facilities and facilities within the SBC network. For interconnection, combining local and toll on the same trunk groups saves SBC and Level 3 switch terminations and transport facilities. Within their network, SBC could make the same savings if they put their local and toll traffic on the same trunk groups. They are wasting resources by continuing to keep traffic separated. In many cases SBC has already combined traffic within their own network. They should allow Level 3 to obtain the same efficiencies.

V. SS7 Issues

Statement of the Issue: SBC and Level 3 need to exchange SS7 messages in the course of interconnection and the exchange of traffic. SBC would like to require unnecessary, duplicative links between the two SS7 networks. Level 3 would like to use the same SS7 links for both local and toll messages.

Q. WHAT IS LEVEL 3'S POSITION ON THIS ISSUE?

A. This issue is similar to the previous issue on combining both local and InterLATA switched access traffic on single trunk groups. Level 3 is proposing to use SS7 Quad Links for both local and toll traffic. This is an efficient use of scarce resources for both the links (which are already provisioned in a redundant manner for reliability) and ports on the Signaling Transfer Points (STPs). Level 3

proposes using the same PLU and PIU calculations discussed above for calculation of charges for SS7 messages.

Q. WHAT IS SBC'S POSITION ON THIS ISSUE?

A. SBC is proposing that SBC and Level 3 put in separate, duplicative SS7 quad links (one set for local traffic and one set for toll traffic) between their SS7 networks. SBC does not want Level 3 to use existing SS7 quad links for both local and toll traffic.

Q. WHAT IS THE SS7 NETWORK AND WHAT ARE SS7 QUAD LINKS?

A. The SS7 network is the part of the PSTN that allows switches and databases to communicate with each other. Its main function is for call set up, but it is also used for database look up such as required by 800 service. SS7 quad links are the data links that connect two SS7 networks. Without these links, neither SBC nor Level 3 could complete calls to the other company's network. Figure 2 shows a set of Quad Links connecting Level 3 Signaling Transfer Points (STPs) and SBC STPs with the associated Interconnection Trunk Groups. Figure 3 shows the SS7 Quad links and the associated signaling and transport paths for "Local" traffic over Interconnection Trunk Groups. Figure 4 shows Quad Links and the associated signaling and transport paths for IntraLATA Toll traffic. Figure 5 shows Quad Links and the associated signaling and transport paths for InterLATA Toll traffic.

Q. WHAT EFFICIENCIES WOULD BE OBTAINED BY COMBINING LOCAL AND TOLL SS7 MESSAGES ON ONE SET OF QUAD LINKS?

A. Using the same quad links for both local and toll call set up messages will save both SBC and Level 3 transmission links and ports on their SS7 switches. Since transmission links and SS7 ports are provisioned in a redundant manner for additional reliability, the SBC proposal will waste a significant number of transmission links and ports on both networks, doubling the links and ports that are needed. Figure 12 to RD-2 shows the Level 3 Configuration that requires only one set of Quad Links between the companies. Figure 13 to RD-2 shows the SBC proposal that would require a duplicate set of Quad links, wasting network resources.

Q. IS IT IMPOSSIBLE FOR SBC TO IMPLEMENT THE SHARING OF LINKS BETWEEN LOCAL AND TOLL TRAFFIC AS MS. HARRIS SUGGESTS?

A. No, absolutely not. SBC does not need to distinguish between messages relating to local calls and messages relating to toll traffic as Ms. Harris fears. There is a simpler way to handle the billing issues for these messages. The same PLU and PIU factors that are used to correctly bill access charges for the actual calls can be used to charge for SS7 messages. The data traffic flowing between the two SS7 networks mirrors the actual call traffic flowing between the two networks as the SS7 messages are setting up and managing the calls. The PLU and PIU for the one can be used to accurately calculate billing for the other. SBC can simply calculate the charges based on total messages and then factor the bill down using the PLU and PIU. If, hypothetically, the bill from SBC to Level 3 for SS7 messages was $20,000 for one month and the PLU is 65%, then the actual bill

would be $7,000. The calculations are simple and eliminate the concerns expressed by Ms. Harris.

Q. IF THE COMMISSION DECIDES THAT LOCAL AND TOLL MESSAGES CAN SHARE COMMON QUAD LINKS, SHOULD ACCESS CHARGES APPLY TO ALL OF THE MESSAGES AS MS. HARRIS SUGGESTS?

