

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Petition	)	
for Arbitration of Unresolved	)	
Issues in a Section 251(b)(5)	)	Case No. TO-2006-0147, et al.
Agreement with T-Mobile USA, Inc.	)	(consolidated)

**Respondents' Motion for Expedited Clarification**

On February 16, 2006, the Arbitrator entered an Order requiring Petitioners to “re-run their cost studies using the inputs and assumptions described in Issues 3 through 13 and file the results no later than February 24, 2006.”<sup>1</sup> The Order allowed Respondents to respond to Petitioners’ re-run cost studies no later than 12:00 p.m., March 1, 2006.

The referenced “inputs and assumptions” were contained in the Preliminary Arbitration Report also filed on February 16, 2006.

Unless Petitioners include certain specific information with their re-rerun cost studies, Respondents will be unable to evaluate whether the new studies comply with the Arbitrator’s “inputs and assumptions.” In addition, certain of the rulings in the Preliminary Arbitration Report are potentially ambiguous and may not clearly state how the Petitioners’ studies should be modified.

Respondents therefore request that the Arbitrator enter an additional Order clarifying the “Order Directing Filing” and the “Preliminary Arbitration Report.” Without the requested clarification, Petitioners may be able to produce results in the re-run cost studies virtually identical to the original studies. In addition, without

---

<sup>1</sup> Order Directing Filing, Case No. TO-2006-0147, Feb. 16, 2006.

clarification as to what materials Petitioners must produce with the re-run costs studies, Respondents will have no effective means of analyzing the results.<sup>2</sup>

### **1. Information Needed for Adequate Review of Re-run Cost Studies**

If Petitioners re-run their cost studies and produce nothing but a summary sheet showing modified transport and termination costs for each company, Respondents (and the Commission) will have no way to analyze what Petitioners have done and whether the re-run studies comply with the Preliminary Arbitration Report. Following is the information Respondents (and the Commission) need to review and analyze the results of the re-run cost studies:

1. Updated Excel files for each Petitioner showing summary results for the four transport and termination elements calculated by HAI 5.0a: end office switching, common transport, dedicated transport and ISUP signaling.
2. Individual costs for each Petitioner and overall average costs for all Petitioners.
3. HAI 5.0a output file for each Petitioner.
4. For Cass County, an updated version of the file previously provided by witness Schoonmaker (filename = R50a switching io.xls).
5. For issues 3-5, 7-10 and 12-13 in the Preliminary Arbitration Report, a description of the changes made to the HAI 5.0a model to comply with the Report – changes in input data, changes in internal data, or other changes. For example, if modifications to the distance table are made, original and revised distances should be provided with an explanation of the changes made.

---

<sup>2</sup> Because Respondents do not comment in this motion on a particular aspect of the Preliminary Arbitration Report does not mean that Respondents agree with the issue not commented upon. Similarly, Respondents' request for clarification does not mean that Respondents will necessarily agree with any clarification given. Respondents will state their objections to the Preliminary Arbitration Report, if any, when Comments are filed February 24, 2006. This pleading is presented simply in the interest of avoiding confusion and additional filings later in this proceeding.

Respondents therefore request that the Order Directing Filing be clarified to require Petitioners to include the above information with their re-run cost studies.

## **2. Clarifications Needed to Preliminary Arbitration Report**

Certain rulings in the Preliminary Arbitration Report are potentially ambiguous. Unless those rulings are clarified, Petitioners (in re-running their cost studies) will make assumptions most advantageous to their position and likely produce re-run studies that produce results similar to the original studies – which surely was not the intent of the Preliminary Arbitration Report. Respondents will then challenge those assumptions, requiring the Arbitrator and Commission to clarify the Preliminary Arbitration Report, which would likely require the cost studies to be re-run again. To avoid such a tedious and wasteful process, Respondents request that the Arbitrator clarify the following rulings from the Preliminary Arbitration Report:

### **Issue No. 3:**

In adopting the T-Mobile / Cingular position, did the Arbitrator intend that both the fixed costs (for standalone / host switches and remote switches) and per-line cost of \$76.56 be used?

### **Issue No. 4:**

In adopting the T-Mobile / Cingular position, did the Arbitrator intend that a usage-sensitive investment per line of \$18.33 be used, and that this value be converted to an annual cost per line, using the Petitioners' original annual cost factors and switched minutes of use per line? (This calculation produces an end office switching cost of \$0.0012 / minute, after also correcting for building space per Issue No. 5.)

**Issue No. 7:**

In adopting the T-Mobile / Cingular position that “the existing interoffice cable distances among these switches should be used,” did the Arbitrator intend that the current network architecture be reflected in the cost studies; i.e., Petitioner switches are connected by existing rings or point-to-point circuits, and connectivity to the nearest large LEC tandem switch is to be provided at the existing meet point?

**Issue No. 9:**

In adopting the Petitioners’ position that the HAI model assigns a portion of transport cost “to structures,” what does the Preliminary Arbitration Report mean by “structures”? What portion of the total fibers in the interoffice cables are to be attributed to “structures”?

**Issue No. 10:**

In adopting Petitioners’ position that HAI input values should be used for transmission equipment, did the Arbitrator intend for the same size transmission equipment to be used for all Petitioners regardless of their total demand or size – from Peace Valley Telephone, the smallest company, to the largest company?

Also, what does the Preliminary Arbitration Report mean when it states: “To the extent that the transmission equipment is mileage dependent . . .?”

**Issue No. 13:**

In adopting the Petitioners’ position on the calculation of signaling link costs, the Preliminary Arbitration Report did not address the quantity of links by which the signaling link costs are to be multiplied. Did the Arbitrator intend for the signaling link

costs to be multiplied by two links per standalone / host switch, or by two links for all switches?

### **Conclusion**

Because HAI 5.0a makes several unwarranted assumptions concerning Petitioners' common transport networks, the bulk of transport and termination costs produced by the model are contained in the common transport element.

The Preliminary Arbitration Report, in its current form, may thus allow Petitioners to re-run their cost studies in a manner than may very well produce costs nearly as high, or even higher (in the case of some companies) than the original studies. Respondents therefore respectfully request that the Arbitrator clarify the Draft Arbitration Order and the Order Directing Filing as outlined above.

Respectfully submitted,

By: /s/ Mark P. Johnson  
Mark P. Johnson, MO Bar No. 30740  
Roger W. Steiner, MO Bar No. 39586  
Sonnenschein Nath & Rosenthal LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Telephone: 816.460.2400  
Facsimile: 816.531.7545  
mjohnson@sonnenschein.com  
rsteiner@sonnenschein.com

ATTORNEYS FOR T-MOBILE USA,  
INC.

By: /s/ Paul Walters, Jr.  
Paul Walters, Jr., MO Bar No. 42076  
15 East 1<sup>st</sup> Street  
Edmond, OK 73034  
Telephone: 405-359-1718  
Facsimile: 405-348-1151  
pwalters@sbcglobal.net

ATTORNEY FOR CINGULAR  
WIRELESS

**Certificate of Service**

I hereby certify that a true and final copy of the foregoing was served via electronic transmission on this 17<sup>th</sup> day of February, 2006, to counsel of record.

/s/ Mark P. Johnson  
ATTORNEYS FOR T-MOBILE USA, INC.