

1 BEFORE THE PUBLIC SERVICE COMMISSION
2 STATE OF MISSOURI
3 _____
4 TRANSCRIPT OF PROCEEDINGS
5 HEARING
6 September 28, 2005
7 Jefferson City, Missouri
8 Volume 1
9 _____
10 In the Matter of Spectra Communications)
11 Group, LLC d/b/a CenturyTel's Request) Case No.
12 for Competitive Classification Pursuant) IO-2006-0108
 to Section 392.245.5, RSMo (2005))
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15 _____
16 KEVIN A. THOMPSON, Presiding
 DEPUTY CHIEF REGULATORY LAW JUDGE.
17 STEVE GAW
 ROBERT M. CLAYTON, III,
18 COMMISSIONERS.
19 _____
20
21 REPORTED BY:
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1 P R O C E E D I N G S

2 JUDGE THOMPSON: We are here in the matter of
3 Spectra Communications Group, LLC, doing business as
4 CenturyTel's request for competitive classification pursuant
5 to Section 392.245.5 Revised Statutes of Missouri.

6 My name is Kevin Thompson. I'm the regulatory
7 law judge assigned to preside over this matter. This is, I
8 should mention, Commission Case IO-2006-0108. And we will
9 take oral entries of appearance at this time. Why don't we
10 begin with the applicant.

11 MR. DORITY: Thank you, Judge. Appearing on
12 behalf of Spectra Communications Group, LLC, doing business as
13 CenturyTel, Larry W. DORITY, Fischer and DORITY, PC. Our
14 address is 101 Madison, suite 400, Jefferson City, Missouri
15 65101.

16 JUDGE THOMPSON: Very well.
17 Staff.

18 MR. MEYER: Good morning. David Meyer on
19 behalf of the Staff of the Missouri Public Service Commission.
20 Our address is PO Box 360, Jefferson City, Missouri 65102.

21 JUDGE THOMPSON: Thank you.

22 Mr. Dandino.

23 MR. DANDINO: Michael Dandino, Office of the
24 Public Counsel, Post Office Box 2230, Jefferson City, Missouri
25 65102 representing the Office of Public Counsel and the

1 public.

2 JUDGE THOMPSON: Thank you.

3 Who else do we have here? Mr. Steinmeier.

4 MR. STEINMEIER: Thank you, your Honor. Let
5 the record reflect the appearance of William D. Steinmeier and
6 Mary Ann Garr Young, William D. Steinmeier PC, PO Box 104595
7 in Jefferson City, Missouri appearing on behalf of Alltel
8 Communications, Incorporated.

9 JUDGE THOMPSON: Very well.

10 Other counsel?

11 MR. PULLIAM: Good morning, your Honor. Thomas
12 E. Pulliam and James F. Mauze, Ottsen, Mauze, Leggat and Belz,
13 LC, 112 South Hanley Road, St. Louis, Missouri 63105 appearing
14 on behalf of the entities doing business as Verizon Wireless
15 including Verizon Wireless, VAW, LLC, Cellco Partnership and
16 Cybertel Cellular Telephone Company.

17 And, your Honor, I'd also like the record to
18 reflect the fact that by entering our appearance, we do not
19 waive any rights that we may have to contest the Commission's
20 jurisdiction over the Verizon Wireless entities as commercial
21 mobile radio service providers.

22 JUDGE THOMPSON: I appreciate that and I
23 understand your objection. Thank you.

24 Any other counsel?

25 Okay. Mr. Dority.

1 MR. DORITY: Thank you, Judge. Would you like
2 a brief opening statement?

3 JUDGE THOMPSON: That would be delightful.

4 MR. DORITY: Thank you.

5 Again, thank you, Judge, and good morning. May
6 it please the Commission. This proceeding represents the
7 fourth and final competitive classification request in the
8 original group of filings processed under the 30-day track of
9 Section 392.245 sub 5 of the Missouri statutes as amended by
10 Senate Bill 237.

11 This proceeding involves Spectra Communications
12 Group, LLC, doing business as CenturyTel. As I acknowledged
13 yesterday, these proceedings have required extraordinary
14 efforts on the parts of all involved and we appreciate the
15 Commission's indulgence once again this morning.

16 The Staff, the Office of the Public Counsel and
17 Spectra have presented to you with a Joint Recommendation to
18 resolve all matters in this case. With NPG Cable's recent
19 withdrawal of its objection, this Joint Recommendation could
20 have been deemed a Unanimous Stipulation and Agreement had it
21 not been for the Commission's recent order adding additional
22 parties.

23 Given the speed, or lack thereof, of many of
24 those entities coming to the table, the Staff, the Office of
25 the Public Counsel and Spectra decided going in that we would

1 frame our resolution as a Joint Recommendation. And as I
2 mentioned, there truly are no outstanding issues among the
3 parties.

4 Actually, as the record of evidence will
5 demonstrate this morning, those entities that have responded
6 to the Commission's directives have placed additional evidence
7 before the Commission that absolutely affirms the underlying
8 points that Spectra presented in its verified petition, its
9 testimony and its pretrial brief.

10 Approval of the requested classifications set
11 forth in the Joint Recommendation will result in the fair and
12 consistent treatment of this applicant. The requested
13 classifications are indeed very straightforward.

14 Out of Spectra's 107 exchanges, our petition
15 filed on September 9th, 2005 sought competitive classification
16 for four exchanges for both residential and business services
17 and an additional exchange for residential services. The four
18 exchanges are Ewing, LaBelle, Lewistown and Macon. The fifth
19 exchange involving residential services is Savannah.

20 As our petition and supporting exhibits
21 portrayed, we based our request on both readily available
22 public information found on company and industry websites as
23 well as the PSC's verified Annual Reports. In addition, we
24 cited specific Commission cases, both orders and testimony
25 where applicable, and our own business records in support of

1 our request.

2 Concurrent with our application, we filed
3 tariffs with 30-day effective dates to implement our requests.
4 Copies were attached as Exhibit E to our application. With
5 total agreement and support now existing for all the requests,
6 as filed, those pending tariffs comport with the requested
7 relief set forth in the Joint Recommendation before you.

8 The Commission Staff submitted its
9 recommendation and objection with supporting memoranda and
10 schedules on September 19th wherein it recommended that the
11 Commission grant Spectra's request for the four
12 above-referenced exchanges, but indicated it was still
13 reviewing the Savannah exchange and hoped to have additional
14 information prior to this hearing.

15 The Staff's further investigation, as
16 envisioned by the statute, led it to file Supplemental Direct
17 Testimony by Mr. Van Eschen on September 23rd in which the
18 Staff recommended approval of Spectra's application for
19 competitive classification for residential services in the
20 Savannah exchange as well.

21 As I previously mentioned, the only other
22 provider to intervene and file an objection was NPG Cable,
23 Inc., doing business as St. Joseph Cablevision. I would note
24 for the record that our application referred to this entity as
25 News-Press and Gazette Company doing business as

1 St. Joseph Cablevision as that was the name of the regulated
2 entity that had previously been involved in proceedings here
3 at the Commission. You could refer to Case No. TC-2004-0397.

4 However, by its pleadings filed in this matter,
5 it appears that the correct legal name for the entity
6 providing residential services in the Savannah exchange is, in
7 fact, NPG Cable, Inc., doing business as St. Joseph
8 Cablevision. And we will be requesting leave to amend our
9 pleading by interlineation accordingly.

10 NPG Cable's entry into this proceeding is
11 actually overshadowed by its efforts to now get out of this
12 proceeding. Nevertheless, the evidence provided by Spectra
13 and confirmed by the Staff's investigation as well as NPG's
14 verified affidavit reveal that St. Joseph Cablevision is
15 indeed providing residential voice services to many of its
16 customers in the Savannah exchange totally bypassing the
17 facilities of Spectra.

18 And as Mr. Van Eschen explains in his
19 supplemental testimony, don't be confused by NPG's reference
20 to VoIP in this regard, because it is simply describing, in
21 this context, a means of transmission of voice communications
22 over its coaxial cable network.

23 The supporting information provided by Spectra
24 and the Staff for the wireless carriers is virtually identical
25 to that relied upon by the Commission in the Sprint and SBC

1 cases with one exception, and that is the additional verified
2 information that has been filed by various wireless providers
3 confirming the very information set out in the schedule of our
4 Exhibit A to the application.

5 Again, as the evidence in our verified
6 petition, exhibits, Direct Testimony of Mr. Martinez, Staff's
7 Direct and Supplemental Direct Testimony of Mr. Van Eschen,
8 Staff memoranda and schedules and the additional verified
9 affidavits of the wireless companies and named CLECs all
10 support the Staff, the Office of the Public Counsel and the
11 company, constituting the signatory parties to the Joint
12 Recommendation, based upon the competent and substantial
13 evidence in this proceeding jointly reasonably that the
14 Commission classify Spectra's residential services, other than
15 exchange access service, as competitive services in the
16 following exchanges: Ewing, LaBelle, Lewistown, Macon and
17 Savannah.

18 In addition, the signatory parties recommend
19 that the Commission classify Spectra's business services,
20 other than exchange access service, as competitive in the
21 exchanges of Ewing, LaBelle, Lewistown and Macon. Thank you
22 for your attention this morning.

23 JUDGE THOMPSON: Thank you, Mr. Dority.
24 Staff.

25 MR. MEYER: Good morning. May it please the

1 Commission. As you're aware, this case involves Spectra's
2 petition for competitive classification of exchanges under the
3 30-day track of Section 392.345 Revised Statutes of Missouri
4 as amended by Senate Bill 237.

5 Under that statute, business services or
6 residential services or both of a price cap regulated
7 incumbent local exchange telecommunications company may be
8 classified as competitive in an exchange where two
9 non-affiliated entities are providing basic local
10 telecommunications service to the respective customer class.

11 Only one of the entities may be a wireless
12 company. The other entity shall be a wireline company
13 providing local voice service in whole or in part over
14 telecommunications facilities or other facilities in which it
15 or an affiliate have an ownership interest.

16 Spectra's application requests a competitive
17 classification for residential services in five listed
18 exchanges and for business services in four listed exchanges.
19 Staff has filed testimony supporting all of these requests at
20 this point.

21 As noted in Staff's testimony and brief, the
22 Staff confirmed the existence of lines being served by
23 alternative carriers in the relevant exchanges. Subsequent
24 filings in this case by various carriers have not altered
25 Staff's conclusion.

1 If the Commission finds that services are
2 provided by two non-affiliated entities in addition to the
3 ILEC, competitive status should be granted.

4 I note that Staff, the Office of Public Counsel
5 and the company, as Mr. Dority noted, filed a joint
6 recommendation on the issues in this case. There is no
7 dispute among the parties regarding the exchanges. NPG Cable,
8 Inc., d/b/a St. Joseph Cablevision has withdrawn their
9 objections on the Savannah exchange.

10 As the Commission brought in additional parties
11 on short notice, the three initial parties were unable to
12 create a unanimous stipulation with the parties before the
13 Commission. And as you're well aware, I'm sure, a
14 non-unanimous stipulation requires seven days of uncontested
15 status before the Commission can deem it unanimous.

16 Accordingly, the Staff requests the Commission
17 to grant competitive classification to the requested
18 exchanges. Thank you.

19 JUDGE THOMPSON: Thank you, Mr. Meyer.

20 Mr. Dandino.

21 MR. DANDINO: Your Honor, Public Counsel does
22 not have an opening statement. We concur in the statements of
23 counsel for the Staff and Spectra.

24 JUDGE THOMPSON: Very well. Public Counsel
25 originally filed an objection; isn't that correct?

1 MR. DANDINO: That's correct.

2 JUDGE THOMPSON: And you requested that the
3 applicant be held to strict proof?

4 MR. DANDINO: Yes.

5 JUDGE THOMPSON: And I assume that you're now
6 satisfied?

7 MR. DANDINO: We are satisfied.

8 JUDGE THOMPSON: Very well.

9 Mr. Steinmeier?

10 MR. STEINMEIER: We have no opening statement,
11 your Honor. Alltel Communications is one of the wireless
12 providers that was added to the case late last week. And we
13 have submitted an affidavit on Monday. Pursuant to the
14 Commission's order, we would renew our request to be excused
15 from the proceeding.

16 JUDGE THOMPSON: Very well. Why don't we take
17 that up after I hear from Mr. Pulliam.

18 MR. PULLIAM: Thank you. Thank you, your
19 Honor. Like Alltel Wireless, Verizon Wireless, I have no
20 opening statement on behalf of Verizon Wireless entities. We
21 have -- we take no position on Spectra's application. And,
22 again, would like the record to reflect that we did file a
23 response to the Commission's order which we received last
24 Friday.

25 JUDGE THOMPSON: Okay.

1 MR. PULLIAM: And I would also like to join
2 Mr. Steinmeier and renew Verizon Wireless's motion to be
3 excused from participation. Thank you.

4 JUDGE THOMPSON: Okay. Mr. Steinmeier, you
5 indicated that your client filed a verified affidavit; is that
6 correct?

7 MR. STEINMEIER: That's correct, your Honor.

8 JUDGE THOMPSON: Could you summarize the
9 contents for me?

10 MR. STEINMEIER: In summary, Alltel is licensed
11 and does provide service to at least four customers in Ewing,
12 LaBelle and Lewistown. It is not licensed to provide wireless
13 service in Macon or Savannah and does not provide such service
14 in those exchanges.

15 JUDGE THOMPSON: Very well. Now, when you say
16 you have at least four customers in each of those exchanges,
17 can you tell me if those are differentiated as to business
18 customers and residential customers?

19 MR. STEINMEIER: They are not. And that's why
20 we stated the number as we did. Alltel does not categorize
21 its customers in its customer record system as residential or
22 business and, therefore, cannot ascertain which is which.

23 JUDGE THOMPSON: Very well.

24 Commissioner Gaw, do you have any questions for
25 Mr. Steinmeier?

1 COMMISSIONER GAW: Probably, yeah. If you want
2 me to ask them now, I will.

3 Mr. Steinmeier, if I am on a wireline phone in
4 Ewing, can I call one of your customers with -- in your Ewing
5 area without paying toll charge?

6 MR. STEINMEIER: I don't know.

7 COMMISSIONER GAW: So you don't know the
8 answer. So you don't know whether or not the number -- the
9 prefix on your telephone number for a customer in Ewing is a
10 Ewing exchange number?

11 MR. STEINMEIER: I assume it is, your Honor,
12 but I don't know. I would have to ask somebody at the
13 company.

14 COMMISSIONER GAW: I'll ask that same question
15 about LaBelle and Lewistown. And you don't know on either one
16 of those?

17 MR. STEINMEIER: That's correct.

18 COMMISSIONER GAW: Can you find out?

19 MR. STEINMEIER: Yes.

20 COMMISSIONER GAW: And do any of the --

21 MR. STEINMEIER: Excuse me.

22 COMMISSIONER GAW: Yes, go ahead.

23 MR. STEINMEIER: You simply want to know if
24 Alltel's wireless customers in those three exchanges have
25 numbers that begin with what, with the --

1 COMMISSIONER GAW: With the prefix in that
2 exchange. Here's what I want to know. I want to know whether
3 or not one of Mr. Dority's clients -- customers in Ewing can
4 call one of your customers that has a Ewing address without
5 paying a toll call. And I want to know that for LaBelle and
6 Lewistown.

7 MR. STEINMEIER: We'll find that out.

8 COMMISSIONER GAW: And you say there's no --
9 did you check to see whether or not the customers that you
10 have in Ewing, LaBelle and Lewistown, whether or not they have
11 any indication by way of what their -- the name is, the
12 client's name that would indicate whether they're a business
13 or not, such as a corporation name or something like that?

14 MR. STEINMEIER: There wasn't time to do --

15 COMMISSIONER GAW: I understand.

16 MR. STEINMEIER: -- and individual records
17 search other than to ascertain that they don't keep their
18 records broken down between residential --

19 COMMISSIONER GAW: There's no
20 differentiation -- I don't want to talk over you.

21 There's no differentiation between your
22 business customers and your residential customers by plan?

23 MR. STEINMEIER: That's correct.

24 COMMISSIONER GAW: Okay. Subject to
25 determining that information, Judge, I don't have anymore

1 questions of Mr. Steinmeier.

2 JUDGE THOMPSON: Thank you, Commissioner.

3 Mr. Steinmeier, is there somebody at the
4 company you could get on the phone? Because I'm ready to have
5 them testify telephonically this morning.

6 MR. STEINMEIER: I don't know, but I can check.

7 JUDGE THOMPSON: Very well. Why don't you go
8 check and we will turn to Mr. Pulliam.

9 Mr. Pulliam, I believe you indicated that your
10 client also submitted a verified affidavit?

11 MR. PULLIAM: That's correct, your Honor.

12 JUDGE THOMPSON: I wonder if you could give me
13 a summary of its contents.

14 MR. PULLIAM: Yes, sir. Based on the affidavit
15 filed by Scott Young, the Verizon Wireless entities do not
16 have coverage or network facilities in the Ewing, LaBelle,
17 Lewistown or Macon exchanges. They do have coverage and
18 network facilities in the Savannah exchange.

