

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

In the Matter of Southwestern Bell Telephone,)	
L.P., d/b/a SBC Missouri's Request for)	Case No. TO-2006-0093
Competitive Classification Pursuant to Section)	Tariff File No. YI-2006-0144
392.245.6 RSMo (2005) - 30-Day Petition.)	

**RESPONSE OF SBC MISSOURI TO
ORDER DIRECTING FILING**

COMES NOW Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri") and for its Response to Order Directing Filing ("Order") issued by the Missouri Public Service Commission ("Commission") on September 19, 2005, states as follows:

1. In its Order, the Commission directed Big River Telephone Company, LLC ("Big River"), Sprint Communications Company, L.P. ("Sprint"), and NuVox Communications of Missouri, Inc. ("NuVox") to identify whether each is providing basic local telecommunications services in designated exchanges. In addition, the Commission directed its Staff to file a pleading stating, for each wireless or commercial mobile radio service company ("wireless provider") that SBC Missouri identified as a competitor in its application or testimony, whether the wireless provider offers its customers a local phone number in the identified exchange. The Order also directed any party to respond to these pleadings by September 21, 2005.

Response to Big River

2. In its response to the Order, Big River stated that it provides basic local telecommunications in the exchanges of Farmington, Sikeston, Bonne Terre and Marble Hill. SBC Missouri notes that this admission is consistent with SBC Missouri's assertion that Big River is providing residential services to customers in Sikeston and Farmington and business services to customers in Marble Hill and Bonne Terre utilizing its own facilities in whole or in part.

3. In Exhibit 2 admitted at the hearing held in this case on September 16, 2005, SBC Missouri identified Big River as a provider of residential service in Farmington based in part on migration orders to move customers from service via unbundled network element-platform (“UNE-P”) to service via Big River’s own facilities. As described in Mr. Craig Unruh’s Affidavit attached as Exhibit A, Big River has issued, and SBC Missouri has completed, migration orders for Big River in which residential customers were moved from UNE-P service to service utilizing Big River’s switching facilities.¹

4. With regard to residential services in Sikeston, Exhibit 2 from the hearing identified Big River as a provider of service based on directory listings. In addition, as explained by Mr. Unruh in the attached Affidavit, Big River has issued, and SBC Missouri has completed, a migration order involving movement of a Big River residential customer in Sikeston from UNE-P to service utilizing Big River’s own switching facilities.²

5. With regard to business services in Marble Hill and Bonne Terre, Exhibit 3 from the hearing identified Big River as a provider of service using its own facilities based on migration orders from UNE-P to Big River’s own facilities. As set forth in the attached Affidavit of Craig Unruh, Big River has submitted, and SBC Missouri has completed, migration orders for business customers in the Bonne Terre and Marble Hill exchanges which involved moving customers from the provision of service via UNE-P to service utilizing Big River’s own switching facilities.³

¹ Exhibit A, Unruh Affidavit, para. 5.

² Exhibit A, Unruh Affidavit, para. 5.

³ Exhibit A, Unruh Affidavit, para. 5.

Response to NuVox

6. In its response to the Order, NuVox states that “according to information available within the limited time allowed by the Commission’s Order, it does not provide basic local telecommunications services in the Excelsior Springs Exchange.” NuVox also stated that it was “not able to categorically deny providing basic local telecommunications in that exchange.” In Exhibit 3 introduced at the hearing in this case, SBC Missouri identified NuVox as a provider of business services in Excelsior Springs using its own facilities in whole or in part based on E-911 listings. In response to NuVox’ filing, SBC Missouri states that it has reviewed the information in the E-911 database and confirms that NuVox is listed as a provider of local service to a business customer in the Excelsior Springs exchange.⁴ In response to a data request, SBC Missouri has provided the customer information, which is considered proprietary to the customer, to Staff.⁵

Response to Sprint

7. In its response to the Order, Sprint advised that it was providing basic local telecommunications services via UNE-P in the San Antonio and St. Joseph exchanges. Sprint further advised that it was providing telecommunications services in support of the provision of local voice service by another provider in the St. Joseph exchange.

8. In Exhibit 2 introduced at the hearing in this case, SBC Missouri identified Sprint as a provider of residential local service utilizing its own facilities in whole or in part in the San Antonio and St. Joseph exchanges. This was based on E-911 listings. In response to Sprint, SBC Missouri states that the underlying provider of local voice service to residential customers

⁴ Exhibit A, Unruh Affidavit, para. 8.