A. No, that would be patently unfair to Level 3, especially since SBC customers originate most of the local calls. Local calls should remain on a bill and keep basis. Only messages for toll traffic should be assessed access rates. The method I describe above will provide for the correct compensation without the difficulties of billing each message as Ms. Harris suggests.

Q. WHAT DOES MS. HARRIS SAY ABOUT THE USE OF SS7 QUAD LINKS FOR LOCAL AND IP TRAFFIC?

A. SBC makes the very troubling proposal in SS7 Appendix, Section 2.1.1 that SS7 quad links can not apply to calls "that are subject to traditional access compensation". I say this is troubling because, under SBC's view of the world, IP-Enabled Traffic is subject to access charges, thus precluding Level 3 from using the SS7 Quad Links to exchange IP Traffic. Nowhere in the network today are SS7 messages segregated into IP messages and non-IP messages. To segment these messages would require the proliferation of SS7 Quad links throughout the industry. A ruling in favor of this SBC proposal could disrupt call flow among many companies, forcing whole network architectures to change.

Q. WHAT SHOULD THIS COMMISSION DO WITH RESPECT TO THIS SS7 ISSUE?

A. The Commission should rule in favor of Level 3's language, which presents an efficient and fair way of managing the SS7 network, saving transmission links and SS7 switch ports in both the Level 3 and the SBC networks.

VI. Out of Exchange Traffic (OET).

Q. WHAT IS OUT OF EXCHANGE TRAFFIC?

A. OET is a term that was invented by SBC to refer to traffic that comes into their switches, from within a local calling area but outside the SBC region. No other LEC uses this term to my knowledge.

Q. WHY HAS SBC DEDICATED AN ENTIRE ATTACHMENT TO OET?

A. This is unclear. The only real issue with OET is how to handle interconnection of traffic. This single issue can be adequately addressed in the NIM and ITR attachments and is arguably already handled in those sections. The OET attachment has a great deal of duplicative language that is cobbled together from NIM, ITR and other sections of the Agreement. I have attached a matrix as an attachment (RD-3), which compares each OET section with the corresponding NIM and ITR paragraphs. This shows the very duplicative nature of the OET section.

Q. WHAT IS THE INTERCONNECTION ISSUE WITH OET?

A. I don't believe there is a real issue, other than the issues already at dispute in the NIM, ITR and IC attachments. Traffic coming from within a local calling area is always local traffic, even when some of the traffic is from outside the SBC region.

There are no unique problems with such traffic and the current provisions in NIM, ITR and IC adequately address the issues, though as I say, some of these issues are still in dispute.

Q. WHY DID OTHER LEVEL 3 WITNESSES CHALLENGE INDIVIDUAL SECTIONS OF OET?

A. SBC has included language in the OET attachment that will cause Level 3 problems, just as they have in the NIM, ITR and IC attachments. If the Commission decides that the OET attachment should stay in the contract, then that language should be corrected.

Q. DO LEVEL 3 AND THE OTHER LEVEL 3 WITNESSES AGREE WITH YOU THAT THERE IS NO NEED FOR THE OET ATTACHMENT?

A. That is correct. Level 3 and its witnesses all agree that the OET attachment is redundant and unnecessary and should be removed from the Agreement.

Q. IF THE COMMISSION DECIDES NOT TO REMOVE THE OET ATTACHMENT FROM THE AGREEMENT, WHOSE LANGUAGE SHOULD BE USED IN THE AGREEMENT?

A. The Level 3 language for OET is fair and equitable and is based on the language that Level 3 has proposed in the NIM, ITR and IR attachments of the Agreement.

VII. Billing Issues

Q: WHAT IS AT THE HEART OF THE BILLING AND RECORDING ISSUES BETWEEN SBC AND LEVEL 3?

A: SBC is an old Bell System company with a network of legacy circuit switches and a history of billing large IXCs, such as AT&T, MCI and Sprint, for access traffic.

The legacy circuit switches use legacy recording and billing systems to track access calls and create bills. The Ordering and Billing Forum (OBF) created guidelines for the formatting of billing information that evolved with the legacy recording and billing systems. Level 3 is a new company with new, IP Soft Switches instead of legacy circuit switches. IP Soft Switches do not put out the same content or the same format for call information as do legacy circuit switches. OBF is currently working on guidelines for recording and billing formats to track IP calls. However, there are no guidelines currently available for immediate implementation.