19 JUDGE THOMPSON: Okay. Does the affidavit
20 indicate whether they have at least two residential customers
21 and two business customers in that exchange?

22 MR. PULLIAM: Your Honor, it does not. We were
23 unable to ascertain answers to those questions under the time
24 constraints of the affidavit.

25 JUDGE THOMPSON: Very well. Does Verizon, so

1 far as you know, does it differentiate between business and
2 residential subscribers for its own purposes?

3 MR. PULLIAM: They may. They were
4 investigating the responses on a business and residential
5 customer basis.

6 JUDGE THOMPSON: Sorry. I had to -- got a
7 request from the chief law judge that we change the camera
8 shot.

9 Is there anybody that you would be able to
10 contact by telephone that might know the answer to those
11 questions?

12 MR. PULLIAM: Your Honor, I last spoke with a
13 representative of the company yesterday about 5:30. And at
14 that time they still did not have positive answers to those
15 questions. And I'm concluding that as of right now, that the
16 status has not changed with respect to that.

17 JUDGE THOMPSON: Very well. Thank you,
18 Mr. Pulliam. I appreciate that. Questions for Mr. Pulliam?

19 COMMISSIONER GAW: Am I understanding you
20 correctly that Savannah is the only place you might have a
21 presence?

22 MR. PULLIAM: Yes, sir.

23 COMMISSIONER GAW: And I would ask the same
24 question that I asked of Alltel and that is, whether or not a
25 customer -- a wireline customer in Savannah with a Savannah

1 number can call a wireless customer of yours in Savannah
2 without paying toll charge? And I'm not sure that you know
3 the answer, but I would -- that's something I would be wanting
4 to know.

5 MR. PULLIAM: Your Honor, did I understand the
6 question to be wireless to wireless or wireline in Savannah?

7 COMMISSIONER GAW: Wireline to wireless.

8 MR. PULLIAM: Okay. If I could check my notes
9 here just one second, please.

10 COMMISSIONER GAW: Sure.

11 MR. PULLIAM: Your Honor, while I can't
12 affirmatively respond, I can -- I can maybe provide this
13 information, which may or may not assist you.

14 COMMISSIONER GAW: Okay.

15 MR. PULLIAM: And if someone could help me
16 perhaps who knows the area code of the Savannah exchange. Is
17 that 636? 573? Does anybody know?

18 COMMISSIONER GAW: It's probably 660 or 816,
19 but I suspect it's 660.

20 MR. PULLIAM: Okay. My understanding of the
21 wireless technology, your Honor, is -- I'll call it in my
22 vernacular, long-distance toll, is going to be based upon
23 where the individual customer has his phone rated for billing
24 purposes out of.

25 And, for example, if the customer in Savannah,

1 66-- let's assume for purposes of my discussion that it is
2 area code 660, has his phone rated out of the 816 area code,
3 maybe it's a business phone, but he just has it billed to his
4 office, but lives in Savannah.

5 His next-door neighbor in Savannah, if he
6 called his neighbor's wireless phone, even though they're next
7 door, that would be a toll call because he'd be calling based
8 out of the rated center. If the phone was rated out of the
9 660 area code, then that would not be a toll call.

10 COMMISSIONER GAW: Okay. Maybe there's someone
11 who is going to testify from Staff or someone that can explain
12 that a little bit more for the record in regard to how that
13 works. Because it would be -- it would clear some things up
14 for me if that could happen.

15 MR. PULLIAM: Okay.

16 COMMISSIONER GAW: And I understand your-all's
17 position, but we may have some others that can explain that to
18 us. If you get any more clarification on it before we
19 conclude, that would be helpful.

20 MR. PULLIAM: Your Honor, I'll try.

21 COMMISSIONER GAW: Thank you.

22 MR. PULLIAM: You're welcome.

23 JUDGE THOMPSON: Do you have somebody we could
24 get on the phone with that question?

25 MR. PULLIAM: And the same question as posed to

1 Mr. Steinmeier and that is, can a customer -- a wireline
2 customer in the Savannah exchange place a -- when a wireline
3 customer in the Savannah exchange places a phone call to a
4 wireless customer, whatever that is defined as, in the
5 Savannah exchange, is that a toll call.

6 And guess my response is, your Honor, it's
7 conditional. And, that is, if the Savannah customer to
8 whom -- if the Savannah wireless customer to whom the call is
9 being placed has a telephone rated out of the Savannah
10 exchange, then that would -- it might -- to the best of my
11 knowledge, that would be a -- I'll call it a local call
12 non-toll. If the Savannah customer -- Savannah wireless
13 customer has a phone which is rated out of another code, 816,
14 whatever, 573, then that would be a toll call.

15 COMMISSIONER GAW: Okay. And I think that --
16 what I'm trying to cut down to is whether or not it's area
17 code sensitive or prefix sensitive in regard to what makes
18 that determination. If it's sensitive to the prefix itself
19 for that exchange, then if there's an exchange -- if that
20 prefix fits in that exchange, then my assumption would be that
21 would not be a toll call.

22 But if it's associated with an exchange
23 somewhere else, that wireline to wireline would be a toll
24 call, I would assume it would be too, but I don't know that.
25 And that's what I'm trying to determine. And after we

1 determine that, whether -- what it is that would occur with
2 your particular network with the customer that you have in
3 Savannah.

4 MR. PULLIAM: Okay. I'll try to find out an
5 answer, your Honor.

6 COMMISSIONER GAW: Thank you.

7 Thanks, Judge.

8 JUDGE THOMPSON: Certainly. Commissioner
9 Clayton, do you have --

10 COMMISSIONER CLAYTON: No.

11 JUDGE THOMPSON: I've got a question here that
12 has been sent to me by e-mail, Mr. Pulliam. Is it possible to
13 get a number rated out of the Savannah exchange?

14 MR. PULLIAM: Your Honor, I don't know the
15 response to that question. I can -- I could try to ascertain
16 that this morning.

17 JUDGE THOMPSON: To be safer rather than sorry,
18 Mr. Pulliam, I think at this point I'm going to swear you and
19 ask you if you would give the same answers as you've just
20 given if you were asked them now that you're under oath. Go
21 ahead and raise your right hand.

22 (Witness sworn.)

23 JUDGE THOMPSON: Mr. Pulliam, you've been asked
24 a series of questions by Commissioner Gaw and you've given
25 responses to those. And if you were asked those same

1 questions now that you're under oath, would you give the same
2 answers?

3 MR. PULLIAM: Yes, sir.

4 JUDGE THOMPSON: Thank you.

5 Okay. With respect to your request to be
6 excused, Mr. Pulliam, I'm inclined to grant that. I think
7 Commissioner Gaw has indicated there's some additional
8 information he'd like if it becomes available. And I assume
9 that you will do your homework in that regard.

10 MR. PULLIAM: Yes, sir.

11 JUDGE THOMPSON: Okay. Very well. With that
12 understanding, then you are excused.

13 MR. PULLIAM: Thank you, your Honor.

14 JUDGE THOMPSON: Okay. We've disposed of the
15 opening statements and we've taken up the two requests to be
16 excused. So at this time, Mr. Dority, it's ready for your
17 case in chief.

18 MR. DORITY: Thank you, Judge.

19 JUDGE THOMPSON: Mr. Dority.

20 MR. DORITY: Thank you, your Honor. Spectra
21 would call Arthur P. Martinez to the stand, please.

22 JUDGE THOMPSON: Mr. Martinez, please spell
23 your last name for the record, if you would.

24 THE WITNESS: Yes. It is M-a-r-t-i-n-e-z.

25 JUDGE THOMPSON: Thank you.

1 (Witness sworn.)

2 JUDGE THOMPSON: Thank you. Take your seat.

3 You may inquire.

4 MR. DORITY: Thank you, Judge. your Honor,
5 before I inquire, I have a number of exhibits that I will be
6 referring Mr. Martinez to. And I think it might facilitate
7 the hearing if I could go ahead and have those marked at this
8 time.

9 JUDGE THOMPSON: Absolutely.

10 MR. DORITY: Your Honor, I would like to have
11 the Direct Testimony of Arthur P. Martinez that's pre-filed in
12 this matter marked as Exhibit 1. and I do have copies.

13 (Exhibit No. 1 was marked for identification.)

14 MR. DORITY: Your Honor, attached to
15 Mr. Martinez' pre-filed Direct Testimony as highly
16 confidential Schedule 1. I would ask that that be marked
17 separately as Exhibit 2-HC.

18 JUDGE THOMPSON: That would be fine.

19 (Exhibit No. 2 was marked for identification.)

20 MR. DORITY: Next, your Honor, would be our
21 original Exhibit A to our verified application pertaining to
22 wireless carriers operating in Spectra exchanges. And I would
23 ask that that be marked as Exhibit 3.

24 JUDGE THOMPSON: Okay.

25 (Exhibit No. 3 was marked for identification.)

1 MR. DORITY: Next, your Honor, would be the
2 verified pleading of US Cellular that was filed with the
3 Commission in this matter. I would ask that that be marked as
4 Exhibit 4.

5 JUDGE THOMPSON: This is the affidavit of --

6 MR. DORITY: It is the verified pleading and
7 affidavit that was attached thereto. The affidavit was of
8 Bradley Stein on behalf of United States Cellular.

9 JUDGE THOMPSON: US Cellular. Thank you.

10 (Exhibit No. 4 was marked for identification.)

11 MR. DORITY: Your Honor, next would be the
12 response of Verizon Wireless that Mr. Pulliam addressed
13 earlier this morning. If I could have that marked as
14 Exhibit 5, please.

15 JUDGE THOMPSON: Very well.

16 (Exhibit No. 5 was marked for identification.)

17 MR. DORITY: Next, your Honor, would be
18 Sprint's response to order directing filing. If I could have
19 that marked as Exhibit 6.

20 JUDGE THOMPSON: Now, when you say Sprint, is
21 this Sprint --

22 MR. DORITY: That is Sprint Spectra, LP, doing
23 business as Sprint PCS and Nextel West Corporation, Nextel.

24 JUDGE THOMPSON: Very well. Thank you.

25 MR. DORITY: Thank you.

1 (Exhibit No. 6 was marked for identification.)

2 MR. DORITY: And next would be the response of
3 Alltel Communications as referenced by Mr. Steinmeier this
4 morning. If we could have that marked as Exhibit 7.

5 (Exhibit No. 7 was marked for identification.)

6 MR. DORITY: Next, your Honor, would be
7 Exhibit B to our verified application previously filed in this
8 matter pertaining to Mark Twain Communications Company. If I
9 could have that marked, please, as Exhibit 8.

10 (Exhibit No. 8 was marked for identification.)

11 MR. DORITY: Next, your Honor, would be the
12 verified pleading previously filed with the Commission by Mark
13 Twain Communications Company in response to your order
14 directing filing. If I could have that marked as Exhibit 9,
15 please.

16 (Exhibit No. 9 was marked for identification.)

17 MR. DORITY: Next your Honor, would be
18 Exhibit C to our verified application, which pertains to
19 Chariton Valley Telecom Corporation. I would ask that that
20 please be marked as Exhibit 10.

21 (Exhibit No. 10 was marked for identification.)

22 MR. DORITY: Next, your Honor, would be the
23 verified pleading filed by Chariton Valley Telephone
24 Corporation with the Commission in response to your order
25 directing filing. And if that could, please, be marked as

1 Exhibit 11.

2 (Exhibit No. 11 was marked for identification.)

3 MR. DORITY: Next, your Honor, would be
4 Exhibit D that was attached to our verified application, which
5 pertains to NPG Cable, Inc., doing business as St. Joseph
6 Cablevision. If I could, please, have that marked as
7 Exhibit 12.

8 (Exhibit No. 12 was marked for identification.)

9 MR. DORITY: And, finally, the response of NPG
10 Cable, Inc. to order directing filing that was previously
11 filed with the Commission in this matter. If that could
12 please be marked as Exhibit 13.

13 (Exhibit No. 13 was marked for identification.)

14 MR. DORITY: And, Judge, before I begin with
15 Mr. Martinez, as it may be referenced during the course of my
16 discussions with him, I would request that the Commission take
17 official notice of the following documents on file as public
18 records with the Commission pursuant to 4 CSR 240-2.130. And
19 if I may just quickly list those.

20 JUDGE THOMPSON: You may.

21 MR. DORITY: The Report and Order issued in
22 Case No. TA-98-305, which is the Mark Twain Communications
23 Company basic local certificate case.

24 Next, would be the Mark Twain Communication
25 Company's 2004 Annual Report, which is on file with the

1 Commission as an HC document on a highly confidential basis to
2 which we do not have access.

3 Next, would be the Report and Order issued in
4 Case No. TA-2002-238 dated June 4th, 2002, which is the
5 Chariton Valley Telecom's basic local certificate case.

6 And finally, the Direct Testimony of James
7 Simon filed on September 2nd, 2005, in Case No. TO-2005-0423,
8 which is the Chariton Valley ETC designation request case,
9 which lays out in specific detail the facilities utilized by
10 Chariton Valley Telecom in the Macon exchange.

11 JUDGE THOMPSON: Very well. Do you happen to
12 have copies of those?

13 MR. DORITY: Judge, I do not have with me. I'd
14 be happy to try to get them.

15 JUDGE THOMPSON: I'm sure I can find them since
16 they're in the Commission's records.

17 MR. DORITY: Your Honor, before I begin with
18 Mr. Martinez, I note that Mr. Steinmeier has returned. I
19 didn't know if you wanted to follow up at this point with him.
20 I'd be happy to defer.

21 JUDGE THOMPSON: Mr. Steinmeier, do you have a
22 report?

23 MR. STEINMEIER: Your Honor, during my absence
24 from the hearing room, I was unable to come up with either an
25 answer or a witness for you in spite of all due diligence.

1 However, we would be more than happy to try to
2 answer any questions that the Commission wanted us to. I
3 would offer to submit written answers to any questions the
4 Commission might have and try to do so later today or
5 tomorrow, understanding that everybody's on a fast track. I
6 would --

7 JUDGE THOMPSON: Do you recall the questions
8 that Commissioner Gaw posed to you?

9 MR. STEINMEIER: Your Honor, that was the next
10 thing I was going to say. I am not primarily an audible
11 learner. And if you really want answers to a specific
12 question, it would be exceptionally helpful for someone to
13 write the question down that they want answered and it would
14 greatly facilitate our producing a responsive answer thereto.

15 JUDGE THOMPSON: We will endeavor to do that.
16 I will get with Commissioner Gaw and I will produce an order
17 directing filing that sets out his question in written form.
18 And then you can get me an answer in -- a verified pleading
19 containing an answer as quick as you're able to do so.

20 I do apologize to everyone for the very fast
21 track, as you put it, that we're on, but that's imposed on us
22 by the legislature, which set this on a 30-day track. So, you
23 know, everybody is doing everything lickety-split and I know
24 it's difficult to get everything organized.

25 MR. STEINMEIER: Understood.

1 JUDGE THOMPSON: But that's just the milieu
2 that we're are in.

3 So with that understanding, Mr. Steinmeier, I
4 will excuse you from the proceedings. And you can expect to
5 get an order directing filing which I will then have the
6 secretary fax to you. Okay?

7 MR. STEINMEIER: That would be great. Or
8 e-mail would be even more efficient.

9 JUDGE THOMPSON: Okay. Do we have your e-mail
10 address?

11 MR. STEINMEIER: It's all over the records of
12 this case.

13 JUDGE THOMPSON: I'm sure, with the help of
14 competent clerical staff, I will be able to find it.

15 MR. STEINMEIER: Thank you, your Honor.

16 JUDGE THOMPSON: Thank you, sir.

17 Mr. Dority.

18 We've already excused Mr. Pulliam.

19 MR. DORITY: Thank you, Judge, for your
20 indulgence.

21 ARTHUR P. MARTINEZ testified as follows:

22 DIRECT EXAMINATION BY MR. DORITY:

23 Q. Good morning, Mr. Martinez.

24 A. Good morning.

25 Q. Would you please state your name and address

1 for the record?

2 A. Yes. Arthur P. Martinez. And I'm at 220
3 Madison Street, Jefferson City, Missouri 65101.

4 Q. Mr. Martinez, on whose behalf are you appearing
5 this morning and in what capacity, please?

6 A. Yes. I'm the director of government relations
7 for Spectra Communications Group, LLC, d/b/a CenturyTel. And
8 I am testifying on their behalf in this proceeding.

9 MR. DORITY: May I approach, your Honor?

10 JUDGE THOMPSON: You may.

11 BY MR. DORITY:

12 Q. Mr. Martinez, I would refer you to the document
13 that has been marked as Exhibit 1 in this proceeding and ask
14 you if this is your pre-filed Direct Testimony filed in this
15 matter on September 21st, 2005?

