

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

In the Matter of the Request of )  
Southwestern Bell Telephone, L.P. d/b/a )  
AT&T Missouri for a Waiver of Certain )  
Requirements of 4 CSR 240-29.040(4). )

Case No. TE-2006-0053

**MOTION TO STRIKE PORTIONS OF THE DIRECT TESTIMONY  
OF AT&T MISSOURI AND STAFF**

Comes now the Small Telephone Company Group (“STCG”) and for its Motion to Strike Portions of the Direct Testimony of AT&T Missouri and Staff (“Motion”) states to the Missouri Public Service Commission (“Commission”) as follows:

1. On March 1, 2006, the Commission issued its “Order Establishing Procedural Schedule, Bifurcating Proceeding, Extending Temporary Waiver and Changing Style of Case” in which it adopted the procedural schedule proposed by the STCG, the Missouri Independent Telephone Group (“MTIG”) and the Staff. This proposed procedural schedule adopted by the Commission bifurcated the legal issue of whether the Commission’s Enhanced Record Exchange (“ERE”) rule 4 CSR 240-29.040(4) requires that the originating tandem carrier include the Calling Party Number (“CPN”) as part of the Category 11-01-XX record that it provides for wireless-originated calls that transit the LEC-to-LEC network from the more subjective issue of whether Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (“AT&T Missouri”) should be granted a waiver of that provision. The parties suggesting the bifurcated schedule stated that first considering whether the rule required the provision of CPN in the records would simplify the procedure, and if the Commission found that the rule did not require the provision of CPN there would be no need to consider AT&T Missouri’s request for a waiver of that provision.

2. The parties then submitted the following as the sole issue to be considered in this first part of the bifurcated case:

Does Commission Rule 4 CSR 240-29.040(4) require the originating tandem carrier to include the Calling Party Number (“CPN”) as part of the Category 11-01-XX record that it provides for wireless-originated calls that transit the LEC-to-LEC network and terminate to other LECs?

3. Despite this clear statement of the sole issue to be considered in this proceeding, both Staff and AT&T Missouri have included irrelevant material beyond the scope of the stated issue in the direct testimony filed on March 24, 2006. This material primarily addresses the issue of the expense and difficulty AT&T Missouri would incur if it were required to provide CPN in the billing records for wireless calls. This information may be relevant to the request for a waiver of the rule, but it is not relevant to the issue of whether the rule requires CPN in the records. Both AT&T Missouri and Staff attempt to use this extraneous information to interpret the language of the rule.

**Direct Testimony of William L. Voight**

4. The STCG respectfully requests that the Commission strike the testimony of Mr. Voight listed below as irrelevant and beyond the scope of the proceeding:

Page 10, lines 22-28

Page 12, line 25 starting with “However . . . .” through line 27

**Direct Testimony of Jason E. Constable**

5. The STCG respectfully requests that the Commission strike the testimony of Mr. Constable listed below as irrelevant and beyond the scope of the proceeding:

Page 1, lines 22-23

Page 2, lines 1-5

Page 3, line 4 starting with "I also explain . . . ." through line 7; lines 18-28

Page 6, lines 21 starting with "is beyond . . . ." through line 23

Page 7, lines 1-2

Page 11, lines 9-14

Page 12, lines 1-22

Page 14, lines 14-20

Page 15, lines 1-20

Page 16, lines 6 starting with the words "and costly for . . . ." through line 11

Constable-Schedule 3(HC)

**Direct Testimony of Chris Read**

6. The STCG respectfully requests that the Commission strike the testimony of Mr. Read listed below as irrelevant and beyond the scope of the proceeding:

Page 3, lines 10-33

Page 6, lines 6-16. This testimony is also impermissible speculative testimony.

Page 22, line 10 beginning with words "it is beyond . . . ." through line 15

Page 23, lines 7-23

Page 24, lines 1-22. Lines 16-22 is also impermissible speculative testimony.

Page 25, lines 1-23

Page 26, lines 1-24

Page 27, lines 1-43

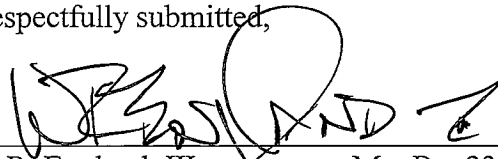
Page 28, lines 1-45

Page 29, lines 1-35

Page 30, lines 11-17

Wherefore the STCG respectfully requests that the Commission strike the portions of Staff's and AT&T Missouri's Direct Testimony set out above for the reasons stated.

Respectfully submitted,



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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by electronic submission, hand-delivered or sent by U.S. Mail, postage prepaid, this 3<sup>rd</sup> day of April, 2006 to:

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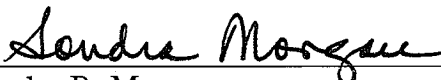
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