Q: GIVEN THE DIFFERENCES IN CIRCUIT AND IP SOFTSWITCHES AND THE LACK OF GUIDELINES FOR RECORDING IP CALLS, SHOULD THE CONTRACT BETWEEN SBC AND LEVEL 3 LOCK IN THE OLD, LEGACY RECORDING FORMATS?

A: Definitely not. It would be a mistake under these circumstances to lock Level 3 into the using the legacy formats. IP Soft Switches simply don't put out information in the same manner or format as the legacy circuit switches. Using the old MECAB format would be like trying to put a round peg in a square hole. To the extent the companies find it necessary to exchange data prior to OBF's establishment of appropriate guidelines, they should do so via a mutually agreeable format. Once OBF has established a format for this traffic, the companies should work together to decide the best course of action. At this time there are no guidelines for the traffic between SBC and Level 3.

Q. SBC WITNESSES SMITH (P. 5) AND READ (PP. 5-6) STATE THAT MECAB IS A RECORDING STANDARD. IS THIS THE CASE?

A: No. The MECAB format is a guideline, not a standard.

Q. MR. READ STATES ON PAGES 5 AND 6 OF HIS TESTIMONY THAT LEVEL 3 IS SUGGESTING THAT THE INDUSTRY STANDARDS CAN BE IGNORED. IS THIS AN ACCURATE STATEMENT?

A. Mr. Read is wrong on two counts. First, as I stated above, there are no industry standards, only guidelines. Secondly, Level 3 will look closely at the industry guidelines for IP traffic when they are available. Level 3 should not be forced to use old guidelines that do not work for this traffic.

Q: MR. READ FURTHER STATES THAT CARRIERS SUCH AS LEVEL 3 MUST ADHERE TO THE OBF MECAB DEFAULT BILLING ARRANGEMENT (MULTIPLE BILL/SINGLE TARIFF FORMAT). IS THIS AN ACCURATE STATEMENT?

A. No it is not. Mr. Read makes some oblique reference to nationally accepted compensation arrangements and jumps to a conclusion that Level 3 must therefore adhere to SBC's preferred format. In the first place, a billing format is not a compensation arrangement. In the second place, OBF MECAB has numerous options besides Multiple Bill/Single Tariff. Other options available are, for example, Multiple Bill/Multiple Tariff or Single Bill/Multiple Tariff. And third, as I stated above there is currently no nationally accepted guideline for IP records.

Q: DOES THE USE OF PLU AND PIU ON TRUNKS WITH COMBINED TRAFFIC MAKE MANY OF THESE RECORDING AND BILLING ISSUES MOOT?

A. Yes it does. Many of the issues on formatting billing records for individual calls can be eliminated if the companies use PLU and PIU (and eventually PIPU for IP traffic). When the companies use PLU and PIU there is no need for recording and formatting records for individual calls. Payments are made on call ratios that are based on call detail studies. This is a simpler and more elegant method of trading bills and saves both companies development time and money.

Q: DO THE SBC WITNESSES MAKE SIMILAR ERRORS ON OTHER BILLING ISSUES IN THEIR TESTIMONY?

A: Yes, they do. For example, on page 7 Mr. Read states in his testimony that EMI is an industry standard. EMI is a guideline, not a standard. Level 3's soft switches produce the same information that is in EMI records, but not the same format.

Q. DOES MR. MCPHEE MISREPRESENT THE ISSUE REGARDING LEVEL 3'S REQUEST THAT THE ORIGINATING PARTY PROVIDE AN ORIGINATING CARRIER NUMBER (OCN)?

A: Yes, he is missing the whole point. Level 3 needs to be able to accurately bill reciprocal compensation for local calls that are originated by carriers who are using SBC facilities via UNE-P, resale or other means. SBC currently will not provide the information that Level 3 needs to identify the correct carrier to bill. Requiring SBC to provide OCN will solve this problem. OCN is not a separate

record as Mr. McPhee suggests; it is a field in the record, which indicates the carrier that "owns" (for billing purposes) the telephone number of the originating party.

VIII. Additional Issues

Q. DOES THE SBC WITNESS JAMES OYER MAKE ANY ERRORS OR MISSTATEMENTS IN HIS TESTIMONY THAT YOU HAVE NOT ADDRESSED IN YOUR TESTIMONY ABOVE?

A. Yes, he makes a number of errors and misstatements and confuses additional issues. The following paragraphs will briefly indicate the points that I have not already covered.