16 A. It is.

17 Q. If I were to ask you the questions contained
18 therein today, would your answers be the same?

19 A. They would.

20 Q. And are those answers true and correct to the
21 best of your information, knowledge and belief?

22 A. Yes.

23 Q. Mr. Martinez, I would refer you to a document
24 that has been marked as Exhibit 2-HC. Is that the highly
25 confidential Schedule 1 that was attached to your Direct

1 Testimony?

2 A. Yes.

3 Q. Recognizing that it is an HC exhibit,
4 Mr. Martinez, could you please briefly describe in very
5 general terms what that schedule depicts?

6 A. Yes. For the Savannah exchange, it identifies
7 the telephone number, customer name, customer address of the
8 individuals ported to NPG Cable.

9 Q. Thank you. And was Schedule 1 highly
10 confidential to your testimony that has now been marked as
11 Exhibit 2-HC, was that prepared by you or under your
12 supervision and control?

13 A. Yes, it was.

14 Q. Thank you. Mr. Martinez, I would now refer you
15 to what has been marked as Exhibit 3, which is the document
16 labeled Exhibit A that was originally attached to our verified
17 application. And I would ask, was that exhibit prepared by
18 you or under your supervision and control?

19 A. Yes.

20 Q. Mr. Martinez, for reference purposes, I would
21 ask you to turn to the first table that is depicted in that
22 exhibit. It is titled Competitive Service Offering Wireless,
23 referencing on the left-hand column the zip codes for the five
24 exchanges under discussion here this morning. Do you have
25 that available to you?

1 A. Yes, I do.

2 MR. DORITY: Okay. We're going to be referring
3 to that, your Honor, during the course of the next several
4 questions.

5 BY MR. DORITY:

6 Q. Mr. Martinez, do you have in front of you what
7 has been marked as Exhibit 4, which is the verified pleading
8 of US Cellular Corporation?

9 A. Yes, I do.

10 Q. Could you please read into the record
11 paragraph 2 of that verified pleading?

12 A. Yes. Given the abbreviated time to respond, US
13 Cellular conducted an analysis of its customer records using
14 the primary zip code associated with each exchange requested.
15 Based on those results, US Cellular has at least two
16 residential customers whose address -- addresses are in the
17 following exchanges: Ewing, LaBelle, Lewistown, Macon and
18 Savannah.

19 Q. And could you also read paragraph 3 right below
20 that, please?

21 A. Yes. Given the abbreviated time to respond, US
22 Cellular conducted an analysis of its customer records using
23 the primary zip code associated with each exchange requested.
24 Based on those results, US Cellular has at least two business
25 customers whose addresses are in the following exchanges:

1 Ewing, LaBelle, Lewistown and Macon.

2 Q. Thank you. And based upon your review of
3 Exhibit 4, does that information comport with the verified
4 information contained in the affidavit of Bradley Stein, which
5 is attached to that pleading?

6 A. Yes, it does.

7 Q. Thank you. And if you could now turn to the
8 table referenced in Exhibit 2 -- I'm sorry, Exhibit 3, does
9 that information comport with what Spectra has identified as
10 the presence of US Cellular in those five exchanges?

11 A. Yes, it does.

12 Q. All right. Thank you. Now, if I could turn
13 your attention to what has been marked as Exhibit 5, which is
14 the response of Verizon Wireless to the Commission's order
15 directing filing. And if I could turn your attention to
16 Exhibit A attached to that, which is the affidavit of Scott E.
17 Young. And I would ask you to please read into the record
18 paragraph 2 of that affidavit. Do you have that with you,
19 Mr. Martinez?

20 A. I have the motion, but not the affidavit.

21 MR. DORITY: Okay. Your Honor, may I approach?

22 JUDGE THOMPSON: You may.

23 BY MR. DORITY:

24 Q. Mr. Martinez, could you please read into the
25 record paragraph 2?

1 A. Yes. Verizon Wireless has both coverage and
2 network facilities in each of the following exchanges:
3 Bourbon, Cuba, Dardenne, O'Fallon, St. James, St. Peters,
4 Savannah, Wentzville.

5 Q. Many of those exchanges that were just listed
6 actually pertain to the application of CenturyTel that was
7 addressed in yesterday's hearing; is that correct?

8 A. That's correct.

9 Q. The one exchange identified pertaining to this
10 hearing is the Savannah exchange; is that correct?

11 A. That's correct.

12 Q. And, again, Mr. Martinez, drawing your
13 attention to the table contained in Exhibit 3 that was
14 provided by Spectra, under the column Verizon, does that
15 information comport with what is contained in the affidavit of
16 Mr. Young?

17 A. Yes, it does.

18 Q. Thank you, sir. Now, if I could please turn
19 your attention to Exhibit 6, which is Sprint's response to
20 order directing filing. Attached to that document is a page
21 listed as Appendix A for Sprint/Nextel West, which was
22 information prepared by Mr. Mark Grover based upon the
23 verification attached to that schedule.

24 Drawing your attention to Appendix A, could you
25 please read for the record the two exchanges to which

1 Sprint/Nextel indicates that they are, in fact, serving two
2 residential customers and two business customers?

3 A. Yes. Macon and Savannah.

4 Q. Thank you, Mr. Martinez. And, again, referring
5 back to the schedule of our Exhibit 3 under the column Sprint,
6 does that comport with the information that Spectra provided
7 to this Commission in its verified application?

8 A. Yes, it does.

9 Q. Thank you. Now, if we could turn to what has
10 been marked as Exhibit 7, which is the response of Alltel
11 Communications, Inc., to the order directing filing, attached
12 to that document is the affidavit of Lawrence J. Krajci. Do
13 you have that, sir?

14 A. Yes, I do.

15 Q. And could you please read into the record
16 paragraph 1 of Mr. Krajci's affidavit?

17 A. Alltel Communications, Inc. is licensed by the
18 Federal Communications Commission to provide wireless two-way
19 voice communication service in the Ewing, LaBelle and
20 Lewistown exchanges of Spectra Communications Group, LLC,
21 d/b/a CenturyTel. Alltel provides wireless two-way voice
22 communication service in those exchanges of Spectra
23 Communications Group, LLC, d/b/a CenturyTel to at least four
24 customers in each of the exchanges. Alltel does not
25 categorize its customers in its customer record system as

1 residential or business customers and, therefore, cannot
2 ascertain whether the customers are residential or business
3 customers.

4 Q. Thank you, Mr. Martinez. And, again, referring
5 you to the tabular exhibited attach to what has been marked as
6 Exhibit 3 in this proceeding under the column Alltel, does the
7 information provided in the affidavit of Mr. Krajci comport
8 with that information listed by Spectra for Alltel
9 Communications?

10 A. Yes, it does.

11 Q. Thank you, sir. Mr. Martinez, referring to
12 Exhibit 8, which is our Exhibit B that was attached to the
13 verified application, there are two documents attached. And
14 could you please identify those for the record?

15 A. Yes. The first is an Order Approving Price Cap
16 Regulations for Spectra Communications Group, LLC, d/b/a
17 CenturyTel.

18 Q. And what was the case number on that?

19 A. Case No. IO-2003-0132.

20 Q. Thank you, sir. And what is the second
21 document included in the exhibit? It's a long title.

22 A. Yes. It is the Application of Mark Twain
23 Communications Company for Nunc Pro Tunc Order Specifying
24 Service Area of Mark Twain Communications for an Order
25 Redefining the Service Area of Spectra Communications Group,

1 LLC, for Purposes of Mark Twain's ETC Service Area and for an
2 Order Granting Mark Twain Authority to File Such Order
3 redefining the Study Area with the FCC for the FCC's
4 Consideration. And that is Case No. TO-2006-0100.

5 Q. And as depicted on the face of the document,
6 does this case pertain to Mark Twain's ETC status for the
7 Spectra exchanges of Ewing, LaBelle and Lewistown?

8 A. Yes.

9 Q. Thank you, Mr. Martinez. If now I could turn
10 your attention to what has been marked as Exhibit 9, which is
11 titled the Verified Pleading of Mark Twain Communications
12 Company pursuant to the Commission's order directing filing.
13 Based upon your reading of that pleading, does it pertain to
14 the Spectra exchanges of Ewing, LaBelle and Lewistown?

15 A. Yes.

16 MR. DORITY: And, Judge, I could have
17 Mr. Martinez read this into the record. I think the document
18 speaks for itself as a verified pleading. It does, in
19 summary, reflect that Mark Twain Communications has more than
20 two residential customers receiving service in the Ewing,
21 LaBelle and Lewistown exchanges as well as more than two
22 business customers receiving service within those two
23 exchanges.

24 JUDGE THOMPSON: Those same three exchanges?

25 MR. DORITY: Those same three.

1 JUDGE THOMPSON: Very well.

2 MR. DORITY: Thank you.

3 BY MR. DORITY:

4 Q. Now, Mr. Martinez, if you could turn your
5 attention to what has been previously marked as Exhibit 10,
6 which is Exhibit C to our verified application. And if you
7 could please advise the Commission as to what the document is
8 that's contained in our Exhibit C that was attached thereto?

9 A. Yes. It is the Annual Report -- the 2004
10 Annual Report for Chariton Valley Telecom Corporation.

11 Q. Mr. Martinez, if I could have you turn your
12 attention to page 5 of that Annual Report, which is titled
13 Competitive Local Exchange Carrier Access Line Report. Do you
14 see a line pertaining to the Spectra exchange of Macon?

15 A. Yes.

16 Q. And could you read for the record the number of
17 full facilities based lines for both residential and business
18 for Chariton Valley Telecom Corporation as depicted in their
19 Annual Report?

20 A. Yes. The number of full facilities based
21 residential lines is 1.095. The full facilities based
22 business lines is -- are 354.

23 JUDGE THOMPSON: Those are Macon?

24 THE WITNESS: Both for the Macon exchange.

25 JUDGE THOMPSON: Thank you.

1 BY MR. DORITY:

2 Q. And, Mr. Martinez, turning your attention to
3 what has been marked as Exhibit 11, which is the verified
4 pleading of Chariton Valley Telecom Corporation filed in this
5 matter, does that verified pleading support what is shown in
6 Exhibit 10 regarding Chariton Valley's serving more than two
7 residential customers and more than two business customers in
8 the Spectra Macon exchange?

9 A. Yes, it does.

10 Q. Thank you. Could you turn your attention to
11 Exhibit 12, please, which is the Exhibit D that was attached
12 to our verified application? And could you please briefly
13 describe for the record what is contained in Exhibit D?

14 A. Yes. It shows a advertisement for a new
15 residential phone service for 39.95 from St. Joseph
16 Cablevision. It also has several frequently asked questions
17 about the service. It talks about the features available with
18 the service and that's -- I think that's sufficient.

19 Q. All right. Thank you. Finally, turning your
20 attention to Exhibit 13, which is the response of NPG Cable,
21 Inc. to order directing filing, could you please read
22 paragraph 2 into the record?

23 A. Yes. NPG Cable provides VoIP services to more
24 than two residential customers in the Savannah exchange.

25 Q. Thank you, Mr. Martinez.

1 MR. DORITY: Your Honor, I think that concludes
2 my direct examination of Mr. Martinez, and I would tender him
3 for cross-examination.

4 JUDGE THOMPSON: Thank you very much,
5 Mr. DORITY.

6 Cross-examination of Mr. Martinez. Mr. Meyer.
7 CROSS-EXAMINATION BY MR. MEYER:

8 Q. Good morning.

9 A. Good morning.

10 Q. In the case file for this case Spectra filed a
11 verified pleading, which I don't believe has been entered into
12 evidence, but it was verified by you. And I have a question
13 about a statement that's contained and I'm just going to read
14 it to you and ask if you've changed your mind. It's a filing
15 of September 26 entitled Spectra Communications Group, LLC,
16 d/b/a CenturyTel's response to order directing filing.

17 In that there was a sentence that -- or
18 paragraph that says -- and I'll just read it into the record
19 although it's already in the file -- Initially Spectra notes
20 that the statute does not impose such requirement, referring
21 to the information that was sought in these Commission orders.
22 And then it says, Further, Spectra notes that customers in
23 these exchanges are permitted to port their existing wireline
24 telephone numbers to the wireless provider, thus meeting any
25 concerns about the availability of local numbers from wireless

1 providers. Is that a statement that you recollect --

2 A. Yes.

3 Q. -- verifying?

4 Okay. To your knowledge, has Spectra actually
5 ported any numbers in that fashion?

6 A. Yes, we have.

7 Q. Do you know to what company they may have been
8 ported?

9 A. Unfortunately, I do not.

10 Q. Okay. Are you aware of any ways that even
11 though a wireless carrier has no numbers in a local exchange,
12 a wireline customer can call a wireless customer and be
13 charged for a local call in the absence of VAS or any similar
14 expanded calling arrangement?

15 A. The only situation I'm aware of is with regard
16 to a type one interconnection where we would provide numbers
17 to the wireless carrier local numbers in that exchange for use
18 by the wireless carriers.

19 Q. You, Spectra, the ILEC?

20 A. Yes.

21 MR. MEYER: Thank you. That's all I have. I'm
22 sorry. Maybe that's not.

23 BY MR. MEYER:

24 Q. Actually, do you have any of those arrangements
25 in place at this time, to your knowledge?

1 A. We are investigating that based on a request
2 from Staff and I'm not sure that we've finalized that
3 investigation.

4 MR. MEYER: Okay. Thank you.

5 JUDGE THOMPSON: So does that mean you don't
6 know at this time? I'm trying to understand your answer.

7 THE WITNESS: Yeah, I don't know at this time.

8 JUDGE THOMPSON: Okay. Very good. Thank you.
9 Mr. Dandino?

10 MR. DANDINO: I have no questions. Thank you,
11 your Honor.

12 JUDGE THOMPSON: Very well. Questions from the
13 Bench, Commissioner Gaw.

14 QUESTIONS BY COMMISSIONER GAW:

15 Q. Good morning.

16 A. Good morning.

17 Q. I thought about asking you first about when you
18 determined which exchanges you were actually going to file for
19 so I could lead in with some really great subject matter, but
20 I'm not going to do that to you.

21 A. I appreciate that, sir.

22 Q. In part, because of the fact that while I'm not
23 sure everything is here that I personally would like to see,
24 it appears that CenturyTel has done more than what I have seen
25 out of some other companies who have been in front of us

1 trying to seek this competitive status under the new statute
2 and I appreciate that effort.

3 A. Thank you, sir. We certainly endeavored to do
4 a good job in that respect.

5 Q. It doesn't mean I'm not going to ask you more
6 questions about these issues, but I just wanted to say that to
7 begin be.

8 Let's start out with just the list I have here
9 and see if you can refine down some of this information, some
10 of which I think may already be in here. So forgive me if I
11 revisit some of that. Unlike some people, I learn eas-- much
12 better audibly.

13 So, first of all, Ewing, your wireline
14 competitor is Mark Twain you're alleging. Correct?

15 A. Correct.

16 Q. And Mark Twain's presence there is you have
17 verification on -- let's deal with residential first -- of two
18 residential customers or more?

19 A. Yes.

20 Q. And that comes from what source again?

21 A. It comes from internal records, but it also
22 comes from Mark Twain themselves.

23 Q. Okay. And on the wireless side?

24 A. That would be Alltel Communications.

25 Q. All right. And Alltel does not differentiate

1 between business and residential. Correct?

2 A. That's my understanding.

3 Q. All right. Let me ask you about that issue in
4 regard to your position about that breakdown under this --
5 under the new statute. If this were a wireline company we
6 were discussing and they did not differentiate, what would be
7 the proper analysis for the Commission, do you think, if we
8 did not have that breakdown for wireline in front of us?

9 A. I believe the proper analysis would be to look
10 at the records of the ILEC and the designation of that
11 customer as it was retained by the ILEC --

12 Q. Okay.

13 A. -- prior to being ported to the wireless
14 provider.

15 Q. On the wireless side can you give -- is it
16 Spectra's position that it's not necessary to differentiate?
17 Do you have a position on that under the statute that's in
18 existence?

19 A. I believe the statute says that the price cap
20 carrier who's filing for competitive status must do so for
21 both residential and business services. And CenturyTel does
22 designate its customers as either residential or business.

23 Q. I'm following -- I understand that. But in
24 determining the wireless -- on the wireless competitor portion
25 of the status to gain competitive status for the wireline

1 company, does CenturyTel -- Spectra believe that it's
2 necessary to make the differentiation?

3 A. I think that depends on the -- on the entity
4 and how they deal with their customers. I can just speak to
5 Spectra.

6 Q. I understand. I guess I'm not getting my point
7 across. And I don't have my copy of this Senate bill in front
8 of me right now. Maybe if the judge has an extra copy, I
9 could take a look at it. In regard to the differentiation --
10 and, Mr. Martinez, I can pass this off to counsel so -- if you
11 want me to.

12 The statute seems to suggest directly that when
13 we're analyzing competition, that we break down business and
14 residential. Is it Spectra's position that in regard to
15 wireless, we are not required to determine whether or not
16 there are business customers?

