

Exhibit No.:
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Telecommunications Carrier*
Witness: *James A. Simon*
Sponsoring Party: *Missouri RSA No. 5 Partnership*
Type of Exhibit: *Direct Testimony*
Case No.: *TO-2006-0172*
Date Testimony Prepared: *December 29, 2005*

MISSOURI RSA NO. 5 PARTNERSHIP

DIRECT TESTIMONY

OF

JAMES A. SIMON

CASE NO. TO-2006-0172

** HC denotes "Highly Confidential" Information*

December 29, 2005

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DIRECT TESTIMONY

OF

JAMES A. SIMON

APPLICATION OF MISSOURI RSA NO. 5 PARTNERSHIP

CASE NO. TO-2006-0172

Q. Please state your name and business address.

A. James A. Simon, 109 Butler Street, Macon, Missouri 64552.

Q. By whom are you employed and in what capacity?

A. Since November, 2004, I have been the General Manager of Missouri RSA No. 5 Partnership (“MO 5”) as well as the General Manager of the Chariton Valley Telephone family of companies.

Q. Please describe your education.

A. I attended Wayne State College in Wayne, Nebraska.

Q. Prior to becoming General Manager of MO 5, for whom did you work and in what capacity?

A. I was the Assistant General Manager at Chariton Valley Telephone Corporation since August of 2001. I have been involved in telecommunications since 1971, primarily for wireline telephone companies. I have been involved with telecommunications companies in Missouri since 1992.

1 **Q. What is the purpose of your testimony in this proceeding?**

2 A. I am testifying in support of MO 5's Application For Designation As An Eligible
3 Telecommunications Carrier Pursuant To § 254 Of The Telecommunications Act Of
4 1996 ("Application") in this docket. My testimony will address four aspects of the
5 Application: (a) the MO 5 service offerings; (b) rate and service plans offered by
6 MO 5 to subscribers; (c) the requirements imposed upon ETC by
7 Section 54.201(d)(2) of the FCC's Rules to advertise, using media of general
8 distribution, the availability of and charges for the core services that are supported by
9 federal universal service mechanisms, as set forth in Section 54.101(a) of the FCC's
10 Rules; and (d) public interest considerations.

11 **Q. What type of telecommunications service does MO 5 provide and where?**

12 A. MO 5 is licensed by the FCC to provide Commercial Mobile Radio Service
13 ("CMRS") to the public as a wireless cellular service provider in Missouri RSA No. 5
14 under call signs KNKN487.

15 **Q. Are you familiar with the Pre-filed Direct Testimony of Kathryn G. Zentgraf**
16 **which was filed in this case?**

17 A. Yes, I have reviewed that testimony.

18 **Q. Do you recall that Ms. Zentgraf testified as to the services that are supported by**
19 **Federal universal service support mechanisms under Section 54.101(a) of the**
20 **FCC's Rules?**

21 A. Yes.

1 **Q. I am going to ask you to explain MO 5's service offerings as they relate to each of**
2 **the requirements identified by Ms. Zentgraf. First, does MO 5 offer Voice-Grade**
3 **Access to the Public Switched Network?**

4 A. Yes. As an existing cellular service provider in Missouri, MO 5 provides voice-grade
5 access to the public switched network. Through interconnection with incumbent local
6 exchange carriers, MO 5 is able to originate and terminate telephone service for all of
7 its subscribers. All customers of MO 5 are able to make and receive calls on the public
8 switched network within the specified bandwidth identified by Ms. Zentgraf.

9 **Q. Does MO 5 offer Local Usage?**

10 A. MO 5's service includes local usage that allows customers to originate and terminate
11 calls within the local calling area without incurring toll charges. The service allows for
12 a bundle of local calling minutes for a flat-rated monthly charge. MO 5 currently offers
13 several service options that include varying amounts of local usage in monthly service
14 plans. As Ms. Zentgraf has testified, to date the FCC has not quantified any minimum
15 amount of local usage required to be included in a universal service offering. MO 5 will
16 comply with any and all minimum local usage requirements adopted by the FCC.