Tandem switching using an end office: Mr. Oyer at page 23 goes into some detail about how SBC does not use end office switches in a tandem capacity. All switches have the capability to switch an incoming trunk group to an outgoing trunk group. This is basic tandem switching capability. Normally SBC does not take advantage of this capability with end office switches, reserving tandem switching for designated tandem switches. However, the SBC network is very large, with many hundreds of switches. It is my experience that in exceptional circumstances, ILECs will use an end office as a tandem for some network configurations. It may be to reach a small ICO in a rural area. I know of a specific circumstance where Qwest does this. Qwest witnesses said for years that they didn't do tandem switching with end offices, not knowing that field engineers had needed the capability and used it. All Level 3 is asking is for SBC to allow it to use this capability in a particular switching office if SBC is using it

for themselves. If SBC is not using this capability, then Level 3 would not use it either.

Misrouting of Calls: Mr. Oyer at page 24 states that Level 3's proposed language would create misroutes, leading to blocked or failed calls. This is absolutely false. I have been in network systems engineering for __ years, helping to design the SS7 system, 4ESS and 5ESS toll and local switches and in network performance and network architecture for the AT&T network. I can say with certainty that Level 3's contract language can be implemented with absolutely no danger of increases in misrouted calls.

Transit Traffic: If the transit traffic provisions are removed from the Interconnection Agreement, there is no assurance that SBC will continue to provide this function or raise the prices so high that it forces everyone into direct trunking for even de minimis traffic levels. Every interconnection agreement that I have worked on has had transit traffic provisions. Transit traffic can flow in the normal traffic stream. There is no violation of LERG routing as Mr. Oyer suggests in his testimony. Level 3 provisions direct trunks to SBC tandem offices as they are needed. As has been discussed earlier; and as Mr. Oyer admits in several places, tandems can switch traffic to other tandems. Further, Level 3 has agreed to establish direct trunks to other carriers once traffic to that carrier reaches the DEOT threshold for three consecutive months. Mr. Oyer's analogy on pages 28-29 is out of place. We are not talking about international traffic, and Level 3 has no intention of inappropriately routing traffic as did MCI to AT&T.

Level 3 simply wants the ability to continue routing transit traffic the way it is routed today, which is causing no problems.

Switch Definitions: Mr. Oyer has spent considerable time replying to the testimony Level 3 submitted on switch definitions. The point of this debate is the fact that SBC builds restrictions into the contract language based on switch definitions. In reality, a switch is a switch and can be provisioned to perform end office or tandem functions or both. This is borne out in SBC's network as most of SBC's tandem switches are in fact dual purpose, handling both local and toll traffic, which makes the debate on functionality in those locations moot. Mr. Oyer contends that my testimony contradicts itself with respect my positions on SBC's definition of Local Tandem and my suggestion to only have one definition of "tandem switch." It is ironic that Mr. Oyer thinks my suggestion is contradictory when SBC, after going through pains to define differences between Local Only Tandems, Local/IntraLATA Tandems, Local/Access Tandems and Access Tandems then throws in the definition of a "Local Tandem" which includes all of these. So what would be a non-Local Tandem in SBC's zoo of tandem switch definitions? If all tandems are local tandems, then why not settle on one definition of a tandem switch? Since Mr. Oyer does not completely agree with my suggested definition of Tandem Switch, I will amend it as follows:

> "Tandem Switch" is defined as a switching machine within the public switched telecommunications network that is used to connect and switch trunk circuits between and among other switches."

However, I will point out that my original definition was consistent with Paragraph 1.24 in the General Terms and Conditions:

"Tandem Office Switch" or "Tandem(s)" is a switching machine that meets the following criteria, and does not include a PBX.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Level 3 Communications, LLC's Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and the Applicable State Laws for Rates, Terms, and Conditions of Interconnection with Southwestern Bell Telephone Company, L.P., d/b/a SBC Missouri.	)	Case No. TO-2005-0166

AFFIDAVIT

I, Rogier Ducloo, of lawful age, being duly sworn upon his oath, deposes and states the following:

1. My name is Rogier Ducloo. I am employed by Level 3 Communications, LLC as Director, Product Management

2. Filed herewith and made a part hereof for all purposes is my Rebuttal Testimony in this case.

3. I hereby affirm that my testimony filed herewith, including all answers to the questions therein, is true and correct to the best of my knowledge, information and belief.

Signed: _____
Rogier Ducloo

Subscribed and sworn to before me this 17 day of February 2005.

_____ Notary Public

My Commission expires: 11/15/07

JULIA MATTHEWS NOTARY PUBLIC STATE OF COLORADO

1