17 A. Yes. It is Spectra's position that there is
18 no -- when the statute makes reference, as I read it, to
19 commercial mobile service providers, there is no designation
20 as to whether those -- the services provided by that CMRS
21 carrier need to be designated as residential or business. It
22 only -- it merely provides that they be providing service in
23 that area or exchange.

24 Q. Providing service to one place, business
25 customers and another place in the statute to residential

1 customers. Right? It doesn't say providing service, period.
2 It says providing service to business customers within the
3 exchange? That's under subdivision 5, I think. I'm not even
4 sure that this tracks with the Senate bill.

5 A. Can you refer me specifically where in 5?

6 Q. Just a minute.

7 MR. DORITY: Your Honor, I do have extra copies
8 of Senate Bill 237.

9 COMMISSIONER GAW: If you wouldn't mind. That
10 way we'll be on the same page.

11 BY COMMISSIONER GAW:

12 Q. Do you have subsection 5 there, Mr. Martinez?

13 A. Yes, I do.

14 Q. Okay. Down below where it talks about in the
15 new language two non-affiliated entities, do you see that?

16 A. Yes.

17 Q. Two non-affiliated entities in addition to the
18 incumbent local exchange company are providing basic local
19 telecommunications service to business customers within the
20 exchange. With the wireless company, how do we make that
21 determination if they're not differentiating between business
22 and residential?

23 A. I don't know.

24 Q. Thank you. And the same thing -- they do the
25 same thing with residential, the language is the same, isn't?

1 A. Well, let me --

2 Q. Just --

3 A. Let me adjust my response.

4 Q. -- would you agree with me that they do the

5 same thing with residential? That the language is the same on

6 residential?

7 A. Yes, it is.

8 Q. Okay.

9 A. But for purposes --

10 Q. Wait. Wait a minute. I'm not going to cut you

11 off, but --

12 A. Okay.

13 Q. -- just let me finish my train of thought here

14 and then I'll let you get back and explain.

15 If they don't break them down, then would you

16 say in your experience with wireless that that is not unusual

17 for wireless carriers to not break down their business

18 customers from their residential customers?

19 A. I really don't know. I think from --

20 Q. Okay.

21 A. -- the verified responses, some of them have

22 indicated that they do identify residential and business.

23 Q. Yeah. Okay. All right. Now, you wanted to

24 explain something. Go ahead.

25 A. Yes. Spectra would not have any knowledge of

1 any customers that a wireless carrier may obtain that would be
2 new to the exchange. So for purposes of identifying those
3 customers as residential or business, we would have no
4 knowledge of that. That would have to come from the wireless
5 carrier.

6 Q. Yes.

7 A. However, in the situation where we have ported
8 numbers to a wireless carrier, we designated those customers
9 as either business or residential so we would have been able
10 to identify those -- those customers as such.

11 Q. That's helpful. So in regard to Ewing, do you
12 have any evidence on that -- of that nature on Ewing?

13 A. I don't know if we do. I do know that we have
14 ported numbers to wireless carriers system-wide. I just don't
15 know where specifically.

16 Q. Okay. But there may be some information out
17 there in that regard, where there's a porting of numbers that
18 you have been handling as a residential account or as a
19 business account?

20 A. Yes.

21 Q. There may be records like that. Okay. All
22 right. Let me go to -- back to Ewing again on the wireless
23 side. Do we know how many customers that Alltel has in the
24 Ewing exchange? Is that in one of those exhibits?

25 A. They indicated that they have more than four.

1 Q. More than four. And what about US Cellular, do
2 you know?

3 A. I believe they indicated that they have more
4 than two for both res and biz.

5 Q. They break theirs down, is that correct, in US
6 Cellular?

7 A. I would -- I would assume that based on their
8 response.

9 Q. Yes. Okay. So let's try then to concentrate
10 on US Cellular for a moment since we have a little bit of a
11 breakdown according to their verification. Do you know
12 whether or not a customer in Ewing on one of your lines can
13 call a US Cellular that is in Ewing with a Ewing Address on
14 their account for US Cellular and not pay a toll call?

15 A. I don't know. I don't have the information in
16 front of me.

17 Q. Okay. Let's go to LaBelle on residential. And
18 there the wireline competitor is listed as Mark Twain.
19 Correct?

20 A. Correct.

21 Q. All right. And do we know from the record
22 already that they have at least two residential customers?

23 A. Yes.

24 Q. Okay. I'm referring to LaBelle on all of these
25 questions for the time being. Okay?

1 And, again, with the wireless side, I'll ask
2 you the same questions. On US Cellular, let's focus on them.
3 Do they say they have at least two customers that are
4 residential?

5 A. Yes.

6 Q. All right. And you don't know the answer to
7 whether or not the customer in the LaBelle exchange on a
8 wireline phone can call a US Cellular customer without paying
9 a toll charge?

10 A. I believe in Staff's response to the order
11 directing filing, they had indicated whether or not the
12 various wireless providers had local numbers in those
13 exchanges.

14 Q. So I'll just ask those questions of Staff when
15 they get up here. So I'm just trying to get the information
16 from whatever source has it the easiest.

17 All right. So I'm not going to ask you any
18 more of those questions on that subject, Mr. Martinez, but if
19 you -- but I will ask you now that whether or not you have any
20 more information on any of the wireless carriers regarding
21 that particular question, whether you can call without paying
22 toll on residential or business, competitors that you have
23 listed?

24 A. I believe there would be -- to the extent that
25 we had type one numbers in an exchange, that would -- those

1 would be the same numbers and prefixes that would be
2 available -- or provided from the ILEC to the wireless
3 carriers. In that situation, it would be a local call.

4 Q. Okay. Do you know whether any of that --
5 whether those type one numbers exist in any of these
6 exchanges?

7 A. No. As I mentioned earlier, we are currently
8 investigating that based on a request from Staff.

9 Q. So you say that would help for us in trying to
10 determine it, but you don't know today?

11 A. Correct.

12 Q. All right.

13 A. The other instance is if we -- if we have an
14 existing customer and they port a number --

15 Q. Yes.

16 A. -- to the wireless provider, any calls to that
17 ported customer would be rated on a local basis.

18 Q. They would?

19 A. They would.

20 Q. Okay. So if I have a number in Macon and I'm
21 your customer and I port that number to US Cellular in Macon,
22 I can do that, right --

23 A. Yes.

24 Q. -- first of all?

25 Second of all, if that's the case, then your

1 Macon customers can call that ported number, which was a
2 US Cellular phone after the porting and not pay a toll call?

3 A. That's correct. And you bring up a good point.
4 We are LNP compliant in all of our exchanges. So that
5 functionality is available should a customer choose to port
6 their number --

7 Q. Okay.

8 A. -- everywhere.

9 Q. Okay. Do you have any information today about
10 numbers that have been ported in that fashion in any of these
11 exchanges?

12 A. No, I do not.

13 Q. Okay. But you're looking at that? Someone's
14 looking for that information?

15 A. No. I'm just aware of instances where it's
16 been done. We're not looking for it.

17 Q. All right. Okay. Let's go back to -- let's
18 see. We hit LaBelle and Lewistown is next. Mark Twain has at
19 least two customers, correct on the residential side?

20 A. That's correct.

21 Q. All right. And briefly what is Mark Twain
22 doing there in regard to their facilities? What do they have
23 in those exchanges?

24 A. I understand that they provide direct
25 connection to the customer and provide local loop services as

1 well as switching services to the customers in those -- in
2 Ewing, LaBelle and Lewistown completely bypassing the network
3 of Spectra.

4 Q. So they have their own -- they own their own
5 loop?

6 A. Yes.

7 Q. They own their own switch?

8 A. That's what I understand, yes.

9 Q. Okay. Macon. Macon has Chariton Valley as a
10 CLEC operating there. Correct?

11 A. That's correct.

12 Q. And they have laid fiber in Macon. Correct?

13 A. That's correct.

14 Q. And it's fiber to the door; is that correct?

15 A. That's my understanding, yes.

16 Q. All right. And they, themselves, provide the
17 service -- Macon, as the CLEC, provides the service over that
18 fiber?

19 A. Yes, they do. They completely bypass the
20 facilities of Spectra.

21 Q. And they have many more than just two customers
22 on the residential side?

23 A. Yes. They have over 1,000.

24 Q. All right. You don't know anything more on
25 Macon on the wireless side than you do on the earlier

1 exchanges. Correct?

2 A. No.

3 Q. You're agreeing with me? You don't know any
4 more?

5 A. I don't have any more information than we've
6 discussed.

7 Q. Thank you. And then Savannah, St. Joe Cable --
8 I need to understand a little more about how this St. Joe
9 Cable or whatever they're supposed to be called operates. Can
10 you give me, in a nutshell, what's going on with that entity
11 in St. Joe?

12 A. Yes. What we understand is that St. Joseph
13 Cablevision in the Savannah exchange is utilizing its cable
14 facilities, its connection to the customer in the provision of
15 residential phone service.

16 Q. Okay.

17 A. And they're also utilizing the switching
18 capacity of another provider.

19 Q. All right. And that other provider is who?

20 A. That would be Sprint.

21 Q. Okay. Do you know where those switches are
22 located that they're using?

23 A. I believe they're located in the Kansas City
24 area.

25 Q. Okay.

1 A. I can't tell you exactly where in that metro
2 area that they're located.

3 Q. Now, they describe their service, I think in
4 one of these verified pleadings or affidavits, as being VoIP
5 service. Can you provide some clarification on whether this
6 is a voiceover Internet protocol service or not?

7 A. No, I can't. All I can say is that they are
8 advertising it as a phone service or replacement for phone
9 service from the ILEC. I would also point out that VoIP is
10 just another form of transmission protocol, no different than
11 what the ILEC would use to transport a digital call.

12 In fact, we use what's called asynchronous
13 transfer mode packets, which is a packet based protocol
14 similar to the packet based protocol of voiceover -- voiceover
15 Internet protocol. So from our perspective, it's just another
16 form of transmission that can -- you -- the customer, as I
17 understand it, can still pick up -- and I believe it's in
18 their literature, they can utilize the existing handsets or
19 CPE, customer premise equipment, that they may own and utilize
20 the NPG Cable service.

21 Q. Okay. You were involved in some of the
22 roundtable discussions regarding voiceover Internet protocol
23 that occurred here at the Commission, weren't you?

24 A. Yes.

25 Q. And during that time was there not discussion

1 that the labelling of something as voiceover Internet protocol
2 really can at least sometimes be a little misleading, can it
3 not, because there's a lot that can fall under that heading?
4 That's really not the same in the way this service is
5 delivered. Would you agree with that or disagree with that?

6 A. Well, I think Spectra's position is it's
7 actually rather simple.

8 Q. Okay.

9 A. It's just a transmission mechanism. And to the
10 extent that they're making a voice call, in other words, one
11 individual, the originating caller, is talking to the
12 terminating caller and they're exchanging two-way voice
13 communications --

14 Q. Yes.

15 A. -- it's a phone call. However, I believe the
16 FCC has made some rather granular distinctions about certain
17 forms of VoIP.

18 Q. Okay. Let me ask this. What is it -- do you
19 consider the service that they're providing at St. Joe or NP--
20 is it NPG? What is it?

21 A. I believe they call themselves NPG Cable.

22 Q. NPG Cable. Do you believe that that is -- that
23 that falls outside of the realm of activity that this
24 Commission is authorized to regulate, do you know?

25 A. I -- I -- I'm really not here prepared to

1 address that.

2 Q. That's okay. I'll delve into that with Staff a
3 little bit.

4 Under subsection 2 of subsection 5 of the bill,
5 which is -- I think this is 392.200, isn't it? No, excuse me.
6 245, isn't it?

7 A. Yes.

8 Q. Can you explain to me how if -- if, in any way,
9 you believe this language in regard to voiceover Internet
10 protocol is relevant or not relevant or material to this
11 proceeding --

12 A. We believe --

13 Q. -- if you have an opinion?

14 A. Yeah. We believe it's not relevant.

15 Q. Okay.

16 A. And if you give me a minute to refer back to my
17 testimony, I can refer to the specific section.

18 Q. Sure.

19 A. Yes. On page 15 of my Direct Testimony, lines
20 15 through 21 and continuing on page 16 of my Direct
21 Testimony, lines 1 through 2, I state that the law -- the fact
22 that NPG Cable may or may not be regulated by this Commission
23 is not a requirement of the law. And, in fact, the law
24 specifically states that regardless of whether such an entity
25 is subject to regulation by this Commission, and that is in

1 Section 392.245, sub 5, subparagraph 2.

2 Q. All right. And then the next sentence there, A
3 provider of local voice service that requires the use of a
4 third-party unaffiliated broadband network or dial-up Internet
5 network for the origination of local voice service shall not
6 be considered a basic local telecommunications service
7 provider.

8 Differentiate what's going on in St. Joe for me
9 from that sentence.

10 A. Certainly. And I'll -- I gave an example in my
11 testimony and I'll just summarize that.

12 Q. Thank you.

13 A. There are companies that offer VoIP service
14 that have no network facilities, they may have billing
15 facilities and such. One example of that would be Vonage. At
16 least our experience with Vonage is they utilize the network
17 of a third party entirely.

18 NPG Cable, however, is different because they
19 actually own a major portion of the facilities and probably
20 the most costly and most difficult to duplicate with regard to
21 the telecommunications network. And that would be the local
22 loop infrastructure, the lines that go to the customers
23 themselves.

24 Q. Okay. Sounds more like something like Charter
25 is doing perhaps?

1 A. Exactly, yes. And Time Warner, I believe.

2 Q. Time Warner. Okay. Let's go to the business
3 side. And would the same things be true of Ewing, LaBelle,
4 Lewistown and Macon, that those competitors that are listed
5 so -- as competitors rather, that all of those have at least
6 two customers in those exchanges?

7 A. Yes.

8 Q. All right. And your answers in regard to the
9 wireless side would be of the same nature that you gave for
10 the residential side?

11 A. Yes, it would.

12 COMMISSIONER GAW: Okay. That's all I have.
13 Thank you.

14 Thank you, Mr. Martinez.

15 JUDGE THOMPSON: All right. Commissioner
16 Clayton.

17 QUESTIONS BY COMMISSIONER CLAYTON:

18 Q. Mr. Martinez, I just want to clarify a couple
19 of things and it may be a little repetitive, but we'll try to
20 go quickly.

21 I want to focus on wireless and service that is
22 available in each of these exchanges, which I think is fairly
23 consistent with the questions I've asked in other proceedings.
24 But you brought up an interesting point today regarding local
25 number portability. And I wanted to ask the question again so

1 I'm clear in my mind.

2 Are you testifying that you know one way or
3 another whether numbers that have been ported from Spectra's
4 local numbers in the subject exchanges to a wireless carrier?
5 I guess do you know one way or the other whether you've ported
6 a number to a wireless carrier?

7 A. Not in the subject exchanges. I am just aware
8 generally that we have ported numbers to wireless carriers.

9 Q. Okay. Okay. Did you say that you were going
10 to try to find that information or did I mishear that?

11 A. If that's the desire of the Commission, we will
12 certainly do that.

13 Q. Are you knowledgeable of any technological
14 barriers to -- and I say technological barriers or any other
15 barrier when porting a number from a wireline carrier to a
16 wireless carrier?

17 A. No, there are none today.

18 Q. So if, for example --

19 A. At least for Spectra.

20 Q. For Spectra.

21 A. There may be other companies that have
22 exemptions from the LNP requirements or local number
23 portability requirements.

24 Q. Does the customer have the ultimate right to
25 take his or her Spectra number in Ewing, Missouri and take it

1 to any cellular telephone company in the country?

2 A. Yes.

3 Q. Okay. Does that customer have the right -- and
4 this doesn't make sense, but I'm trying to -- if a cellular
5 company does not offer service in an exchange -- I'm not sure
6 if Sprint offers service in each of these, but say you wanted
7 to take a LaBelle number and move it to Sprint Wireless. Is
8 there anything that would keep one from doing that, keep a
9 customer from doing that?

10 A. Well, technically speaking, they would have to
11 transfer the number, in other words, disconnect their service
12 or request a port to Sprint in the local exchange. And then
13 at that point to the sprint -- to the extent that that
14 wireless carrier provides services anywhere else in the
15 country, that individual could utilize that number in those
16 locations.

17 They could also port that number to another
18 wireless carrier to the extent that the existing wireless
19 carrier that they ported to did not provide service. So --

20 Q. When you say "they," do you mean the
21 customer --

22 A. The customer.

23 Q. -- or do you mean the wireless company?

24 A. No, the customer.

25 Q. The customer could port?

1 A. Yes.

2 Q. And let's say, for example -- and I'm not sure
3 how accurate this is, but let's say Sprint, for example, in
4 rural Missouri generally focuses on the major highways I think
5 is where you see coverage offered by Sprint. And you have a
6 local Spectra number in LaBelle or Lewistown where the
7 coverage map does not indicate that Sprint provides PCS
8 coverage in that area. Can a customer port a number to Sprint
9 and have that LaBelle or Lewistown phone number?

