

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

Socket Telecom, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	<b>Case No. TC-2007-0341</b>
	)	
CenturyTel of Missouri, LLC d/b/a	)	
CenturyTel and Spectra Communications	)	
Group, LLC dba CenturyTel	)	
	)	
Respondents.	)	

**SOCKET TELECOM’S RESPONSE TO RESPONDENTS’ OBJECTIONS**

COMES NOW Socket Telecom, LLC, pursuant to 4 CSR 240-2.080(15) and for its Response to Respondents’ Objections states to the Commission:

1. On March 3, 2008 the Commission issued its Order Directing Filing, instructing Socket to file the minutes of the July 10, 2007 LNPA-WG meeting and the LNPA-WG best practices document incorporating PIM-60 as late-filed exhibits. On March 4, 2008 Socket complied with that Order. The Commission also provided CenturyTel an opportunity to make any objection it might have. CenturyTel made a filing by the Commission’s deadline, but rather than state an objection, CenturyTel chose instead to rehash all of its arguments in this case yet again.

2. Notably, CenturyTel tacitly admits that Socket supplied the Commission with the information that it requested.

3. The ports in question are not location ports. Socket has fully explained applicable federal law in other pleadings in this case and will not reiterate all that information again here, despite CenturyTel's regurgitations.

4. CenturyTel expressly admits in its latest pleading that the LNPA-WG's actions are industry agreements and guidelines and provides even more evidence of same, including confirmation from the Working Group and its co-chair. (Respondents' Objections, p. 2, 4).

5. As Socket has thoroughly explained in other pleadings, the provisions of the interconnection agreement bind CenturyTel and require it to adhere to the industry porting practices and guidelines established by the Working Group.

6. Best Practice 50, the result of the Working Group's action on PIM-60, remains in effect. It has not been withdrawn. One minor clarifying revision has been made, and another minor clarifying revision is being considered. The intent behind the Working Group's prior action has not changed and there is no indication that it is going to change. Socket port requests continue to meet Best Practice 50 with or without these clarifications. (See Affidavit of Matt Kohly, attached hereto, for details regarding the most recent clarifications).

7. Socket has not failed to keep the Commission apprised of these ongoing developments. To the contrary, despite CenturyTel's continued efforts to keep the Commission in the dark, Socket has strived to keep the Commission fully informed.

8. Industry efforts to refine the best porting practices do not excuse CenturyTel from complying with the agreement and those practices, and the Commission should direct CenturyTel to complete Socket's number port requests.

WHEREFORE, Socket Telecom submits its Response and requests the Commission to grant relief to Socket Telecom in this proceeding.

Respectfully submitted,

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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Attorneys for Socket Telecom, LLC

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was emailed to the parties listed below on this 18th day of March, 2008.

/s/ Carl J. Lumley

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Carl J. Lumley

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STATE OF MISSOURI )  
 )  
COUNTY OF BOONE ) SS.

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**AFFIDAVIT OF R. MATTHEW KOHLY**

COMES NOW R. MATTHEW KOHLY, of lawful age, sound of mind and being first duly sworn, deposes and states:

1. My name is R. Matthew Kohly. I am Director – Telecommunications Carrier and Government Relations for Socket Telecom, LLC.

2. I have personal knowledge of the following facts, which are true and correct to the best of my knowledge, information and belief:

The purpose of this affidavit is provide an update on the North American Numbering Counsel (“NANC”) Meeting held February 22, 2008 in Washington, DC and the Local Number Portability Working Group’s (“LNPA-WG”) meeting held on March 11, 2008 and March 12, 2008 in Denver Colorado. I attended both meetings.

Industry Best Practice No. 50 (originally known as PIM 60) was discussed at the NANC meeting. The LNPA-WG co-chair presented Industry Best Practice No. 50 and summarized the intent of the PIM, the caveats that are required when porting in conjunction with foreign exchange service is considered a valid port, and industry consent supporting the best practice.

Cal Simshaw, representing CenturyTel, presented CenturyTel’s proposed amendments to Caveats Three and Four of the industry best practice. Each proposed amendment was described in CenturyTel’s Minority Report submitted to NANC and filed in this proceeding (Case No. TC-2007-0341) by CenturyTel

on March 4, 2008. At that meeting, I presented Socket's response to that Minority Report, including Socket's objections to CenturyTel's two amendments, and answered questions.

In the end, CenturyTel's two proposed amendments were rejected by the NANC. The LNPA-WG was, however, directed to consider clarifying the language of the third and fourth caveats at its next meeting. The LNPA-WG was not directed to change the intent of the best practice in any way. Under the direction given by NANC, changes to the third and fourth caveats were only to be made if there was industry consensus to change the caveats as well as consensus on what the changes should be. Absent consensus on new language, the original language of the caveats was to stand. In no way, did NANC direct the LNPA-WG to remove Industry Best Practice 50 during future discussion or place any limitations on Industry Best Practice No. 50. Industry Best Practice No. 50 remains an industry best practice while clarifications are being considered.

At the March 11-12, LNPA-WG meeting, the group did discuss clarifying the third and fourth caveats. At the start of the discussion, the co-chair Gary Sacra outlined the ground rules and reiterated that the directive from NANC was not to change the intent of Industry Best Practice No. 50 but merely to consider language clarifying Caveats Three and Four. He also indicated that the LNPA-WG was not going to change the intent of Industry Best Practice 50. He also indicated that any language changes required consensus to be reached.

There was consensus to make a minor change to Caveat Four. The agreed upon change was to remove the phrase "at the ILEC's tandem". The caveat now reads as follows:

4. The New Service Provider switch that already serves the Rate Center of the customer's number(s) has an existing POI ~~at the ILEC's tandem~~ over which calls to these numbers are routed. If this customer's number(s) are ported into the New Service Provider switch, they would be routed over the same POI, and then the New Service Provider would deliver the calls to the customer's premise that is located outside of the Rate Center associated with the customer's Number(s). (deleted language shown with strikethrough)

As is readily apparent the change is minor and actually removes a potential limitation on the existing interconnection arrangement necessary to meet the caveat, as it no longer requires it to be at the ILEC's tandem. Socket continues to meet this caveat as clarified for the ports at issue in the complaint as well as other similar ports.

There was additional discussion of clarifying the third caveat. The current language is:

The New Service Provider already serves the Rate Center associated with the customer's number(s) out of the same switch to which they want to port this customer's number(s).

The substitute language that is being considered is:

[New Service Provider] offers a tariffed and/or publicly published local exchange service to customers located in the same rate center to which the ported number will be rated.

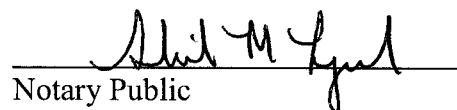
Consensus was not reached on this item and it is not certain whether consensus will be met at the next (May) meeting. Even if it is, this clarification does not change the intent the Industry Best Practice 50. Socket meets this caveat in each of the ports at issue in the complaint as well as other similar ports with or without the change.

In summary, Industry Best Practice 50 remains an industry best practice. It calls for number ports when a customer changes service providers and simultaneously converts to a foreign exchange service when the six caveats are met. Neither the change to Caveat 4 that has already been agreed upon nor the change to Caveat 3 that is being considered materially alter Industry Best Practice 50.

Further Affiant Sayeth Not.

  
R. MATTHEW KOHLY

SUBSCRIBED AND SWORN to before me, a Notary Public, this 17th day  
of March, 2008.

  
Notary Public

My Commission Expires:  
(SEAL)