17 **Q. Does MO 5 offer the Functional Equivalent of Touch-Tone ("DTMF") Signaling?**

18 A. MO 5 currently uses out-of-band digital signaling and in-band multi-frequency
19 signaling that is functionally equivalent to DTMF signaling.

20 **Q. Does MO 5 offer Single Party Service?**

21 A. Yes, MO 5 provides a dedicated message path for the length of all customer calls.

22 **Q. Does MO 5 offer Access to Emergency Service?**

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1 A. Yes. MO 5 customers can reach an emergency dispatch, or public safety answering
2 point (“PSAP”), by dialing “911.” MO 5 then routes the call to the appropriate PSAP.
3 Enhanced 911 (“E911”), which includes the capability of providing both automatic
4 numbering information (“ANI”) and automatic location information (“ALI”), is
5 required only if a public emergency service provider makes arrangements with the local
6 provider for delivery of such information. In the wireless context, provision of location
7 information is broken down into two phases; Phase I involves providing the PSAP with
8 the location of the cell from which the 911 call originated and Phase II provides the
9 location of the originating subscriber phone to within an FCC-specified accuracy. MO
10 5’s network is capable of providing Phase I E911 services to the following PSAPs:
11 Shelby County, Macon County, Randolph County, Chariton County and Linn County
12 and is working with Macon County, Shelby County and Chariton County PSAPs with
13 respect to Phase II E911 services.

14 **Q. Does MO 5 offer Access to Operator Services?**

15 A. MO 5 does not offer Operator Services at this time. MO 5 will offer such access when
16 it is granted ETC status.

17 **Q. Does MO 5 offer Access to Interexchange Service?**

18 A. MO 5 has direct interconnection to multiple access tandems for delivering traffic to all
19 offices subtending those tandems as well as direct interconnection to local exchange
20 carrier end offices where traffic levels so justify. In addition, MO 5 provides indirect
21 access to one or more interexchange carriers (“IXC”), for access to any other
22 exchanges.

23 **Q. Does MO 5 offer Access to Directory Assistance?**

1 A. Yes. MO 5 provides all of its customers with access to information contained in
2 directory listings by dialing “411” or “555-1212.”

3 **Q. Does MO 5 offer Toll Limitation for Qualifying Low-Income Customers?**

4 A. MO 5 does not currently offer Lifeline or Link Up services. However, the MO 5
5 network is capable of providing Toll Blocking services. Currently, MO 5 provides Toll
6 Blocking services for international calls. MO 5 will utilize the same Toll Blocking
7 technology to provide toll limitation for qualifying low-income customers, at no charge,
8 as part of its universal service offerings for Lifeline and Link Up customers.

9 **Q. How will MO 5 advertise that it is offering the core services that are supported
10 by federal universal service mechanisms as set forth in Section 54.101(a) of the
11 FCC’s Rules?**

12 A. Upon grant of its Application, MO 5 will advertise to the public in its ETC designated
13 area that it is offering the core universal support services and the charges for those
14 services throughout its ETC service area. MO 5 already advertises its rates and
15 services in media of general distribution within its FCC-licensed service area.

16 **Q. What revisions will MO 5 make to its advertising if the Commission grants its
17 Application?**

18 A. If the Application is granted, MO 5 will take whatever steps are necessary to comply
19 with FCC Rule 54.201(d)(2). This rule states that a common carrier designated as an
20 eligible telecommunications carrier shall advertise the availability of such services
21 and the charges therefore using media of general distribution throughout the service
22 area for which the designation is received. MO 5 will advertise the availability of the
23 supported services and the availability of Lifeline and Linkup services to qualifying

1 customers. MO 5 will also make available additional consumer information regarding
2 Lifeline and Linkup service in locations where qualified, unserved consumers are
3 likely to find such information useful, including unemployment and welfare offices
4 within its service area.