10 A. Yes.

11 Q. Does Sprint have the ability to say, No, we're
12 not willing to port that, do you know?

13 A. I don't know that.

14 Q. You don't know that.

15 A. I don't see why they would, but that's -- I
16 mean, it's technically feasible --

17 Q. If they didn't provide coverage there and
18 Sprint would -- I don't know either. I guess I'm just trying
19 to determine how local number portability works. And it's
20 suggested that it's happening elsewhere, but if it's happening
21 elsewhere, it really doesn't make any difference. That is
22 irrelevant to these proceedings.

23 Is it happening in these exchanges? These are
24 tiny little communities, except for Macon. Ewing, LaBelle,
25 Lewiston, we're talking about small communities. I just want

1 to know what barriers are there to porting wireline to
2 wireless numbers. And if your testimony is that there is none
3 or you don't know, that's cool.

4 A. Yeah. There are no barriers from Spectra's
5 standpoint. We can port the number today at the request of a
6 customer to any entity operating in that area.

7 Q. Okay. And from the wireless carrier's
8 perspective, you wouldn't know whether they had a technical
9 barrier or an option of refusing to accept that phone number?

10 A. No.

11 Q. Okay.

12 A. And in certain instances you really can't look
13 at the coverage area either because many wireless carriers
14 have agreements with other -- with other carriers. Now, that
15 may be depicted in their coverage map, but they may have
16 roaming arrangements and so although there may be a different
17 fee structure, the phone would still work in -- I guess
18 off-network, if you will.

19 Q. Subject to additional charges or whatever --

20 A. Whatever the charges.

21 Q. -- whatever the agreement would be?

22 Okay. Is it possible for Spectra to do a
23 review and determine whether it has ported any numbers in the
24 subject exchanges to wireless carriers? Is it technically
25 possible for Spectra to round up that information?

1 A. Yes, it is. But I don't know in what time
2 frame. We would do it as quickly as we could, but I don't
3 know how quickly we could pull that together.

4 Q. Okay.

5 A. And I only say that because we -- the network's
6 been dealing with these recent hurricane disasters and a lot
7 of our people are tied up and -- and a lot of the same
8 individuals are needed to pull this information out.
9 Hopefully, all that's passed and --

10 Q. I don't believe you just pulled the hurricane
11 card.

12 A. We've -- I'm just stating that because --

13 Q. You're warming my heart right now.

14 A. The purpose is not to warm your heart.

15 Q. I understand. CenturyTel is based -- I
16 understand. And I don't mean to make light of this.

17 A. In the previous request for this information
18 we've been investigating with Staff, our network employees
19 have indicated that they are -- they are very busy dealing
20 with network issues and can do their best to get this
21 information, but that's why -- we're still working on some of
22 the requests for Staff at this time.

23 Q. I understand. The only reason why that makes
24 any difference is because the time limit on us has been made
25 very strict.

1 A. That's correct.

2 Q. And we don't have any choice over that. So I'm
3 left with making a decision either without the information
4 that I think is important or -- or guess one way or the other
5 and that's what I hesitate doing.

6 COMMISSIONER CLAYTON: I think those are all
7 the questions I have. Thank you.

8 JUDGE THOMPSON: Very well. We're overdue for
9 a break, so we will take 10 minutes at this time and come
10 back. Thank you.

11 (A recess was taken.)

12 JUDGE THOMPSON: Let's take a moment to
13 recognize we have a new party with us. Mr. Johnson, do you
14 want to go ahead and make your oral entry of appearance?

15 MR. JOHNSON: Thank you, your Honor. I
16 apologize for being late.

17 JUDGE THOMPSON: That's quite all right.

18 MR. JOHNSON: Representing Mark Twain
19 Communications and Chariton Valley Telecom Corporation, Craig
20 Johnson, 1648-A East Elm, Jefferson City, Missouri 65102.

21 JUDGE THOMPSON: Thank you, Mr. Johnson.

22 Okay. Mr. Martinez -- let's make a note here
23 as to who Mr. Johnson's representing.

24 QUESTIONS BY JUDGE THOMPSON:

25 Q. Okay. My turn to ask you some questions. And

1 I've been making a chart here because, like the Commissioners,
2 I believe that the statute requires a showing that there are
3 at least two business service competitors in each exchange, if
4 you want competitive classification for your business service,
5 and at least two residential service competitors in each
6 exchange, if you're seeking competitive classification for
7 your residential service. And that each of them must have at
8 least two customers. Okay?

9 Then the statute goes on to provide some
10 information about who counts as a competitor, but I believe
11 the basic showing is as I've described.

12 Now, according to my chart, when Mr. Dority
13 went over the evidence with you, US Cellular, I believe, was
14 cited as having at least two residential customers in all five
15 of the exchanges that are under consideration here. Is that
16 your -- do you remember that or is that your belief?

17 A. Yes.

18 Q. Okay. And can you tell me what kind of a
19 carrier US Cellular is?

20 A. I believe they're a commo-- commercial
21 mobile -- they're a cellular provider.

22 Q. They're cellular. And the statute says they
23 can count -- that kind of carrier can count for one, but only
24 one, of the competitors. Correct?

25 A. Correct.

1 Q. Okay. And if you know, when US Cellular tells
2 us that they have two residential customers at least in the
3 Ewing exchange, for example, if you know, do they mean by that
4 that they have at least two residential customers whose
5 billing addresses are in that exchange?

6 A. I do not know that.

7 Q. You do not know that.

8 JUDGE THOMPSON: Okay. I'll give you a minute
9 to look at their affidavit, Mr. Dority. Does that contain
10 that information?

11 MR. DORITY: Your Honor, it indicates that they
12 conducted an analysis of customer records using the primary
13 zip code associated with each exchange requested. And I do
14 not know if that is billing records or applications for
15 service that customers filled out. The affidavit just simply
16 does not state that. Thank you.

17 JUDGE THOMPSON: That's very helpful. That at
18 least I think permits an inference that they matched up the
19 customer zip code to the exchange zip code. Very well.

20 BY JUDGE THOMPSON:

21 Q. Now, with respect to Alltel and Verizon, the
22 testimony we've got is that while they've got customers in
23 certain exchanges, they don't differentiate as to business or
24 residential; isn't that correct?

25 A. That's my understanding.

1 Q. Okay. So that at least on my score card, I've
2 got a big no next to those two. Okay? I'm just telling you
3 my score card.

4 Now, with respect to Sprint, we've been told
5 they've got at least two residential and at least two business
6 customers in Macon and Savannah. That's my memory of your
7 testimony on direct; is that correct?

8 A. Two res and two biz.

9 Q. Okay. Now, again, if you know, does that mean
10 that they have at least two customers of each type in those
11 exchanges whose billing addresses are within those exchanges?

12 A. That I do not know.

13 Q. You do not know.

14 JUDGE THOMPSON: Mr. Dority, I'll give you a
15 chance to take a look through your documents.

16 MR. DORITY: Thank you, Judge. Just a moment.

17 Your Honor, Appendix A that was attached to
18 have affidavit submitted by Sprint PSC and Nextel, for both
19 Macon and Savannah it does reflect two residential customers,
20 two business customers and the asterisks indicates this
21 affirmative response confirms the existence of at least two
22 customers with billing addresses within the stated exchange.

23 JUDGE THOMPSON: Okay. So that's exactly on
24 point to what I asked.

25 BY JUDGE THOMPSON:

1 Q. And you would agree with me that Sprint is also
2 a wireless or cellular carrier?

3 A. Yes.

4 Q. Okay. Now, Mark Twain is a CLEC; is that
5 correct?

6 A. That's correct.

7 Q. And if you know, does Mark Twain provide
8 services with facilities or is it a reseller?

9 A. No. They have facilities.

10 Q. They do have facilities. Okay. And the
11 statute, in fact, requires facilities, does it not?

12 A. That's correct.

13 Q. Okay. And if you know, is Mark Twain
14 certificated by this Commission to provide basic local
15 services?

16 A. I understand they are.

17 Q. Okay. And that would encompass Ewing, LaBelle
18 and Lewistown; is that correct?

19 A. Correct.

20 Q. And the evidence, the testimony you provided
21 earlier, is that they have at least two residential and at
22 least two business customers in each of those exchanges?

23 A. Yes.

24 Q. Okay. And do we know whether that means
25 billing addresses in the exchanges?

1 A. I don't -- I don't have an answer for that.

2 Q. Since we're dealing with CLECs, that means the
3 telephone is actually in the exchange; is that correct?

4 A. Yeah.

5 Q. Okay. I'm just trying to understand this. You
6 understand? I can hardly operate a telephone myself, so if I
7 seem confused, you have to help me along.

8 Now, Chariton Valley, that is also a CLEC; is
9 that right?

10 A. That's correct.

11 Q. And as far as you know, do they also use
12 facilities?

13 A. Yes.

14 Q. And I think the evidence that we had was that
15 they have 1,095 subscriber -- residential subscriber lines in
16 Macon and 354 business subscriber lines in Macon; is that
17 correct?

18 A. That's correct.

19 Q. And that would again mean those telephones are
20 physically located in that exchange?

21 A. Yes.

22 Q. Okay. Finally, we come to St. Joe Cablevision.
23 And the evidence we had is that they had at least two
24 residential customers in the Savannah exchange; is that
25 correct?

1 A. Yes.

2 Q. Okay. And is that based on number porting? I
3 think we have a confidential exhibit, don't we, about number
4 porting?

5 MR. DORITY: Your Honor, may I respond?

6 JUDGE THOMPSON: You may. Help me out.

7 MR. DORITY: Thank you. The confidential
8 exhibit does reflect numbers ported by Spectra to the
9 St. Joseph Cablevision or -- and I guess it would be via
10 Sprint is my understanding.

11 JUDGE THOMPSON: Okay.

12 MR. DORITY: However, the response of NPG
13 Cable, Inc. that they've filed with verified affidavit in
14 response to your order directing filing also indicates that
15 they are providing VoIP services to more than two residential
16 customers in the Savannah exchange.

17 BY JUDGE THOMPSON:

18 Q. Okay. Now VoIP means voiceover Internet
19 protocol; is that correct?

20 A. That's correct.

21 Q. Okay. And is it your understanding that that
22 is a type of service that is permissible or that counts under
23 the statute?

24 A. Yes.

25 Q. Now, the statute does exclude providers who are

1 using a third-party Internet service provider or broadband
2 provider; isn't that correct?

3 A. Yes.

4 Q. And as far as you know, if you know, St. Joseph
5 Cable is not such a provider?

6 A. That's correct.

7 Q. It's not relying on a third-party Internet
8 service provider or broadband provider?

9 A. No. It has its own facilities and
10 infrastructure.

11 Q. Okay. It does rent switching from Sprint;
12 isn't that correct?

13 A. That's correct.

14 Q. But it has its own lines going to subscribers'
15 homes; isn't that right?

16 A. Correct.

17 JUDGE THOMPSON: Okay. I think that covers all
18 my questions.

19 Additional questions from the Bench,
20 Commissioner Clayton.

21 FURTHER QUESTIONS BY COMMISSIONER CLAYTON:

22 Q. Mr. Martinez, I want to --

23 A. Yes.

24 Q. -- clarify my request of you earlier. I just
25 had an opportunity to play a little catchup in looking at one

1 of Staff's pleadings that was filed in response to an order
2 directing filing on the wireless issue, local numbers
3 available for wireless service.

4 And on one of the exhibits that's attached --
5 and I'm sure I'll go into this with Mr. Van Eschen, it
6 indicates that there's not a wireless number for certain
7 cellular companies in each of the exchanges except for Macon.
8 So I would be interested to know from Spectra's perspective of
9 any barriers of - to allowing for local number portability
10 from Spectra numbers into a wireless number in Ewing, LaBelle,
11 Lewistown and Savannah.

12 A. There are no barriers for porting numbers.

13 Q. Okay. Well, from Spectra's perspective. And
14 then if you have ported any numbers. And I know -- I
15 understand your restraints, but if you can find that
16 information, I would appreciate it. But you don't have to
17 worry about Macon.

18 JUDGE THOMPSON: Other questions from the
19 Bench? Commissioner Gaw? Commissioner Clayton, are you done?

20 Okay. Recross based on questions from the
21 Bench. Mr. Meyer.

22 MR. MEYER: Nothing. Thank you.

23 JUDGE THOMPSON: Mr. Dandino?

24 MR. DANDINO: No questions, thank you.

25 JUDGE THOMPSON: Mr. Johnson?

1 MR. JOHNSON: No, thank you.

2 JUDGE THOMPSON: I know you didn't get an
3 initial opportunity at cross either, so if you have any, I
4 know you'll let me know.

5 Redirect.

6 MR. DORITY: Your Honor, I have no redirect. I
7 would request the admission of Exhibits 1 through 13. I think
8 I failed to do that when I left the podium before.

9 I have advised Mr. Johnson that Exhibit 9 is,
10 in fact, his verified pleading that was filed on behalf of
11 Mark Twain Communications Company and Exhibit 11 is the
12 similar verified pleading filed on behalf of Chariton Valley
13 Telecom Corporation. So at this time I would move for the
14 admission of Exhibits 1 through 13.

15 JUDGE THOMPSON: Very well. I thought we would
16 get to that. Exhibit 1, the direct pre-filed testimony of
17 Mr. Martinez, do I hear any objections?

18 Hearing none, the same is received and made a
19 part of the record.

20 (Exhibit No. 1 was received into evidence.)

21 JUDGE THOMPSON: Exhibit No. 2 is the highly
22 confidential Schedule 1 to Mr. Martinez' Direct Testimony. Do
23 I hear any objections?

24 Hearing none, it's received.

25 (Exhibit No. 2 was received into evidence.)

1 JUDGE THOMPSON: Exhibit 3 is Schedule A to the
2 application. Any objections?

3 Hearing none, it is received.

4 (Exhibit No. 3 was received into evidence.)

5 JUDGE THOMPSON: Exhibit 4 is the verified
6 pleading filed by US Cellular. Any objections?

7 Hearing none, the same is received.

8 (Exhibit No. 4 was received into evidence.)

9 JUDGE THOMPSON: Exhibit 5 is the verified
10 pleading filed by Verizon Wireless. Any objections to its
11 receipt?

12 Hearing none, it's received.

13 (Exhibit No. 5 was received into evidence.)

14 JUDGE THOMPSON: Exhibit 6 is the verified
15 pleading filed by Sprint PCS. Any objections?

16 Hearing none, that is received.

17 (Exhibit No. 6 was received into evidence.)

18 JUDGE THOMPSON: Exhibit 7 is the verified
19 pleading filed by Alltel. Any objections?

20 Hearing none, the same is received.

21 (Exhibit No. 7 was received into evidence.)

22 JUDGE THOMPSON: Exhibit 8 is Schedule B to the
23 application, pertains to Mark Twain. Any objections to its
24 receipt?

25 Hearing none, it's received.

1 (Exhibit No. 8 was received into evidence.)

2 JUDGE THOMPSON: Exhibit 9 is Mark Twain's
3 verified pleading. Any objections to its receipt?

4 Hearing none, it's received.

5 (Exhibit No. 9 was received into evidence.)

6 JUDGE THOMPSON: Exhibit 10 is Schedule C to
7 the application. It pertains to Chariton Valley. Any
8 objections to the receipt of that exhibit?

9 I hear none. The same is received.

10 (Exhibit No. 10 was received into evidence.)

11 JUDGE THOMPSON: Exhibit 11 is Chariton
12 Valley's affidavit or verified pleading. Any objections to
13 its receipt?

14 Hearing none, the same is received.

15 (Exhibit No. 11 was received into evidence.)

16 JUDGE THOMPSON: Exhibit 12 is Schedule D to
17 the application pertaining to St. Joe Cablevision. Any
18 objections to the receipt of that exhibit?

19 Hearing none, the same is received.

20 (Exhibit No. 12 was received into evidence.)

21 JUDGE THOMPSON: And Exhibit 13 is the verified
22 pleading filed by NPG, doing business as St. Joe Cablevision.
23 Any objections to the receipt of that?

24 Hearing none, the same is received.

25 (Exhibit No. 13 was received into evidence.)

1 JUDGE THOMPSON: The Commission has also been
2 requested to take administrative notice of certain documents
3 in its records, including the Report and Order issued in Case
4 TA-98-305 pertaining to Mark Twain. Any objections?

5 Hearing none, the Commission will take notice
6 of that document.

7 The Commission has been requested to take
8 administrative notice of Mark Twain's highly confidential
9 Annual Report for 2004. Any objections?

10 Hearing none, the Commission will take notice.

11 The Commission has been requested to take
12 administrative notice of the Report and Order issued in
13 TA-2002-238, which pertains to Chariton Valley. Any
14 objections?

