

BEFORE THE PUBLIC SERVICE COMMISSION OF MISSOURI

In the Matter of a Proposed Rule to Require)	
all Missouri Telecommunications Companies)	
to Implement an Enhanced Record Exchange)	Case No. TX-2003-0301
Process to Identify the Origin of IntraLATA)	
Calls Terminated by Local Exchange Carriers)	

COMMENTS OF SOCKET TELECOM, LLC,
XO COMMUNICATIONS SERVICES, INC. AND
BIG RIVER TELEPHONE COMPANY, LLC

Come now Socket Telecom, LLC, XO Communications Services, Inc. and Big River Telephone Company, LLC (“Socket”, “XO” and “Big River”) pursuant to 4 CSR 240 – 2.080 and .180 and make these comments on the Commission Proposed Rules regarding Enhanced Record Exchange Processes between telecommunications companies.

General Comments

Socket, XO and Big River generally support the proposed rule as written. Socket, XO and Big River are particularly supportive of the provisions that permit a terminating carrier to bill from terminating records. The current practice of relying upon originating records simply does not work in today’s environment, especially when numbers are ported between carriers. Under the system that relies upon originating records, ILECs that originate and carry intraLATA toll calls identify the terminating carrier based upon the NPA-NXX code assigned to the called party. Once the terminating carrier is identified based upon the called party’s NPA-NXX code, the originating local exchange carriers creates and sends summary call records to the identified carrier. The identified carrier uses these records to generate access bills to the originating carrier.

This system falls apart when numbers are ported between carriers, as the terminating carrier cannot be identified correctly. As a result, one local exchange carrier (LEC) receive compensation to which it is not entitled and the another LEC fails to receive the compensation that is entitled to receive

Consider the situation when a customer switches from OLD LEC to NEW LEC and the customer's number is ported from OLD LEC to NEW LEC. When a customer receives an IntraLATA toll call from another customer that is using the IntraLATA toll service of a LEC (either OLD LEC or a third-party LEC) it will appear to the originating LEC that the customer is still served by OLD LEC. This is because the phone number (NPA-NXX) of the customer that received the call would still be associated with OLD LEC in the Local Exchange Routing Guide (LERG). In this instance, the originating LEC would send a summary call record to OLD LEC. OLD LEC would use that record to bill the originating carrier for terminating access for a call that OLD LEC didn't even terminate. Not only would NEW LEC not receive the appropriate compensation, its direct competitor (OLD LEC) would receive the compensation instead. The use of terminating records would enable NEW LEC to generate its own billing records and bill for calls that it terminates. This is a critical step in the right direction if Missouri is going to have facilities-based competition.

Socket, XO and Big River do have one potential concern with the proposed rule related to traffic bound for an Internet Service Provider. The FCC has defined traffic destined for an ISP to be jurisdictionally interstate in nature, but requires LECs to provide local services to ISPs rather than access services. 4 CSR 240-39.030 - General Provision, prohibits certain types of traffic from being placed on the LEC-to-LEC network,

including InterLATA traffic (See 4 CSR 240-39.030(3)). Socket, XO and Big River are not generally opposed to the prohibition, but are concerned that another local exchange carrier or other interested party would mis-interpret the rule to prohibit calls bound for an ISP to be placed on the LEC-to-LEC network. In order to ensure the rule is not contorted into such an illegal interpretation that would violate FCC requirements, Socket, XO and Big River suggest adding a definition of ISP-bound traffic and a provision designed to ensure that it is clear the rule contains no prohibition against carrying ISP-bound traffic on the LEC-to-LEC network, as follows:

Specific Comments

4 CSR 240-29.020 Definitions

Socket, XO and Big River suggest the Commission add the following definition to this section of the proposed rule and renumber as necessary. The rationale for this addition was explained in Socket's, XO's and Big River's General Comments

ISP-bound Traffic - traffic (excluding CMRS traffic) that is routed by local exchange carrier to or from the facilities of a provider of information services, of which Internet Service Providers (ISPs) are a subset.

4 CSR 240-29.030 General Provisions

Socket, XO and Big River suggest the Commission add the following sentence to this section of the proposed rule (The rationale for this addition was explained in the General Comments.):

(3) No originating wireline carrier shall place InterLATA traffic on to the LEC-to-LEC traffic. **Nothing in this section is meant to apply to ISP-Bound Traffic.**

With these changes, Socket, XO and Big River would support the proposed rule.

Respectfully Submitted,

/s/ Leland B. Curtis
Leland B. Curtis, #20550
Carl J. Lumley, #32869
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
(314) 725-8788
(314) 725-8789 facsimile
clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was sent via email on the 1st day of February, 2005, to the following:

General Counsel
Public Service Commission
gencounsel@psc.mo.gov

Office of Public Counsel
opcservice@psc.mo.gov

/s/ Leland B. Curtis