⁵ Exhibit A, Unruh Affidavit, para. 8.

in St. Joseph as identified by Sprint is sufficient to meet the criteria set forth in Section 392.245.5. As noted in the attached Affidavit of Craig Unruh, the underlying provider of service identified by Sprint utilizes its own loops in conjunction with Sprint's switching facilities, thus meeting the requirement of the statute that a provider utilize its own facilities in whole or in part in the provision of local voice service.⁶ Surveys performed by SBC Missouri in the ordinary course of business of customers who have disconnected service also establish that St. Joseph CableVision is providing service to residential customers in the St. Joseph exchange.⁷

Response to Staff

9. The Order required Staff to identify where "local numbers" are available from wireless providers in the exchanges where SBC Missouri seeks competitive classification. SBC Missouri notes that the statute does not impose such a requirement. Further, SBC Missouri notes that customers in these exchanges are permitted to port their existing wireline telephone numbers to the wireless provider, thus meeting any concerns about the availability of "local numbers" from wireless providers. If a wireless customer ports a wireline number, the customers in the identified exchange can continue to call the wireline customer on a locally dialed and toll free basis.⁸ If there were a "local number" requirement, the availability of wireline number porting would satisfy the requirement. In any event, as shown below, in addition to porting of wireline numbers, the evidence establishes that "local numbers" are available from a wireless provider in virtually all of the exchanges at issue.

⁶ Exhibit A, Unruh Affidavit, paras. 9-10.

⁷ Exhibit A, Unruh Affidavit, para. 11.

⁸ Exhibit A, Unruh Affidavit, para. 18.

10. In its response to the Order, Staff listed the exchanges identified in SBC Missouri's 30-day competitive classification request. In those exchanges, the Staff listed the wireless provider identified by SBC Missouri and determined whether that provider offered service to customers in that exchange utilizing a local number.

11. For the most part, Staff's response determined that the provider identified by SBC Missouri does utilize local telephone numbers in the exchanges identified by SBC Missouri. Staff identifies 22 exchanges in which the wireless provider identified by SBC Missouri utilizes local numbers associated with that exchange to provide service to customers in those exchanges.⁹

12. In 19 of the exchanges,¹⁰ the Staff notes that the service provider identified by SBC Missouri has local numbers in an adjoining exchange which has Extended Area Service ("EAS") arrangements with the identified exchange. Staff takes no position on whether use of numbers from an associated EAS exchange constitutes the use of a "local number" in the exchange. Presumably, the Commission's inquiry is designed to determine whether wireless customers in the identified exchange can place calls to, and receive calls from, other customers in the identified exchange on a locally dialed and toll free basis. In each of these cases, customers in the exchange identified by SBC Missouri can utilize the wireless providers' numbers from an adjacent exchange with EAS arrangements to make calls to and receive calls from all other customers within the identified exchange on a local basis¹¹. For example, in the Antonio exchange where SBC Missouri identified Verizon as a wireless provider, Staff has explained that Verizon has local numbers in Maxville and Cedar Hill, each of which has an EAS

⁹ In Staff's response, these exchanges are marked as "Yes" under the heading "Does The Wireless Provider Customer Offer a Local Number."

¹⁰ These exchanges are identified in Staff's response as those exchanges not marked either "Yes" or "No" in the column entitled "Does The Wireless Provider Offer Customers A Local Number."

¹¹ Exhibit A, Unruh Affidavit, para. 13.

arrangement with Antonio. Accordingly, Antonio customers can utilize Verizon's wireless numbers from Maxville and Cedar Hill to make calls to and receive calls from all other customers in Antonio on a locally dialed and toll-free basis. Accordingly, to the extent the Commission seeks to know whether a "local number" is available from the wireless provider serving the exchange, the answer in each of the 19 exchanges is affirmative. Customers in each of these exchanges can use the wireless provider's numbers from the adjacent EAS exchange to make calls to and receive calls from, on a locally dialed and toll free basis, the other customers in the exchange.