15 Hearing none, the Commission will take notice
16 as requested.

17 And finally, the Commission has been requested
18 to take official notice of the Direct Testimony of Mr. Simon,
19 I believe, filed on September 2, 2005 in Case TO-2005-0423, if
20 I can read my writing properly, which I believe is a still
21 pending indication, is it not? Requesting ETC status on
22 behalf of that carrier. Any objections to the receipt of
23 that -- or the notice, excuse me, of that exhibit?

24 Hearing none, the Commission will take notice
25 of that exhibit.

1 And I think -- Mr. Dority?

2 MR. DORITY: Your Honor, I just wanted to take
3 a moment and clarify with you, if you don't mind, in response
4 to your inquiry to Mr. Martinez on your chart --

5 JUDGE THOMPSON: My chart.

6 MR. DORITY: -- as you described it. In
7 looking at the exchanges for Ewing and LaBelle, Lewistown and
8 Macon for which both residential and business services are
9 being requested to be classified as competitive, I believe you
10 reference, and I would confirm the affidavit offered by US
11 Cellular indicates that they are serving more than two
12 residential and more than two business customer in each of
13 those exchanges.

14 JUDGE THOMPSON: That's what my chart shows.

15 MR. DORITY: Regarding the exchange of
16 Savannah, for which we are only seeking residential
17 competitive classification, again I believe the affidavit of
18 US Cellular indicates that they are, in fact, serving more
19 than two residential customers within that exchange. I just
20 wanted to be sure we are on the same page.

21 JUDGE THOMPSON: We are on that page.

22 MR. DORITY: And if I may take one more moment
23 to take care of a housekeeping matter I referenced earlier.
24 And as Commissioner Gaw pointed out, there has been some
25 discrepancy regarding the actual name of NPG Cable, Inc. In

1 our application, we referred to that entity as the News Press
2 and Gazette Company, doing business as St. Joseph Cablevision.
3 That was based upon a complaint case that had been filed with
4 this Commission. I think it was in the last year or so. And
5 we referenced that company on pages 5, 8 and also in our
6 Exhibit D to the application.

7 I would request leave to amend our application
8 by simple interlineation where News Press and Gazette Company,
9 d/b/a St. Joseph Cablevision is referenced, if we could
10 instead insert NPG Cable, Inc. doing business as St. Joseph
11 Cablevision, which they have indicated is the entity that is
12 involved in this proceeding.

13 MR. DORITY: Any objections?

14 Hearing none, the amendment by interlineation
15 is granted. The application is so amended.

16 MR. DORITY: Thank you, Judge. That's all I
17 have.

18 JUDGE THOMPSON: Very well. Do you have
19 another witness for me?

20 MR. DORITY: I do not.

21 JUDGE THOMPSON: So you rest at this time?

22 MR. DORITY: Yes, sir.

23 JUDGE THOMPSON: Okay. Staff.

24 You may step down. Pardon me. And you are
25 excused, Mr. Martinez.

1 MR. MEYER: We have one witness, John Van
2 Eschen.

3 JUDGE THOMPSON: Mr. Van Eschen. Go ahead and
4 spell your last name for the reporter, if you would, sir.

5 THE WITNESS: My name is John Van Eschen.
6 That's V-a-n E-s-c-h-e-n.

7 (Witness sworn.)

8 JUDGE THOMPSON: Thank you.

9 You may inquire.

10 JOHN VAN ESCHEN testified as follows:

11 DIRECT EXAMINATION BY MR. MEYER:

12 Q. Mr. Van Eschen, by whom are you employed and in
13 what capacity?

14 A. I'm employed by the Missouri Public Service
15 Commission. I'm on the Staff of the Commission. I'm the
16 manager of the telecommunications department.

17 Q. And did you prepare Direct Testimony, which was
18 previously filed in this case?

19 A. Yes.

20 MR. MEYER: I would ask the Commission to
21 designate an exhibit number for that. I would then move --
22 well, can I have an exhibit number, please?

23 JUDGE THOMPSON: I think I know where you're
24 going with that. You're asking that we mark his pre-filed
25 testimony.

1 MR. MEYER: Yes.

2 JUDGE THOMPSON: That's correct? Okay. We're
3 up to No. 14.

4 Now, you filed two pieces of testimony; is that
5 correct

6 THE WITNESS: That is correct.

7 JUDGE THOMPSON: And we're dealing with the
8 first one; is that correct?

9 MR. MEYER: I would ask that you designate a
10 number for the Direct Testimony.

11 JUDGE THOMPSON: Okay. Let's go ahead and mark
12 Mr. Van Eschen's Direct Testimony as Exhibit 14.

13 (Exhibit No. 14 was marked for identification.)

14 MR. MEYER: I provided one to the court
15 reporter.

16 JUDGE THOMPSON: Very good.

17 And to anticipate, let's go ahead and mark his
18 Supplemental Testimony as Exhibit 15.

19 (Exhibit No. 15 was marked for identification.)

20 BY MR. MEYER:

21 Q. So, Mr. Van Eschen, you indicated you prepared
22 the Direct Testimony now designated as Exhibit 15; is that
23 correct?

24 A. That's correct.

25 Q. Do you have any corrections or additions that

1 you'd like to make to that pre-filed testimony at this time?

2 A. I have one. It's on Schedule 1, footnote
3 No. 2. I would like to strike the word "either." So the
4 footnote reads, Identified wireline companies are providing
5 local voice service in the exchange on a full facility basis.

6 Q. And other than -- well, okay. And other than
7 that, are the answers you provided in that Direct Testimony
8 true and accurate, to the best of your knowledge and belief?

9 A. Yes.

10 Q. And if I asked you those same questions today,
11 would the answers be the same?

12 A. As amended by my Supplemental Direct Testimony.

13 Q. All right. And that was based on your
14 knowledge at the time that you wrote that?

15 A. Correct.

16 Q. Okay. And then subsequently, did you prepare
17 the Supplemental Direct Testimony marked as Exhibit 15?

18 A. Yes.

19 Q. And do you have any corrections or additions to
20 make to your pre-filed testimony at this time, specifically
21 initially in light of Mr. Dority's amendment to his
22 application that he has just done by interlineation?

23 A. Yeah. I believe Mr. Dority had referenced the
24 official name of St. Joseph Cablevision. I had referred to it
25 as News Press and Gazette Company, d/b/a St. Joseph

1 Cablevision. I would simply reflect the name as noted by
2 Mr. Dority.

3 Q. And so you would agree -- the reason why you
4 referred to that in that name was because that was the name
5 provided in the initial application?

6 A. Yes.

7 Q. Do you have any other corrections or additions
8 you would like to make to that Supplemental Direct Testimony?

9 A. No, I do not.

10 Q. Would the answers provided in that now be true
11 and accurate, to the best of your knowledge and belief?

12 A. Yes.

13 Q. And if I asked you the same questions today, do
14 you have -- would you have any changes or would you still say
15 the same thing?

16 A. I would still say the same.

17 MR. MEYER: I'll offer Exhibits 14 and 15 into
18 the record.

19 JUDGE THOMPSON: Any objections?

20 Hearing none, Exhibits 14 and 15 are received
21 and made a part of the record of this proceeding.

22 (Exhibit Nos. 14 and 15 were received into
23 evidence.)

24 MR. MEYER: That's all I have.

25 JUDGE THOMPSON: Thank you, Mr. Meyer.

1 Cross-examination, Mr. Dority.

2 MR. DORITY: Judge, I have no questions.

3 JUDGE THOMPSON: Thank you.

4 Mr. Dandino.

5 MR. DANDINO: Just a few, your Honor.

6 JUDGE THOMPSON: Thank you. Please step up.

7 CROSS-EXAMINATION BY MR. DANDINO:

8 Q. Morning, Mr. Van Eschen.

9 A. Good morning.

10 Q. I just have a few questions to clarify
11 something for the record.

12 When the Commission asked you to investigate
13 does a wireless provider offer customers a local number, by
14 local number, did you use as an NXX within that exchange?

15 A. Yes.

16 Q. Okay. What about a call that is not an NXX in
17 that exchange, but is a toll free call?

18 A. What we did is we looked at the local exchange
19 routing guide, which identifies carriers assigned to blocks of
20 telephone numbers. And if a particular wireless carrier was
21 identified as having assigned local telephone numbers within
22 that exchange, we identified that as a yes, they do have local
23 telephone numbers within the exchange.

24 If the local exchange routing guide did not
25 show that a wireless company had assigned local telephone

1 numbers within that exchange, we did try and look at whether
2 that exchange had any extended area of service arrangements or
3 any other expanded calling plans that would still allow a
4 wireline carrier to call a subscriber of that wireless company
5 and still be potentially a local call, but we were unable to
6 find any of those sort of situations.

7 Q. Okay. Now, when a cell company obtains NXX,
8 they get those from their -- from the exchange in which
9 their -- they rate their calls; is that correct?

10 A. The -- the blocks of numbers they do are --
11 they are assigned to a particular exchange. And in the local
12 exchange routing guide you also have some additional
13 information on the company, the switch the calls would be
14 routed to and things of that nature.

15 Q. For wireless calls, are calls within the -- I
16 believe it's the major trade area considered a local call?

17 A. I think that would depend on the perspective of
18 the provider. I would think that the wireless provider
19 would -- at least for the wireless subscribers consider that a
20 local call, but I think for the -- I don't want to confuse
21 anything here, but I think the Commissioner's question was
22 primarily could a landline customer within any of these
23 exchanges that are up for competitive classification, could
24 they call a wireless subscriber on a toll free basis.

25 Q. So you're saying that you could have a wireless

1 customer who can make a local call to a wireline subscriber in
2 an exchange and have that be a local call, but that same
3 wireline customer to call that wireless customer could be a
4 toll call?

5 A. Yes.

6 Q. Okay. And do you know if that's the case in
7 these exchanges?

8 A. The only instance where we found that a
9 wireless provider had a block of local telephone numbers
10 within any of the five exchanges was the Macon exchange in
11 which we found that US Cellular had a block of local telephone
12 numbers.

13 Q. Okay.

14 MR. DANDINO: That's all I have. Thank you,
15 your Honor.

16 JUDGE THOMPSON: Thank you, Mr. Dandino.

17 Mr. Johnson.

18 MR. JOHNSON: No, thank you.

19 JUDGE THOMPSON: Questions from the Bench.

20 Commissioner Gaw.

21 QUESTIONS BY COMMISSIONER GAW:

22 Q. Mr. Van Eschen, let's focus just for a moment
23 on the Macon exchange. You say that on the wireless side
24 there were numbers allocated that were Macon numbers to US
25 Cellular. Correct?

1 A. Correct.

2 Q. Okay. Do you know what that prefix is that's
3 allocated?

4 A. It's area code 660-346.

5 Q. 346?

6 A. Correct.

7 Q. Okay. And the 346 -- if I'm a Macon wireline
8 customer and I call 346 and the last four digits, whatever
9 that is, I'm going to get somebody to pick up the phone and
10 I'm not going to have to pay a toll charge?

11 A. Yes.

12 Q. Okay. Did you see number 651 allocated to
13 Macon for US Cellular?

14 A. No.

15 Q. Okay. Are you familiar with that number?

16 A. No, I'm not.

17 Q. Okay. All right. So in the other exchanges
18 that we have in front of us, you determined that that
19 situation does not exist, that you cannot call from those
20 other exchanges to that respective exchange from wireline to
21 wireless without paying toll?

22 A. We found no evidence that the wireless provider
23 was assigned local telephone numbers, no.

24 Q. Okay.

25 A. There are some other situations that

1 Mr. Martinez described that potentially could still allow a
2 wireline customer to make it a local call, but that's been not
3 substantiated.

4 Q. And that you're referring to as being the
5 porting of a number from a wireline --

6 A. That would be --

7 Q. -- a number in that -- in an exchange to a
8 wireless carrier that operates within that exchange?

9 A. That would be one instance. Another instance
10 is whether the wireless provider has what they call a type one
11 interconnection with Spectra in which case Spectra -- the
12 numbers would technically be assigned to Spectra, but they
13 would allow the wireless provider to use some of those numbers
14 and distribute them to their customers.

15 Q. Can you give me a little more detail on what
16 that means, type one?

17 A. Essentially, the wireless provider
18 interconnects directly with the incumbent's end-office. There
19 are other types of interconnection, for example, a wireless
20 provider could interconnect at a company's tandem switch. And
21 the type one is an arrangement that, based on my understanding
22 of it, the local numbers are obtained through the incumbent
23 local telephone company.

24 Q. Okay. And so that could potentially exist in
25 these exchanges?

1 A. Could potentially exist.

2 Q. But we don't have any evidence that it does?

3 A. Don't -- we don't have any evidence that

4 Spectra has any of those arrangements in any of these

5 particular exchanges.

6 Q. Okay. And your determination as to wireless

7 activity in the respective exchanges that we're looking at

8 here does tell you that there is a wireless presence in those

9 exchanges, first of all? And I'm going to follow up.

10 A. Yes.

11 Q. There's coverage --

12 A. Yes.

13 Q. -- of some sort?

14 A. Yes.

15 Q. And then further, that they actually have --

16 there are customers of that wireless carrier in each of those

17 exchanges?

18 A. I would go along with that to the extent that,

19 you know, the wireless companies have submitted pleadings in

20 this case regarding that.

21 Q. And you think that's true of each of the

22 exchanges?

23 A. I think at least one of the wireless providers

24 is operating or providing service in these exchanges.

25 Q. Okay. And in each of these exchanges do we

1 have at least two customers of the wireless -- of a wireless
2 company that we can verify?

3 A. You know, we didn't look at that specifically,
4 but it's my understanding that based on -- on the -- the
5 filing made by US Cellular, they apparently do have multiple
6 customers within these exchanges.

7 Q. In each one of them?

8 A. Yes. I believe so.

9 Q. Okay. And US Cellular does break their numbers
10 down to business and residential?

11 A. I believe they do, but I don't have their
12 filing in front of me.

13 Q. Well, I think -- did you follow up your inquiry
14 with US Cellular other than in reviewing their verified
15 pleading?

16 A. No.

17 Q. And it would be -- would it not be true that
18 US Cellular in their pleading did not mention any customers in
19 Savannah for business?

20 A. I don't know.

21 Q. Maybe your counsel can provide you with a copy
22 of that real quick.

23 MR. MEYER: US Cellular pleading?

24 COMMISSIONER GAW: Yes.

25 MR. MEYER: May I approach? I will approach.

1 JUDGE THOMPSON: Okay. I'm sorry.

2 THE WITNESS: That's correct.

3 BY COMMISSIONER GAW:

4 Q. Okay. Was there another carrier for Savannah,
5 wireless carrier?

6 A. Spectra had identified Verizon Wireless.

7 Q. Okay. And do we have any information from
8 Verizon Wireless in regard to serving at least two
9 customers --

10 A. That I do not know.

11 Q. -- that are business?

12 MR. MEYER: Commissioner, if I may approach
13 again, I think I might be able to provide him the filing he
14 might be wanting to see.

15 COMMISSIONER GAW: Sure.

16 JUDGE THOMPSON: You have the permission to
17 approach all you want.

18 COMMISSIONER GAW: Sorry, Judge.

19 JUDGE THOMPSON: That's quite all right.

20 THE WITNESS: I cannot tell as to whether they
21 serve multiple customers.

22 BY COMMISSIONER GAW:

23 Q. And you can't tell whether -- and more refined
24 than that, you can't tell whether they serve more than one
25 business customer?

1 A. That's correct.

2 Q. Verizon doesn't appear to break down their
3 numbers on business and residential, do they?

4 A. It doesn't indicate that.

5 Q. Okay. And we don't know about whether Verizon
6 has a local number in Savannah, or do you?

7 A. Based on the local exchange routing guide, they
8 do not have a block of local telephone numbers within that
9 Savannah exchange.

10 Q. Okay. And on the wireline side, would you
11 agree with Mr. Martinez' characterization of the facility used
12 by Mark Twain in those exchanges of Ewing, LaBelle and
13 Lewistown?

14 A. We considered those service arrangements to be
15 a full facilities based arrangement.

16 Q. Do they actually have copper or fiber out in
17 those exchanges, do you know?

18 A. I don't know whether it's copper or fiber.

19 Q. But they own whatever the loop is?

20 A. Yes.

21 Q. And they also own their own switch?

22 A. Yes.

23 Q. Okay. And they have at least two customers --

24 A. Yes.

25 Q. -- on the residential side in each exchange?

1 A. I believe based on the recent filings that they
2 made, they indicated that.

3 Q. Would you double check, verify that?

4 COMMISSIONER GAW: Or I'll just do it on the
5 record if you've got something that helps.

6 MR. MEYER: I'll just provide him with these
7 filings and he can review whatever he thinks is necessary.

8 COMMISSIONER GAW: Thank you.

9 THE WITNESS: Based on their verified pleading,
10 yes, Mark Twain does have more than two customers.

11 BY COMMISSIONER GAW:

12 Q. In each exchange?

13 A. Yes.

14 Q. For business and for residential?

15 A. For residential and business in the exchanges
16 of Ewing, LaBelle and Lewistown.

17 Q. So that's true in each exchange for business
18 and is true for each exchange in residential?

19 A. Yes.

20 Q. All right. Now, Macon, Chariton Valley is the
21 provider?

22 A. Correct.

23 Q. And that's Chariton Valley the CLEC. And would
24 you agree with Mr. Martinez' characterization of Chariton
25 Valley being a full facilities based carrier in the Macon

1 exchange?