5 **Q. What rate and service plans are currently offered by MO 5?**

6 A. The rate and service plans that MO 5 currently offers are described in Appendix J
7 hereto. Upon grant of its Application, MO 5 intends to continue offering a wide
8 selection of calling plans. In addition, however, MO 5 will offer Lifeline services in
9 accordance with Section 54.401 of the FCC's Rules. Lifeline services would be
10 available to qualifying low-income consumers in MO 5's service area. Lifeline-
11 eligible customers would be able to pick any existing MO 5 service plan and deduct
12 the local exchange service discount of \$1.75 per month as well as the federal line
13 charge discount of \$6.50 per month from MO 5's standard monthly rates. MO 5 also
14 intends to offer two additional Lifeline-only plans as well as an "ILEC-equivalent"
15 plan. The ILEC-equivalent plan would be available to any MO 5 subscriber.

16 **Q. Would you please describe the proposed Lifeline-only plans MO 5 intends to**
17 **offer?**

18 A. The first plan is intended to provide a low-cost service option comparable in price to
19 that offered by the incumbent local exchange carrier ("ILEC") but with the added
20 advantage of limited mobility. This Plan would offer unlimited local calling and
21 mobility in the area served by the subscriber's home cell site at a fixed monthly price

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1 of \$6.75 per month.^{1/} The subscriber's outbound local calling area would correspond
2 to its traditional ILEC calling area for that subscriber's address. With the advantage
3 of limited mobility, calls could be originated by the MO 5 Lifeline subscriber to any
4 numbers within that ILEC exchange from any location within the subscriber's home
5 cell site serving area, not just the subscriber's home. Similarly, the Lifeline customer
6 would receive inbound calls, wherever they originate from, throughout the geographic
7 area served by its home cell site. The area served by a home cell site or cells would
8 be defined to include coverage from all MO 5 cell sites necessary to encompass the
9 callers entire corresponding ILEC exchange area. This plan also includes several
10 vertical features in this price including call waiting, call forwarding, 3-way calling,
11 caller ID and voicemail.

12 The second MO 5 Lifeline Plan would allow for local calling and mobility
13 throughout the entire service area for which MO 5 is designated as an ETC, for a flat
14 \$11.75 per month charge.^{2/} Since the MO 5 ETC designated service area would be
15 the MO 5 subscriber's local calling area, even toll restricted Lifeline subscribers
16 would enjoy service area wide mobility and local calling, assuming grant of the MO 5
17 ETC Application as filed. This would afford Lifeline customers a local calling scope
18 extending to a geographic area encompassing multiple telephone exchanges served by
19 all of the LEC wire centers for which ETC designation is being sought. The same
20 vertical features discussed with respect to the previous lifeline plan are included in

^{1/} The \$6.75 rate reflects the net monthly rate to a Lifeline customer after applying the local exchange service discount of \$1.75 and the federal line charge discount of \$6.50.

^{2/} The \$11.75 rate reflects the net monthly rate to a Lifeline customer after applying the local exchange service discount of \$1.75 and the federal line charge discount of \$6.50.

1 the cost of this plan, as well. While these Lifeline plans would not allow roaming
2 into other cellular networks to place and receive routine calls, both plans would allow
3 ubiquitous access to 911 for the MO 5 Lifeline subscribers even in a roaming
4 situation. MO 5 is unable to provide either of these Lifeline plans without ETC
5 support.

6 **Q. Will MO 5 participate in Link Up Services?**

7 A. Yes. MO 5 will offer discounts of 50% off of the \$50 activation fee to Link Up
8 eligible subscribers. In addition, MO 5 will offer Link Up eligible subscribers a
9 deferred schedule for payment of the charges assessed for commencing service, for
10 which the consumer will not pay interest. The interest charges not assessed to the
11 consumer shall be for connection charges of up to \$200.00 that are deferred for a
12 period not to exceed one year. This deferred payment plan would include the reduced
13 activation fee as well as the cost of the subscriber handset.