13. Staff identifies six exchanges (Clever, Excelsior Springs, Greenwood, Grain Valley, Pacific and Smithville) which are part of larger Metropolitan Calling Area ("MCA") and states that local numbers are not available. SBC Missouri disagrees with Staff's analysis. In these six exchanges, the wireless provider identified by SBC Missouri uses numbers from an exchange in the mandatory portion of the MCA to provide service to customers in the identified exchange. In other words, a customer in the identified exchange may obtain service from its wireless carrier by utilizing a number associated with the mandatory MCA. In these cases, all of the customers within the mandatory portions of the MCA, as well as all subscribers to MCA service in the optional exchanges, may make calls to and receive calls from a wireless subscriber in the designated exchange on a locally dialed and toll free basis.¹² Wireless customers choose to provide services to their customers in these identified exchanges on that basis precisely because that meets the needs of those customers. Those customers want to call to and receive calls from the vast majority of customers within the MCA on a locally dialed and toll free basis,

¹² Exhibit A, Unruh Affidavit, para. 13.

and this arrangement permits that to occur. Accordingly, the wireless customer in these six exchanges are effectively able to use a “local number” in receiving service.

14. There are five non MCA exchanges where Staff has determined that the wireless provider identified by SBC Missouri is providing service without utilizing local numbers to do so. In response, SBC Missouri would note that another wireless provider is offering service utilizing local numbers in each of the exchanges. In Bonne Terre, U.S. Cellular is offering service with numbers from the Flat River exchange, which has an EAS arrangement with Bonne Terre.¹³ In Farmington, U.S. Cellular is offering service with numbers from the Flat River exchange, which has an EAS arrangement with Farmington.¹⁴ In Flat River, U.S. Cellular is providing service with numbers from the Flat River exchange. In Sedalia, both Sprint-Nextel and T-Mobile are providing service with numbers from the Sedalia exchange.¹⁵ In Washington, Sprint-Nextel is providing service with numbers from the Washington exchange.¹⁶

15. The Commission’s Order directed Staff to respond as to all the exchanges identified by SBC Missouri in its petition or testimony. Staff responded only as to the exchanges identified in SBC Missouri’s petition, and did not respond as to the 15 business exchanges and one residential exchange which SBC Missouri identified in its testimony as meeting the competitive classification criteria based on Staff’s review of records unavailable to SBC Missouri. As reflected in the attached affidavit of Craig Unruh, a wireless provider is offering “local numbers” in ten of those exchanges,¹⁷ excluding only Ash Grove, Billings, Farley, Linn,

¹³ Exhibit A, Unruh Affidavit, para. 13.

¹⁴ Exhibit A, Unruh Affidavit, para. 13.

¹⁵ Exhibit A, Unruh Affidavit, para. 13.

¹⁶ Exhibit A, Unruh Affidavit, para. 13.

¹⁷ These exchanges are identified in Exhibit A, Unruh Affidavit, para. 15.

Montgomery City and St. Clair.¹⁸ Of these six, Staff's evidence identifies two CLECs providing service in the Farley exchange, thus meeting the statutory criteria even if wireless providers are not counted. Further, three of the exchanges (Ash Grove, Billings and Farley) are located within a MCA area and a wireless provider offers service to customers in those exchanges using numbers associated with an exchange in the mandatory portion of the MCA.¹⁹ Customers of the wireless providers in those two exchanges are thus able to place and receive calls, on a locally dialed and toll free basis, from and to the vast majority of customers in the MCA, including all customers in the mandatory MCA areas and all subscribers to MCA service in the optional MCA areas.²⁰ Only Linn, Montgomery City and St. Clair do not have a wireless provider utilizing a "local number." SBC Missouri notes that customers in these exchanges may seek to port wireline numbers to a wireless provider.

WHEREFORE, SBC Missouri respectfully requests the Commission to accept this Response and to grant competitive classification in all of the exchanges identified by SBC Missouri.

¹⁸ Exhibit A, Unruh Affidavit, para. 15.

¹⁹ Exhibit A, Unruh Affidavit, para. 15.

²⁰ Exhibit A, Unruh Affidavit, para. 15.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.
D/B/A SBC MISSOURI


BY: 

PAUL G. LANE #27011
LEO J. BUB #34326
ROBERT J. GRYZMALA #32454
MIMI B. MACDONALD #37606

Attorneys for SBC Missouri
One SBC Center, Room 3520
St. Louis, Missouri 63101
314-235-2508 (Telephone)
314-247-0014 (Facsimile)
paul.lane@sbc.com

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served to all parties by e-mail on September 21, 2005.



Paul G. Lane

General Counsel
William K. Haas
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102
william.haas@psc.mo.gov

Public Counsel
Michael F. Dandino
Office of The Public Counsel
PO Box 7800
Jefferson City, MO 65102
mike.dandino@ded.mo.gov