2 A. Yes, I would.

3 Q. And they have significant numbers of customers.

4 Many more than two --

5 A. Yes.

6 Q. -- on the residential side?

7 A. Yes.

8 Q. And on the business side?

9 A. Yes.

10 Q. All right. Savannah, I'm going to ask you just
11 a few questions on the company that's listed as a competitor
12 there. First, I want you to tell me what their name is that
13 we are -- so we can both be using the same name.

14 A. I refer to them generically as St. Joseph
15 Cablevision. I'll have to refer to my counsel for the
16 official name of the company.

17 MR. MEYER: And I'm actually going to defer.
18 Mr. Dority I believe has the direct knowledge of that name.

19 COMMISSIONER GAW: Mr. Dority, I know we've
20 said this before, but can you, for the record, again tell me
21 what the name is?

22 MR. DORITY: Yes, Judge. The entry of --
23 motion for intervention and the various pleadings filed
24 subsequent to that indicate that the entity is NPG Cable,
25 Inc., doing business as St. Joseph Cablevision.

1 COMMISSIONER GAW: Thank you.

2 BY COMMISSIONER GAW:

3 Q. I will just refer to them going forward as
4 St. Joe Cablevision.

5 A. Okay.

6 Q. Okay. So St. Joe Cablevision provides
7 facilities services through their cable TV network; is that
8 correct?

9 A. Yes.

10 Q. And through a switch that is leased or rented
11 to them by Sprint?

12 A. It's my understanding Sprint owns the switch
13 and Sprint provides the switching services for calls made by
14 St. Joseph Cablevision customers.

15 Q. Okay. Does that take into account all the
16 facilities necessary to deliver the phone service, both local
17 exchange and toll, other than the provider for the toll
18 service itself?

19 A. We primarily looked at whether a provider had
20 facilities in either the local loop and/or switching
21 facilities.

22 Q. Okay. And you found in this -- in this case
23 that those requirements were satisfied?

24 A. Yes.

25 Q. Okay. St. Joe Cable is or is not currently

1 certificated by this Commission?

2 A. They are currently not certificated.

3 Q. And at one point in time were they
4 certificated?

5 A. Yes.

6 Q. And do you know when that certificate status
7 changed?

8 A. I don't know offhand. My recollection was
9 roughly two years ago.

10 MR. MEYER: Well, Commissioner, I would just
11 note it -- I guess it's a matter of legal notice. This entity
12 was not previously certificated by the Commission. And would
13 probably draw the Commission to its own records and suggest
14 that they perhaps take notice of those.

15 COMMISSIONER GAW: Mr. Dority? I realize I'm
16 on somewhat of a tangent here, but I'm trying to gather some
17 information and I appreciate your indulgence.

18 MR. DORITY: I would like to try to help you
19 clarify the record, if I may. I have been referring to a
20 document that's in the Commission's files titled Stipulation
21 of Fact that was entered in Case No. TC-2004-0397.

22 And that indicates that, in fact, the News
23 Press and Gazette Company, doing business as St. Joseph
24 Cablevision, did have a certificate from this Commission.
25 Evidently in the course of a complaint case and as reflected

1 in this Stipulation of Fact, that entity had applied for a
2 certificate of service authority when it was in the process of
3 bidding for a contract let by the school district of the city
4 of St. Joseph, Missouri.

5 Evidently it did win the bid and involved the
6 installation of a fiberoptic cable system. They refer to it
7 as dark fiberoptic cable that was provided for a private
8 system, the school system.

9 So in the context of this particular case, it's
10 my understanding that the complaint was either dismissed or
11 denied and, in fact, News Press and Gazette Company, doing
12 business as St. Joseph Cablevision, surrendered its
13 certificate and it -- that entity no longer has a certificate
14 from the Commission. A different entity is the NG -- NPG
15 Cable, Inc.

16 COMMISSIONER GAW: So that's a different
17 corporation?

18 MR. DORITY: Correct.

19 BY COMMISSIONER GAW:

20 Q. Mr. Van Eschen, do you know anything about the
21 origination of the St. Joe Cable that has never been
22 certificated by the Commission?

23 A. No. I don't know the, I guess, potential
24 affiliation that there might be between the different entities
25 of St. Joe Cablevision.

1 COMMISSIONER GAW: Okay. And, Mr. Dority, real
2 quickly, can you give me those two names again?

3 MR. DORITY: Yes. And if I could refer to the
4 recommendation and objection that was filed by NPG Cable, Inc.
5 in this docket, Commissioner. And that was filed on
6 September 19th. Paragraph 5 of that document, and I'm
7 reading, News Press and Gazette Company, an affiliate of NPG
8 Cable, does not provide any form of telecommunications service
9 in Missouri.

10 I think they are referring to that dark fiber
11 situation that may or may not still exist. I don't know.

12 COMMISSIONER GAW: Okay. What --

13 MR. DORITY: And NPG Cable, Inc., doing
14 business as St. Joseph Cablevision, is the entity that is
15 involved in this proceeding.

16 COMMISSIONER GAW: Okay. So the former was NPG
17 Cable?

18 MR. DORITY: The former was News Press and
19 Gazette Company.

20 COMMISSIONER GAW: All right.

21 MR. DORITY: The current entity is NPG Cable,
22 Inc.

23 COMMISSIONER GAW: All right. I'm --

24 MR. DORITY: Doing business as St. Joseph
25 Cablevision.

1 COMMISSIONER GAW: It gets difficult sometimes
2 with these companies when they have similar names.

3 MR. DORITY: I've heard that. Thank you,
4 Commissioner.

5 COMMISSIONER GAW: Thank you, Mr. DORITY.

6 BY COMMISSIONER GAW:

7 Q. Okay. Mr. Van Eschen, NPG Cable Inc. does not
8 have a certificate with this Commission?

9 A. That is correct.

10 Q. And it's doing business as St. Joe Cablevision?

11 A. That's correct.

12 Q. All right. And the kind of service it is
13 providing, describe it for me.

14 A. In my opinion, they are providing a local voice
15 service.

16 Q. All right. And is there any difference between
17 what they are providing in regard to their facilities and the
18 type of service that they're providing between that provision
19 and what's being provided by, say, a Time Warner in Kansas
20 City?

21 A. In my opinion, they're very similar.

22 Q. Would the same answer be given with regard to
23 Charter's provision of service or different?

24 A. I think it might be a little different. I'm
25 not sure that Charter actually uses an Internet protocol.

1 Q. Okay. Can you tell me whether or not this
2 provision of service is something that the FCC has declared
3 that states cannot oversee, if you know?

4 A. I'd have to say I don't know right now. I
5 think, you know -- and we're currently discussing the matter
6 and we've had discussions with companies like Time Warner who
7 I guess have also raised the issue of the Commission's
8 jurisdiction over their services.

9 And I guess from their perspective, they feel
10 that their services might be considered the type of services
11 that would more -- would not be considered a
12 telecommunications service. I'd have to say my initial
13 reaction to that is that we're not so sure that their
14 interpretation is correct.

15 Q. All right. Tell me what the difference is
16 between the provision of service such as is being done
17 currently by NPG Cable, Inc. and a Vonage.

18 A. Well, one obvious difference is that St. Joe
19 Cablevision actually has facilities within these exchanges.
20 They do have what I would consider local loop facilities.

21 In contrast to that, Vonage, I'm unaware that
22 they have really any facilities, either a local loop or
23 switching facilities.

24 Q. How does Vonage switch their calls? Do you
25 know how that works?

1 A. I -- no, I'd have to have some other Staff
2 people get into the specifics of that.

3 Q. That's okay. All right. And do we know
4 whether or not St. Joe Cable, which is NPG Cable, Inc., d/b/a
5 St. Joe Cable I think --

6 A. Yes.

7 Q. -- do we know that they have more than two
8 residential customers in Savannah -- two or more, excuse me?

9 A. I would say, yes, I'm comfortable with that. I
10 don't know the actual number of customers. They've indicated
11 to us that they served approximately so many lines, but given
12 that they're residential, it's difficult for me to imagine
13 that it's one customer.

14 Q. Well, is there any information currently in the
15 record that tells me they have at least two?

16 A. No.

17 Q. Is there anything that I could utilize to
18 derive that that is very likely the result? You said the line
19 counts might be something. Where would I look for that?

20 A. There's nothing -- there's nothing in the
21 record right now that would indicate lines or anything like
22 that. I mean, I could tell you what they've told me in terms
23 of how many customers they feel they roughly have, but beyond
24 that --

25 Q. They didn't file any kind of a verified

1 statement?

2 MR. MEYER: Commissioner, I believe Mr. Van
3 Eschen may have that pleading.

4 THE WITNESS: Let me see.

5 MR. DORITY: If I may, it's Exhibit 13.

6 COMMISSIONER GAW: Can somebody hand that to
7 Mr. Van Eschen?

8 THE WITNESS: I have that here.

9 BY COMMISSIONER GAW:

10 Q. Thank you.

11 A. NPG Cable indicates -- well, they state they
12 provide VoIP services to more than two residential customers
13 in the Savannah exchange.

14 Q. Okay. But they don't state how many customers
15 there, but there's another exhibit, isn't there, Exhibit 2-HC?
16 And without telling me the specifics of what's listed on that
17 exhibit, can you just generally tell me what that exhibit
18 states?

19 A. This is an exhibit that Spectra had provided
20 that indicates specific telephone numbers, customer names and
21 addresses of people that have been ported within the Savannah
22 exchange.

23 Q. And if that representation is accurate, would
24 that indicate to you that there are individuals that -- there
25 are two or more --

1 A. Yes.

2 Q. -- customers --

3 A. Yes.

4 Q. -- of St. Joe Cablevision in Savannah?

5 A. Yes.

6 COMMISSIONER GAW: Mr. Dority, real quick, how
7 current is that information? I should have asked that of
8 Mr. Martinez.

9 MR. DORITY: Just a moment, Judge.

10 We believe it's from internal business records
11 in the month of August of this year.

12 COMMISSIONER GAW: Okay. Thank you. I might
13 ask that to be stated by Mr. Martinez at an appropriate time
14 on the record.

15 BY COMMISSIONER GAW:

16 Q. Now, Mr. Van Eschen, tell me about the business
17 side in Savannah. Do we have similar information there, do
18 you know?

19 A. St. Joe Cablevision indicates they do not
20 provide their local voice service to business customers.

21 Q. That would stand to reason because they're a
22 cable facility provider, would it not?

23 A. Yeah. And that's similar to I guess the
24 service offerings offered by other cable TV companies.

25 Q. They tend to package their provision of

1 service, do they not, from the offspring from their cable
2 business on television provision?

3 A. Yes.

4 Q. And generally that -- their customer base would
5 be residential and not business from that basic service?

6 A. Yes.

7 Q. Okay.

8 COMMISSIONER GAW: I think that's all I have
9 right now, Judge. Thank you.

10 JUDGE THOMPSON: Thank you, Commissioner Gaw.
11 Commissioner Clayton.

12 COMMISSIONER CLAYTON: Thank you, Judge.

13 QUESTIONS BY COMMISSIONER CLAYTON:

14 Q. First thing I want to ask, Mr. Van Eschen, I
15 want to show you, this is a chart that came out of your -- it
16 was a filing that you made in response to an order directing
17 filing. Is this part of your Supplemental Testimony?

18 A. No, it is not.

19 COMMISSIONER CLAYTON: Judge, can we mark this
20 as an exhibit?

21 JUDGE THOMPSON: We sure can.

22 COMMISSIONER CLAYTON: Because I'd like to
23 refer to it.

24 JUDGE THOMPSON: Do we have any other copies of
25 it?

1 MR. MEYER: No. It's in the court's file --
2 the Commission's file.

3 JUDGE THOMPSON: Excuse me?

4 MR. MEYER: No. I believe it's in the
5 Commission's file already.

6 JUDGE THOMPSON: I'll tell you what we'll do.
7 We'll treat this as a request to take notice. How's that? Is
8 that acceptable to you?

9 COMMISSIONER CLAYTON: I don't know what that
10 means.

11 JUDGE THOMPSON: Well, since we don't have an
12 exhibit here to mark, we could ask to take notice of that.

13 COMMISSIONER CLAYTON: You can have that.

14 JUDGE THOMPSON: All right. Let's go ahead and
15 mark this as Exhibit 16. And how shall we describe it,
16 Mr. Van Eschen? It's your chart. What should we call it?

17 THE WITNESS: This is a response to Commission
18 order directing filing where the Commission essentially wanted
19 to know if a wireless provider was identified by the company's
20 application as providing service in these requested exchanges
21 for competitive classification as to whether the wireless
22 provider offers customers a local telephone number.

23 (Exhibit No. 16 was marked for identification.)

24 JUDGE THOMPSON: Okay. And do I hear any
25 objections to the receipt of this Exhibit No. 16?

1 MR. DORITY: Judge, for the sake of
2 consistency, I will object to Exhibit 16. A similar document
3 was offered yesterday in the CenturyTel proceeding, which
4 actually depicted that there were, in fact, local numbers in
5 all but one of those exchanges, but we objected on the basis
6 of relevancy as not being something that the Commission needs
7 to inquire into for purposes of the statute. So for purposes
8 of consistency, I would make an objection for relevancy.

9 JUDGE THOMPSON: Your objection's overruled.
10 The Exhibit 16 is received and made a part of the record of
11 this proceeding.

12 (Exhibit No. 16 was received into evidence.)

13 JUDGE THOMPSON: You may continue,
14 Commissioner.

15 COMMISSIONER CLAYTON: What was I talking
16 about? Hang on. I printed out another copy.

17 BY COMMISSIONER CLAYTON:

18 Q. Mr. Van Eschen, this is a document that you
19 prepared; is that correct?

20 A. Along with assistance from my staff.

21 JUDGE THOMPSON: Do you have a copy of it up
22 there?

23 THE WITNESS: I have a copy, yes.

24 JUDGE THOMPSON: In addition to the one that
25 was just marked?

1 THE WITNESS: Yeah.

2 JUDGE THOMPSON: I guess what I'm saying it I
3 want to get the one that was marked back, if I could, so the
4 Commissioner can finish his questions.

5 BY COMMISSIONER CLAYTON:

6 Q. I apologize. I referred to this document
7 before in discussions with Mr. Martinez and I failed to get it
8 marked and I apologize for not being prepared.

9 So, Mr. Van Eschen, you and your staff prepared
10 this document in response to an order directing filing; is
11 that correct?

12 A. Yes.

13 Q. The document describes, by exchange, the number
14 of wireless providers in each of those exchanges; is that
15 correct?

16 A. It identifies the wireless providers that were
17 identified in the company -- in Spectra's application.

18 Q. Okay. And it also identifies whether or not --
19 I guess I'll ask the question. Does at least one wireless
20 provider offer customers a local number? And it answers that
21 question?

22 A. Yes.

23 Q. And could you describe to me the analysis or
24 the research that was done by you and your staff in compiling
25 this document to answer that question?

1 A. We obtained a copy of the relevant portion of
2 the local exchange routing guide, which is an industry
3 document that identifies blocks which --

4 Q. So you looked at the LERG?

5 A. That's correct.

6 Q. It's affectionately known as the LERG, L-E-R-G;
7 is that correct?

8 A. The LERG. And if a wireless provider has been
9 assigned a block of telephone numbers within a particular
10 exchange that -- that Spectra's requested competitive
11 classification, we marked that yes.

12 Q. How familiar are you with local number
13 portability and recent FCC orders on the subject of local
14 number portability?

15 A. I'm generally familiar. I'm not as familiar
16 with some of the other Staff members.

17 Q. Can you tell me whether or not there are any
18 barriers to a wireline customer of Spectra porting a number to
19 one of these wireless carriers listed on Exhibit 16? Are you
20 aware of any barriers that would prevent them from doing that?

21 A. Well, I know when we've internally discussed
22 this issue, you know, and I think it's unclear as to whether
23 the wireless provider has the capability to have porting
24 capability for numbers within that exchange.

25 I think what Spectra has alluded to is that,

1 yes, Spectra has the capability to port numbers, but at the
2 same time I think an unanswered question might be is whether
3 the wireless provider has that capability for these exchanges.