14 **Q. Can you describe the “ILEC-Equivalent” Plan?**

15 A. The ILEC-Equivalent Plan would offer the same features and services as the first
16 Lifeline Plan discussed above but would be available to all MO 5 subscribers at the
17 price of \$15.00 per month.

18 **Q. Returning to the general MO 5 service offerings, how will MO 5’s provision of**
19 **the FCC Rule 54.101(a) (USF-Qualifying) services differ from the provision of**
20 **those services by ILECs operating in MO 5’s proposed ETC area?**

21 A. The local calling area that MO 5 will offer to subscribers will equal or exceed in size
22 the calling area offered by the local LECs, which will reduce intra-LATA toll charges
23 associated with the service offered by these wireline carriers. Customers of these

1 LECs placing calls to destinations beyond their local calling areas incur toll charges,
2 while MO 5 customers making similar calls within MO 5's service area will avoid
3 such charges. In addition, many of MO 5's calling plans include bundles of minutes
4 which can be used for placing calls, whether local or domestic toll, without the caller
5 incurring any additional per minute charges or toll charges. MO 5's plans also offer
6 mobility including, in most cases roaming in other markets. Finally, MO 5 will make
7 available multiple local usage plans that prospective customers can select from as part
8 of its universal service offering.

9 **Q. How would MO 5's Lifeline rates compare with the ILEC rates for basic Lifeline**
10 **service?**

11 A. The proposed MO 5 Lifeline rates would be below those offered by the ILECs. In
12 addition, the MO 5 Lifeline rates include vertical features not included in the ILEC
13 Lifeline rate. Appendix K hereto includes a table comparing several of the ILEC
14 Lifeline rates (based upon their tariffs) to the proposed MO 5 Lifeline rates.

15 **Q. MO 5 is already providing the services required for ETC designation and has**
16 **apparently done so for years without USF support. Why would it be in the**
17 **public interest to now afford USF support to MO 5?**

18 A. MO 5 has brought wireless service to many rural parts of its FCC-licensed service
19 area and offers a level of coverage better than its competitors in the market. The cost
20 of providing those services continues to rise. However, in the highly competitive
21 wireless service market of today, it is not enough for MO 5 to offer better coverage if
22 its service offerings are not competitive with respect to features, functionality and
23 price. Unlike MO 5's wireless competitors that also have licenses in major urban

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1 areas, MO 5 is only licensed to offer commercial mobile radio service (“CMRS”) in
2 Missouri RSA 5. The higher-cost of providing service in this rural area must be
3 supported solely from revenues derived in this market. Yet, for competitive reasons,
4 MO 5 has to match the pricing offered by the major nationwide carriers who typically
5 choose to offer quality services only along the major traffic arteries and largest
6 population centers in the rural markets.

7 MO 5 is also incurring increased costs to meet its obligations to comply with
8 federal mandates such as E911 services. These services are critical to public safety in
9 general but their availability in the rural-most portions of the service area is
10 imperative.

11 As extensive as MO 5’s coverage is in this market, there are still significant
12 portions of its FCC-licensed service area that would greatly benefit from enhanced
13 GSM coverage. These represent some of the most rural portions of its licensed
14 market and are detailed in the Application at Appendix E. Application Appendix F
15 identifies a proposed five year build-out plan of additional cell sites sets that MO 5
16 would deploy if granted ETC designation. The construction timeline for each cell site
17 was prepared under my direct supervision. MO 5’s technical consultant, Jonathon D.
18 Reeves, has provided testimony including an engineering analysis of the proposed
19 coverage from each new cell site, on a wireline-by-wireline basis as well as
20 Application Appendices G, H and I which are maps depicting the general area where
21 MO 5 would look to deploy additional cell sites over the next five years, based upon
22 my direction, as well as the coverage associated with those new sites alone and in
23 conjunction with the existing MO 5 cell sites. Since MO 5 would not receive USF

