

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

Alma Telephone Company, et al.,	)	
	)	
Petitioners,	)	Case No. TC-2002-194
	)	
vs.	)	
	)	
Southwestern Bell Telephone Company,	)	
Sprint Missouri, Inc., et al,	)	
	)	
Respondents.	)	

**SOUTHWESTERN BELL TELEPHONE COMPANY'S REPLY TO AT&T**

Southwestern Bell Telephone Company<sup>1</sup> respectfully submits the following in reply to AT&T Communications of the Southwest, Inc.'s, TCG St. Louis, Inc.'s, and TCG Kansas City, Inc.'s ("AT&T/TCG's") May 30, 2002 Response directed to Southwestern Bell:

1.     Southwestern Bell's Position on the Standard Protective Order. AT&T/TCG claims that Southwestern Bell is taking inconsistent positions with respect to the protective order issue. AT&T is incorrect. In Case No. TC-2002-190, Southwestern Bell is requesting that its internal technical and regulatory employees be permitted to review data that pertains to traffic that transited Southwestern Bell's network and terminated in a Mid-Missouri exchange. The traffic data at issue may be appropriately designated "Highly Confidential" ("HC") by the originating carrier for some purposes, but the data is not HC as to Southwestern Bell as it must be provided in order to route and deliver the call to the Mid-Missouri customer. In fact, the data which Mid-Missouri claims is HC was actually provided to it by Southwestern Bell as the transiting carrier, and is clearly not HC as to Southwestern Bell. AT&T/TCG claims that while

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<sup>1</sup> Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company, will be referred to in this pleading as "Southwestern Bell" or "SWBT."

Southwestern Bell is seeking access to this type of data in Case No. TC-2002-190, "SWBT is trying to deny AT&T access to similar types of data."<sup>2</sup>

AT&T/TCG has completely misstated Southwestern Bell's position. First, in its prior filing in this case, Southwestern Bell's point was that there was no need to modify the Standard Protective Order because AT&T/TCG's internal experts should, under the existing Standard Protective Order, be able to see the data at issue in this case, as it pertains to AT&T/TCG's customers' calls. This is exactly the same position Southwestern Bell has taken in Case No. TO-2002-190. In both cases, the data at issue is HC data of the originating carrier, which has already provided the data to the transiting and terminating carriers in order to complete the call.

Second, as Alma, et al.'s Complaint is based on the Transiting Usage Summary Reports Southwestern Bell has provided to them (which summarize the messages of the AT&T/TCG UNE-P calls), AT&T/TCG will be seeking the supporting information from Southwestern Bell. Unlike Mid-Missouri, Southwestern Bell has no problem with sharing this traffic data with AT&T/TCG because AT&T/TCG, as the originating carrier, is one of the carriers on the call path. At this point, AT&T/TCG has not sought any information from Southwestern Bell.

And third, Southwestern Bell has already provided AT&T/TCG with the information it needs to verify the accuracy of Southwestern Bell's Transiting Usage Summary Reports. At least since January 2001, Southwestern Bell has been sending AT&T/TCG very detailed call detail records on each intraLATA toll call placed by an AT&T/TCG customer using a Southwestern Bell switch port (i.e., using Southwestern Bell's switch as a UNE). Every month, Southwestern Bell sends AT&T/TCG category 92 detailed records on each such call that sets out a host of information, including the message date, message ID, the "From" telephone number (NPA/NXX/LLLL), the "To" telephone number (NPA/NXX/LLLL), the connect time or time of

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<sup>2</sup> AT&T/TCG Response, p. 2.

day the call began, the billable time, and the billing arrangement for the call (e.g., sent paid, third number, calling card, collect, special collect or coin paid). While this information may well be HC for some purposes, it is not HC as to carriers on the call path, as the originating carrier has given that information in order to complete the call. It describes calls placed by AT&T/TCG customers that traversed Southwestern Bell's (and other carriers) networks. As this very detailed usage information has already been provided to AT&T/TCG in the ordinary course of business, its alarmist claim that it is being denied access to data necessary to defend itself simply has no basis.

2. The Alleged Violation of the AT&T/TCG/SWBT Interconnection Agreement.

AT&T/TCG takes issue with Southwestern Bell's provision of Transiting Usage Summary Reports to downstream carriers that terminate AT&T/TCG's traffic, claiming that "SWBT's disclosure and use on [sic] this information is limited under the terms of the interconnection agreements," and that "SWBT's disclosure of the data to third parties violates the terms of the interconnection agreements."<sup>3</sup> AT&T's claim is that SWBT should not provide the data to the other LECs on the call path, in an apparent effort to avoid paying those downstream LECs.

AT&T/TCG's position on this issue is incorrect. Southwestern Bell is simply providing the downstream LECs with very high-level summary information that provides only the total number of messages and minutes they are receiving each month from AT&T/TCG when it is purchasing UNE-P from SWBT. Provision of this information to a co-carrier involved in terminating an AT&T/TCG customer call does not violate Southwestern Bell's interconnection agreement with AT&T/TCG.

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<sup>3</sup> AT&T Response, p. 3, fn. 1.

Second, had AT&T/TCG complied with specific provisions in its interconnection agreement with Southwestern Bell requiring AT&T/TCG to provide data to all the carriers on the call path including the terminating LECs on the traffic it transits to them through Southwestern Bell's network, Southwestern Bell would not have needed to create or provide Transiting Usage Summary Reports to carriers downstream, nor would this complaint against AT&T/TCG have arisen.

Under Section 13.3 of Attachment 12: Reciprocal Compensation to the AT&T/TCG/SWBT Interconnection Agreement, AT&T/TCG is required to:

. . . transmit the summarized originating minutes of usage within fifteen (15) business days following the prior month's close of business for the traffic designated in section 3.6.2 (i.e., intraLATA toll and/or transit, as applicable) via the 92-type record process to the transiting and/or terminating party for subsequent monthly intercompany settlement billing.

AT&T/TCG is required, under its interconnection agreement with Southwestern Bell, to provide records to the downstream LECs to enable those carriers to bill AT&T/TCG for terminating the call. Despite the fact that Southwestern Bell, on a monthly basis, has provided full detailed category 92 records on AT&T/TCG's intraLATA toll (usage through its purchase of the UNE-P) to enable AT&T/TCG to provide summary usage information to the downstream carriers terminating their calls, AT&T/TCG apparently has failed to provide this information as required by Section 13.3 of Attachment 12. Because AT&T/TCG has failed to provide the required records to the downstream LECs, AT&T/TCG has avoided paying the proper amount for termination of those calls.

In raising issues with respect to the Standard Protective Order, AT&T/TCG is obviously attempting to deflect attention from the claim being made by Alma, et al. that AT&T/TCG is putting intraLATA toll traffic on the network and neither reporting nor paying for it. As

Southwestern Bell indicated in its previously filed pleading, it has no problem with sharing the supporting detail it may have pertaining to the usage it reported for AT&T/TCG's UNE-P traffic in its Transiting Usage Summary Report. As this traffic was originated by AT&T/TCG customers, AT&T/TCG's internal experts can see this HC data under the terms of the existing Standard Protective Order. And in fact, Southwestern Bell has already supplied it to AT&T/TCG in the ordinary course of business. There is simply no issue here regarding the Standard Protective Order that requires Commission action.

WHEREFORE, Southwestern Bell requests the Commission to grant Alma, et al.'s request for issuance of the Standard Protective Order and that the Commission deny AT&T/TCG's request for adoption of its "hybrid" Protective Order.


Respectfully submitted,

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**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail or hand-delivery on June 10, 2002.

  
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