

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

Mid-Missouri Telephone Company,)	
)	
Petitioner,)	
)	
vs.)	Case No. TC-2002-190
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	

**SOUTHWESTERN BELL'S RESPONSE TO MID-MISSOURI'S
MOTION FOR RECONSIDERATION AND REHEARING**

Southwestern Bell Telephone Company¹ opposes the Motion for Reconsideration and Rehearing filed by Mid-Missouri Telephone Company and states:

1. Mid-Missouri's Motion Raises Nothing New. Mid-Missouri's Motion for Reconsideration and Rehearing is nothing more than a restatement of the arguments it previously advanced in the three pleadings it filed in opposition to Southwestern Bell's Motion for access to data, to suspend the procedural schedule and to refer the case to a Staff supervised investigation. As these arguments have already been rejected by the Commission, Mid-Missouri's Motion should be summarily dismissed.

2. Any Delay is the Result of Mid-Missouri's Conduct. Repeating arguments from its previously filed oppositions, Mid-Missouri claims that the Commission's Order Suspending Procedural Schedule and Directing Staff Investigation deprives Mid-Missouri of a timely resolution. Any delay, however, is of Mid-Missouri's own making.

If Mid-Missouri was truly interested in a resolution, it would have brought its concerns to Southwestern Bell to be worked out on a carrier-to-carrier basis as soon as those concerns arose

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

(rather than disclosing them to Southwestern Bell for the first time in a formal Commission complaint). It would have quickly acceded to Southwestern Bell's request that its technical and regulatory employees be given access to Mid-Missouri's data so that they could investigate and correct any problems, if any, that might exist (rather than continuing to stonewall against it). And at a minimum, Mid-Missouri would have disclosed its opposition to Southwestern Bell's internal use of the data when Southwestern Bell requested supporting data at the prehearing (instead of leading Southwestern Bell to believe that such data would be informally made available to Southwestern Bell personnel and then reversing course after the filing of Direct testimony). This course of conduct, however, makes clear that Mid-Missouri has no interest in a resolution. If it did, it would have dedicated some effort to actually resolving its alleged concerns.

3. No Justification Exists for Mid-Missouri's Withholding Data From Southwestern Bell's Network and Regulatory Personnel. As was discussed at the oral argument during the April 8, 2002 prehearing in this case, the traffic data recorded by Mid-Missouri should not be considered Highly Confidential ("HC") as to Southwestern Bell, or as to any other carrier on the call path. This information is made available by the originating carrier to all such carriers and is necessary for them to correctly route and bill a call. While Southwestern Bell records the same type of information at its switches, Southwestern Bell sought Mid-Missouri's data so that Southwestern Bell's technical and regulatory personnel could investigate the specific calls Mid-Missouri believes should be blocked.

What Southwestern Bell sought was similar to what Mid-Missouri previously shared during the records test in Case No. TO-99-593. And contrary to the representations of Mid-Missouri's counsel during oral argument, the data shared during that test was not limited to the LEC-to-LEC toll traffic of the parties that conducted the test. The Technical Plan from the

Missouri Record Exchange Test makes clear data pertaining to all traffic that flowed over the common trunk groups, including IXC and wireless traffic, was shared:

1. PURPOSE OF TEST

This test is intended to determine if service providers and carriers are conforming to proper record exchange procedures to compensate LECs for traffic terminating over LEC-to-LEC facilities and to test those procedures. Depending on whether the service provider is (1) an Inter-Exchange Carrier (IXC), (2) a Wireless Service Provider (WSP), or (3) a Local Exchange Carrier (LEC), existing recordings that result from various sources where the traffic enters the LEC- to-LEC FGC network will be compared to the recording of messages terminating on this network at the terminating end of the call. It is expected that at the end of the test, the LEC industry will be able to identify the extent of any discrepancies between the recording and reporting of the messages at the two locations and hopefully identify and correct systems used to record and bill such messages. If discrepancies between recordings cannot be reconciled, the information provided from the test will provide the basis for further discussions regarding recording methods and systems and/or business arrangements to provide appropriate resolution of identified issues.²

During the industry test in Case No. TO-99-593, participating carriers recorded all calls at all their locations for a total 48-hour period that included one weekend day and one weekday (Sunday-Monday, July 16-17, 2000). And the data shared among carriers was much more detailed than what Mid-Missouri has provided to date in this case.³ As the Technical Plan explained, this data was exchanged for the purpose of analyzing and matching calls both by the tandem company (e.g., Southwestern Bell) and the terminating company (e.g., Mid-Missouri):

c. When analysis and matching of calls is completed by the individual parties, results will be summarized by types of calls, with specific emphasis given to analyzing and describing unmatched calls. Summary reports of results will be shared with all parties. Complete individual call data matches and/or mismatches for a limited one-hour period from each exchange will be provided to other participating parties for their own review and analysis.

d. Detailed call records on each record for which there is not an originating/terminating record match will be analyzed to the extent possible. If an originating number is recorded at the terminating end, the originating NPA/NXX

² See, Technical Plan, Missouri Record Exchange Test, filed May 24, 2000 in Case No. TO-99-593, p. 1 (emphasis added).

³ See, Southwestern Bell's March 26, 2002 Reply to Mid-Missouri, Case No. TC-2002-190, at pp. 3-4, for the data to be recorded on each call.

"responsible party" will be identified. Records of all unmatched calls will [sic] with CPN will be forwarded by the analyzing party to the "responsible party" to determine why originating records did not exist for the call. Any reconciliation of data by the originating parties will be limited to a one-hour period.⁴

The industry protected the confidential nature of this information through a separate confidentiality agreement among the LECs over whose network the captured calls. Prior consent of the originating carriers on IXC or wireless calls was not deemed necessary because the type of information being shared among the LEC test participants was the type of information the originating carrier already provided to the transiting or terminating LECs in order to route and complete the calls. The same is true here.

Given the previous sharing of this detailed traffic information and the competitive safeguards Southwestern Bell is willing to employ, Mid-Missouri has failed to articulated any legitimate justification for withholding data in this case from Southwestern Bell's technical and regulatory personnel.

WHEREFORE, Southwestern Bell respectfully requests the Commission to deny Mid-Missouri's Motion for Reconsideration and Rehearing.

Respectfully submitted,

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⁴ See, Technical Plan, Missouri Record Exchange Test, filed May 24, 2000 in Case No. TO-99-593, p. 5.

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 April 15, 2002.

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