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1 support based upon its own cost but would be limited to support based upon the
2 various underlying LEC levels of support, MO 5 would have to time the construction
3 of its facilities to the amount of support actually received and the order of
4 construction between the proposed sites, which are based upon our current projection
5 of customer demand, could be altered if actual customer demand varies from those
6 projections. It should be noted that the customer demand would only effect the order
7 of construction of new cell sites and not amount of USF support that would be spent
8 on network enhancement.

9 Perhaps even more important than the general availability of enhanced
10 wireless services, the expansion of MO 5's service into these most rural areas would
11 bring wireless E911 services to those areas. While the ILECs have done an
12 outstanding job of bringing 911 and E911 to many rural communities, access to those
13 lifesaving services is limited to the ability of the person in need to reach a wired
14 telephone. In sharp contrast, wireless communication brings the emergency access to
15 the individual. The farmer with a CMRS phone who is injured in the field no longer
16 needs to be able to reach a wired telephone to summon help. Wireless access to
17 emergency services can help to mitigate the unique risks of geographic isolation
18 associated with living in rural communities.

19 Once E911 Phase II service becomes available, the MO 5 network would be
20 capable of providing locational information for all calls placed to 911. However,
21 since there are no GSM handsets that are capable of providing handset-assisted
22 services, the deployment of an E911 solution requires a network-based solution. As
23 Mr. Reeves testifies, such solutions provide increased accuracy as the number of

1 available cell sites for triangulation increase. Accordingly, the available accuracy of
2 the locational service would be dramatically increased if MO 5 were designated as an
3 ETC and was therefore able to deploy the additional cell sites identified in MO 5's
4 proposed 5 year network-enhancement plan. The cell sites set forth in that plan
5 would not be deployed absent USF support.

6 Significantly, wireless E911 service would not be limited to MO 5
7 subscribers. MO 5's wireless E911 service is available to any compatible handset in
8 MO 5's coverage area, whether or not the user is a MO 5 customer, the customer of a
9 competitor or not even a customer of any service provider. The MO 5 network routes
10 all 911 calls regardless of the status of the caller. This is even true for a customer
11 whose wireless phone service has been disconnected. With respect to Phase II
12 services, unlike the case of technologies that use handset-based solutions, the MO 5
13 network will be capable of providing locational services in conjunction with E911
14 calls to any mobile that is compatible with the MO 5 network, whether or not the
15 particular handset caller's handset is ALI-capable. With the exception of a non-
16 activated cell phone, such as a phone that is sold for placing 911 calls only, MO 5
17 provides the PSAP with a call back number for all E911 calls (Phase I or Phase II).

18 **Q. Why doesn't MO 5 provide a call-back number for a non-activated phone?**

19 A. In order for a cell phone to receive calls, it must be activated with a CMRS carrier.
20 The unactivated phone, by definition, simply does not have a phone number assigned
21 to it by any carrier so there is no phone number for MO 5 to provide to the PSAP.

1 **Q. If MO 5 receives USF support, how will this Commission know that the funds**
2 **are properly being used for provision of qualified services in the ETC designated**
3 **service area?**

4 A. Unlike regional or national carriers, MO 5 is licensed to provide service only in
5 Missouri RSA 5. MO 5 holds no FCC licenses in any urban areas or in any areas
6 outside of the state of Missouri. Accordingly, MO 5 can only use USF support
7 received from its ETC-designated service area within the proposed ETC designated
8 area within the state of Missouri.