4 Q. Today's hearing has been enlightening in the
5 sense that when we started these competitive classifications,
6 and I raised the concern of a customer being able to access a
7 local number when looking at a wireless carrier, I was very
8 narrow in my -- in how I was looking at the issue because I
9 thought the only way to achieve a local -- a basic local
10 service from that wireless company would be able to have a
11 local NXX for that exchange. Today you've testified that
12 there are other methods of doing that --

13 A. That's correct.

14 Q. -- yes or no; is that correct?

15 A. Yes.

16 Q. One of those examples is a type one
17 interconnection?

18 A. Yes.

19 Q. Which would I guess be described as having a
20 special deal or special agreement with Spectra that would
21 enable that type of local calling or toll free calling within
22 the exchange --

23 A. Yes.

24 Q. -- correct?

25 Another method, which has been referenced by

1 you and your Staff, has been the existence of an EAS route
2 between the subject exchange and another exchange where there
3 may be a wireless number that would permit local toll free
4 calling to that wireless number. Is that another example?

5 A. That is correct.

6 Q. Now, today it has been referenced -- or it's
7 been mentioned that local number portability may be another
8 opportunity, as an example, where a phone call from a wireline
9 in one of the subject exchanges can be made to a wireless
10 carrier if that call is being made to a number ported from the
11 previous wireline customer to a wireless customer. Would you
12 agree that that is a possibility for toll free calling?

13 A. I would probably -- yeah, that -- that's a
14 possibility. As I said earlier, I think Spectra says they
15 have capability to port numbers in these exchanges. I don't
16 know if the wireless companies have similar capability to have
17 numbers ported to them --

18 Q. Is there --

19 A. -- from these exchanges.

20 Q. So it is your testimony that you do not know
21 whether there are barriers from either the wireless carrier --
22 I guess the recipient of a ported number, whether there are
23 any barriers that would prevent that type of porting of a
24 phone number?

25 A. I would think that there may be from the

1 wireless providers.

2 Q. Do you know?

3 A. No, I do not.

4 Q. Okay. How would we find that out, if there are
5 any barriers from either a wireless perspective, whether it be
6 a technological barrier or a barrier listed in the FCC rules
7 or any type?

8 A. The wireless provider would need to provide
9 that sort of information.

10 Q. Okay. Okay. Have you or your staff looked at
11 whether any numbers from Spectra have been ported to a
12 wireless carrier in any of the subject exchanges?

13 A. We haven't seen any specific evidence in that
14 regard. I mean, they -- the company's indicated they have the
15 capability, but we haven't seen any evidence that numbers are
16 actually being ported other than the testimony that
17 Mr. Martinez spoke of earlier.

18 Q. Are there records of ported numbers kept
19 anywhere other than in the carrier's own files? For example,
20 would the NANPA have that information? Would that information
21 be found in the LERG? Would it be found at NANC? That's
22 N-A-N-C, acronym.

23 A. I don't know if it would be found in -- in
24 documents outside the company or not. I -- I -- you know, the
25 one exhibit that was entered into the record earlier, you

1 know, showed customers that had their numbers ported in the
2 Savannah exchange. And I would think similar information, if
3 it's indeed occurring, ought to be available from Spectra in
4 regards to porting of numbers to wireless companies.

5 Q. I'm sorry. I didn't follow that. Are there
6 different rules for porting a number from wireline to wireline
7 versus wireline to wireless? Do you know? Do you know, first
8 of all?

9 A. I don't know specifically if there are any --

10 Q. Is there anyone on your staff that knows?

11 A. Possibly, yes. I would --

12 Q. Killing me here.

13 A. As I said earlier, there are people on my staff
14 that are a lot more knowledgeable than I am about number
15 portability.

16 Q. Would that be something that the Staff could
17 provide additional legal analysis? I don't know if it's a
18 legal issue, a technical issue, a fact issue. I'm not sure
19 how to characterize it. It may just require legal analysis to
20 determine that there are no barriers to concur with the
21 statements by Mr. Martinez.

22 I have no reason to believe that from Spectra's
23 perspective there are any barriers. I understand that. But
24 I'm wondering if there are barriers from the wireless carrier.
25 Are there limitations on a customer who wants to do certain

1 things either because of technology, because of logistical
2 problems, billing problems? I just don't know. Is that
3 something that Staff would be in a position to provide a
4 supplemental filing?

5 A. Sure.

6 COMMISSIONER CLAYTON: Okay. Okay. Thank you.
7 I don't have any other questions.

8 JUDGE THOMPSON: Thank you, Commissioner.

9 I don't have any questions for you, Mr. Van
10 Eschen.

11 Recross.

12 COMMISSIONER CLAYTON: Somebody's wanting a
13 piece of the action here.

14 JUDGE THOMPSON: Well, and it's his turn now.
15 Mr. Dority?

16 MR. DORITY: Thank you, Judge. I have no
17 questions for Mr. Van Eschen. However, I do have some
18 information that I think might be helpful to Commissioner
19 Clayton in response to some of his inquiries regarding
20 wireless number portability and I don't want to become the
21 witness here, but I do have some documents that I obtained.

22 JUDGE THOMPSON: We can swear you. We swore
23 Mr. Pulliam.

24 MR. DORITY: Whatever you wish.

25 JUDGE THOMPSON: Are you going to bring them in

1 through this witness?

2 COMMISSIONER CLAYTON: Is the information legal
3 or is it factual in nature?

4 MR. DORITY: It's actually factual from the FCC
5 website that I obtained.

6 COMMISSIONER CLAYTON: Well, you can refer to
7 it and we can take notice from the FCC. Is that a
8 possibility?

9 MR. DORITY: If you go to the FCC's website and
10 follow the links regarding wireless activities, it references
11 a website called WirelessAdvisor.com. And that particular
12 website has a number of pages of information dealing with
13 wireless local number portability.

14 I printed off six pages that pertain directly
15 to what has been inquired into by the Commissioner this
16 morning talking about the ability to port wireless numbers.
17 It also references additionally, since local landline phone
18 numbers have been portable for years, the FCC has ruled that
19 those numbers must also be portable to wireless phone service.

20 You can actually go to any zip code in the
21 country, enter that in and it will give you a listing of
22 number portability status indicating that, yes, you are free
23 to move your phone number to a new wireless company and indeed
24 lists all of the wireless companies to which you can have
25 wireless number portability. I entered it on behalf of Taney

1 County and a number of options came up.

2 So I just wanted to indicate that for the
3 record. If the Commission is desirous of having copies of
4 this information, I would be happy to make them available.

5 JUDGE THOMPSON: Did you enter it for any of
6 the zip codes that are at issue in this case?

7 MR. DORITY: For this one, I did not, Judge. I
8 did it a couple of days ago.

9 JUDGE THOMPSON: Okay. Very well. Would
10 anyone like the information that he's offering? You're
11 looking at it on the screen. Okay.

12 MR. DORITY: Thank you, Judge.

13 JUDGE THOMPSON: Really this is moving beyond
14 my ability to preserve the record. Let the record reflect
15 that Commissioner Clayton is looking at the Internet.

16 COMMISSIONER CLAYTON: Wait a minute. Let's
17 just clarify that I'm looking at the website just referenced,
18 www.WirelessProvider.com and associated with this case -- in
19 association with this case.

20 JUDGE THOMPSON: The record is so corrected.

21 Further cross-examination or recross, excuse
22 me. Mr. Dandino.

23 MR. DANDINO: No, thank you.

24 JUDGE THOMPSON: Mr. Johnson?

25 MR. JOHNSON: I apologize, your Honor, but I

1 can't resist asking a couple of questions.

2 JUDGE THOMPSON: That's quite all right. No
3 apologies necessary.

4 RECROSS-EXAMINATION BY MR. JOHNSON:

5 Q. I want to ask you some questions, Mr. Van
6 Eschen about local numbers, local service. Would you agree
7 with me that a wireline customer's number resides in the
8 switch that serves that wireline customer?

9 A. I would tend to agree with that. I don't know
10 if there was some special situations where -- say, host remote
11 arrangements or anything like that.

12 Q. And would you agree with me that what local
13 calling scope that customer has depends upon the tariffed
14 offerings of the LEC that serves him?

15 A. I would agree with that, yes.

16 Q. And whether that's limited to an exchange or
17 EAS arrangements or whatnot, that's a function of what his
18 provider, his LEC offers him?

19 A. Yes.

20 Q. And that's done through tariffs?

21 A. Yes.

22 Q. Okay. With respect to a wireless customer,
23 would you agree with me that the wireless service providers
24 don't offer service in terms of exchanges?

25 A. I would agree with that.

1 Q. And would you also agree with me that what the
2 wireless customer -- what his calling scope is for his price
3 that he pays the wireless carrier is a function of the
4 contract that he has entered into with his wireless provider?

5 A. Yes.

6 Q. It's not contained in a tariff?

7 A. That's correct.

8 Q. Now, we've also mentioned the major trading
9 areas?

10 A. Yes.

11 Q. Would you agree with me that the major trading
12 area is a concept that determines what is local for purposes
13 of intercompany compensation?

14 A. I would agree with that.

15 Q. The major trading area does not determine what
16 the wireline company offers its customers being local. Would
17 you agree with that?

18 A. I would agree with that.

19 Q. And would you also agree that the major trading
20 area does not determine what the wireless provider offers his
21 customer as being local?

22 A. No. The MTA, major trading area, and whether
23 it's an interMTA call really only affects the intercompany
24 compensation.

25 MR. JOHNSON: Thank you.

1 JUDGE THOMPSON: Thank you, Mr. Johnson.

2 Redirect, Mr. Meyer.

3 COMMISSIONER GAW: Judge, could Mr. Johnson if
4 he's not already done so, enter a verbal appearance

5 JUDGE THOMPSON: He has done so.

6 COMMISSIONER GAW: He has. I apologize.

7 JUDGE THOMPSON: On behalf of Chariton Valley
8 this morning.

9 MR. JOHNSON: I'm sorry for being late this
10 morning.

11 COMMISSIONER GAW: I understand. You're on
12 behalf of Chariton Valley?

13 MR. JOHNSON: Telecom Corporation, the CLEC.

14 COMMISSIONER GAW: Which is --

15 MR. JOHNSON: The CLEC.

16 COMMISSIONER GAW: Okay. Thank you. I just
17 needed that clarified for my own purposes. Thank you.

18 MR. JOHNSON: And also Mark Twain
19 Communications, the CLEC in the three -- LaBelle, Lewistown
20 and Ewing exchanges.

21 COMMISSIONER GAW: But you're not here on
22 behalf of Chariton Valley Wireless?

23 MR. JOHNSON: That's correct.

24 JUDGE THOMPSON: Mr. Meyer?

25 REDIRECT EXAMINATION BY MR. MEYER:

1 Q. Mr. Van Eschen, in your capacity as manager of
2 the telecommunications department, you are aware of other
3 matters proceeding before the Commission; is that correct?

4 A. Yes.

5 Q. Okay. To your knowledge, are there other cases
6 pending before the Commission currently where the Commission
7 will be addressing issues of intercompany compensation between
8 wireline, wireless companies, that sort of thing?

9 A. Intercompany compensation between wireline and
10 wireless?

11 Q. Yes.

12 A. Yeah, there's a variety of different cases.

13 Q. As part of its investigation in this case, did
14 Staff talk to St. Joseph Cablevision?

15 A. Yes.

16 Q. And did you participate in those --

17 A. Yes.

18 Q. -- conversations?

19 Did anybody at St. Joseph Cablevision tell you
20 anything about the number of residential customers that they
21 serve?

22 A. They gave an approximate number.

23 Q. Okay. Would that approximate number that you
24 were provided be consistent with the number of customers
25 listed in the highly confidential Exhibit 2, which I think was

1 indicated to indicate the number of numbers -- number of
2 numbers ported from Spectra to St. Joseph?

3 A. Comparable, yes.

4 MR. MEYER: Thanks. That's all I have.

5 JUDGE THOMPSON: Thank you, Mr. Meyer. You may
6 step down.

7 COMMISSIONER GAW: Judge, may I --

8 FURTHER QUESTIONS BY COMMISSIONER GAW:

9 Q. Just for purposes of clarification, the answers
10 that you just gave were in regard to the Savannah exchange
11 first?

12 A. That's correct.

13 Q. And they were dealing with residential
14 customers only?

15 A. In my opinion, yes.

16 COMMISSIONER GAW: Okay. Thank you.

17 JUDGE THOMPSON: Additional recross based on
18 clarifying questions of Commissioner Gaw? Additional
19 redirect? I guess there was no recross, so you don't need any
20 redirect.

21 You may step down, Mr. Van Eschen.

22 Mr. Meyer, call your next witness.

23 MR. MEYER: We have no further witnesses.

24 JUDGE THOMPSON: Very well. You rest at this
25 time? You rest?

1 MR. MEYER: I suppose so.

2 JUDGE THOMPSON: Mr. Dandino?

3 MR. DANDINO: We have no witnesses.

4 JUDGE THOMPSON: Mr. Johnson, any witnesses?

5 MR. JOHNSON: No, your Honor.

6 JUDGE THOMPSON: Very well. That concludes the
7 witnesses that we have. I have received Exhibits 1, 2, 3, 4,
8 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 over the
9 objection of Mr. Dority.

10 We have about 13 minutes until noon and what I
11 would propose is that we take a lunch recess and return for
12 closing arguments unless the parties want to waive closing
13 arguments.

14 MR. DORITY: I have just very brief, one
15 minute.

16 JUDGE THOMPSON: Would you like to just go
17 ahead then prior to the lunch recess?

18 MR. DORITY: That would be fine, if you don't
19 the mind.

20 JUDGE THOMPSON: I don't mind a bit. If we're
21 going to listen to a long foration, I'd like to do so on a
22 full stomach.

23 MR. DORITY: No. This will be very brief.

24 Again, we had like to thank the Commission for
25 the extraordinary efforts of the Commission, the Staff, the

1 Office of Public Counsel and all the parties involved in this
2 proceeding.

3 We would simply reiterate the Joint
4 Recommendation and the relief requested in the Joint
5 Recommendation, that the Commission grant competitive
6 classification to the residential services in the exchanges of
7 Ewing, LaBelle, Lewistown, Macon and Savannah and to the
8 business services in the exchanges of Ewing, LaBelle,
9 Lewistown and Macon.

10 As the company, the Staff and the Office of
11 Public Counsel indicate in their Joint Recommendation, we
12 believe that the competent and substantial evidence in this
13 proceeding clearly supports the relief requested. Thank you.

14 JUDGE THOMPSON: Thank you, Mr. Dority.
15 Mr. Meyer.

16 MR. MEYER: Thank you. I actually have nothing
17 to add in addition -- beyond what I had said in our opening
18 other than to say I would say the same thing and say it in the
19 past tense.

20 JUDGE THOMPSON: Thank you, Mr. Meyer.
21 Mr. Dandino.

22 MR. DANDINO: I have no closing. Thank you.

23 JUDGE THOMPSON: Mr. Johnson?

24 MR. JOHNSON: No, thank you, your Honor.

25 JUDGE THOMPSON: Very well. Unless the

1 Commissioners have something else --

2 COMMISSIONER GAW: Judge, we had talked about
3 requesting some of that additional information so --

4 JUDGE THOMPSON: We have requested information
5 from Mr. Steinmeier and from Mr. Pulliam. I have not heard
6 back from either of them. Of course, the record will remain
7 open until that information is provided.

8 Mr. Meyer?

9 MR. MEYER: Do I recall correctly that there
10 was also an expectation Staff would provide a post-hearing
11 late-filed exhibit? And, if so, was there a deadline
12 associated with that?

13 JUDGE THOMPSON: How soon would you like that,
14 Commissioner?

15 COMMISSIONER CLAYTON: Before the 30 days is
16 up.

17 JUDGE THOMPSON: What's our 30-day window here?

18 MR. DORITY: The 9th, 8th.

19 JUDGE THOMPSON: How soon does Staff believe
20 they can provide the requested exhibit? You may respond,
21 Ms. Dietrich, if --

22 MR. MEYER: I have a sense that it might be by
23 the end of the week.

24 JUDGE THOMPSON: Okay. Well, I have a sense
25 that I'm going to make that your deadline. Okay? So that

1 would be by, what, 4:00 p.m. on Friday.

2 Okay. Is that acceptable, Commissioners?

3 Okay. Anything else? Parties, Bench, court
4 reporter?

5 Very well. That will conclude the recorded
6 portion -- or actually all of this hearing. We will adjourn.
7 The record, as I stated, will remain open for the information
8 that's been requested from Mr. Steinmeier and Mr. Pulliam and
9 also for late-filed exhibit that Staff is going to provide. I
10 assume that all of you know that you need to serve everyone
11 with that exhibit and with that information. I see that
12 Pulliam and Steinmeier aren't here, so --

13 MR. MEYER: Judge, before you go off the
14 record, would you like to give me a number for that late-filed
15 exhibit? Perhaps it would be Exhibit 17?

16 JUDGE THOMPSON: That will be Exhibit 17.

17 MR. MEYER: I will identify it as such when we
18 file it.

19 JUDGE THOMPSON: Thank you.

20 WHEREUPON, the hearing was concluded.

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