9 In addition, MO 5 has committed in its Application to follow the annual
10 reporting obligations specified by the FCC in the *Virginia Cellular Order* to ensure
11 that MO 5 satisfies its obligations under Section 214 of the Act. Specifically, MO 5
12 has committed that upon grant of ETC status, it will: (1) annually submit information
13 to the Commission regarding its progress toward meeting its build-out plans in areas
14 where it is designated as an ETC; (2) annually provide information to the
15 Commission with respect to the number of consumer complaints it receives per 1,000
16 mobile handsets; and (3) annually submit information regarding how many requests
17 for service from potential customers in its designated area were unfulfilled for the
18 past year. MO 5 would provide this information as a separate schedule as part of the
19 annual report it submits as a certificated carrier.

20 **Q. How will MO 5 utilize USF support to help make its service offering available to**
21 **individuals seeking wireless service throughout its designated service area?**

22 A. MO 5 will use available federal high-cost support to finance construction,
23 maintenance and upgrading of facilities serving rural areas for which that support is

1 intended. As I previously testified, high cost support is necessary if MO 5 is to
2 establish the infrastructure required to bring its wireless service to many remote and
3 difficult-to-reach locales within its FCC-licensed service area. MO 5 anticipates that
4 infrastructure investment will be required if MO 5 is to be able to provide wireless
5 services throughout the most rural portions of its proposed ETC area. Provision of
6 high-cost support to MO 5 will make wireless services, with their inherent public
7 interest benefits previously discussed, available in areas where such service has not
8 been reliably available in the past. In addition, this would allow MO 5 to compete in
9 providing primary telephone service in remote areas of Missouri.

10 **Q. Specifically, how will MO 5 provide service to a potential customer requesting**
11 **service?**

12 A. MO 5 will provide service to any requesting customer in the service area where it is
13 designated as an ETC. When a potential customer requests service within an area
14 presently served by MO 5's existing network, MO 5 will immediately provide service
15 using its existing network. If a potential customer requests service within the area in
16 which MO 5 is designated as an ETC, but where the existing service area does not
17 immediately allow MO 5 to provide service, MO 5 will take the following steps to
18 provide service: (1) modify or replace the requesting customer's equipment to
19 provide service; (2) install a roof-mounted antenna or other equipment to provide
20 service; (3) adjust the nearest cell site to provide service; (4) identify and make any
21 other adjustments that can reasonably be made to the network or customer facilities to
22 provide service; and (5) determine the feasibility of installing an additional cell site,
23 cell extender, or repeater to provide service where all other options fail. If, after

1 following these steps, MO 5 still cannot provide the requested service, it will notify
2 the requesting party and include that information in an annual report filed with the
3 Commission detailing how many requests for service were unfulfilled for the past
4 year.

5 **Q. What impact would ETC designation have on MO 5's ability to expand and**
6 **improve its network to enable MO 5 to serve a greater population and increase**
7 **competitive choice for customers within the ETC designated service area?**

8 A. Since its commercial launch, MO 5 has continuously expanded its coverage footprint
9 to enable it to provide quality service to an increasing geographic area and
10 population. Expansions are planned in response to customer requests and comments,
11 potential subscriber growth and MO 5's desire to fully develop network coverage
12 throughout its FCC-licensed service area. As with all wireless carriers, the initial
13 MO 5 system was launched with a minimum number of cell sites designed to provide
14 coverage to areas of greatest traffic and population density.

15 As MO 5 has expanded its service area, each additional cell site was designed
16 to provide service to an area of lower population density and traffic; areas that are
17 higher in cost to serve. Accordingly, the expected return on investment on any such
18 cell sites is longer with each additional expansion cell. As a result, the rate of
19 construction has slowed. As I previously testified, there are areas within the proposed
20 ETC service area where MO 5 cannot expect to be able to recover the cost of
21 construction and operation of an additional cell sites without USF support. Potential
22 cell sites that could be constructed only if USF support is made available to MO 5,
23 are graphically depicted in Appendix G of the Application.

1 **Q. What is the level of USF support that MO 5 would expect to receive?**

2 A. As Ms. Zentgraf has testified, under the current USF funding mechanism, MO 5
3 would expect to receive approximately \$1,534,230 in support annually. The FCC is
4 currently reviewing the mechanism for determining the level of USF support to be
5 provided for competitive ETCs and there is no guaranty that this level of support
6 would continue into the future. Assuming that the level of support remained at this
7 level, based upon current traffic and revenue projections, MO 5 would plan to be able
8 to deploy all of the cell sites listed in Appendix F hereto. MO 5 has even identified
9 further proposed sites in that Appendix that would be added if the level of support
10 exceeds the current projections.

11 **Q. If MO 5 is designated as an ETC, would MO 5 be willing to undertake carrier of**
12 **last resort obligations?**

13 A. Yes. In the event that an existing LEC in MO 5's designated ETC service area was to
14 seek to drop its designation upon grant of the designation to MO 5, MO 5 stands
15 ready to undertake carrier of last resort obligations in such areas, using the processes
16 set forth above.

17 **Q. Would MO 5 offer equal access if all other ETCs in MO 5's designated service**
18 **area relinquished their ETC designations?**

19 A. Unlike LEC service, wireless calling plans include varying levels of toll calls at no
20 additional charge where the customer allows the carrier, such as MO 5, to select the toll
21 provider. Accordingly, there has been no incentive for a MO 5 subscriber to select its
22 own IXC where it means that the customer would be paying toll charges instead of
23 receiving toll minutes bundled in its calling plan at no additional charge. Nevertheless,

1 MO 5 would commit to offer any customer the option to pre-select and pay its toll
2 carrier of choice for any and all toll calls placed by the customer on the MO 5 network
3 in any area where the underlying LEC relinquishes its ETC designation.

4 **Q. What steps has MO 5 taken to address quality of service concerns?**

5 A. If granted ETC designation, MO 5 will fully adopt the CTIA Consumer Code for
6 Wireless Service. Under the CTIA Consumer Code, wireless carriers agree to:
7 (1) disclose rates and terms of service to customers; (2) make available maps showing
8 where service is generally available; (3) provide contract terms to customers and
9 confirm changes in service; (4) allow a trial period for new service; (5) provide
10 specific disclosures in advertising; (6) separately identify carrier charges from taxes
11 on billing statements; (7) provide customers the right to terminate service for changes
12 to contract terms; (8) provide ready access to customer service; (9) promptly respond
13 to consumer inquiries and complaints received from government agencies; and
14 (10) abide by policies for protection of consumer privacy. A copy of the CTIA
15 Consumer Code is appended hereto as Appendix L.

16 **Q. Is MO 5 subject to the same quality of service standards that this Commission**
17 **has established for traditional LECs?**

18 A. No. MO 5 is not. Those standards were developed to address quality of service
19 issues related to the provision of traditional LEC service. For example, in a “wired”
20 environment, dropped calls are not expected to occur since the connection between
21 the subscriber’s telephone and the LEC central office is a physical piece of wire. The
22 subscriber remains in a stationary fixed location for the entire duration of the
23 telephone call. In sharp contrast, wireless services are designed to offer mobility to

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1 the subscriber even during a telephone call and even when they are traveling at 50-60
2 miles an hour along an interstate highway during the call. To accomplish this, rather
3 than using fixed wires to make the phone call, the wireless call is accomplished by
4 use of radio waves propagating through the environment. Changes in environmental
5 conditions effect radio wave propagation. The same quality of service standards
6 related to a service offering where dropped calls are not expected to occur cannot be
7 applied to a wireless environment.

8 In addition, unlike traditional wired networks that provide service only to
9 dedicated subscriber lines that are tied to a dedicated local loop, the wireless network
10 not only provides service to its subscribers from wherever they may be at the time of
11 any particular call, but are also designed to provide service to non-subscribers as they
12 “roam” through the wireless service area. As a result, mobility creates different
13 conditions and different customer care needs.

14 Traditional telephone quality of service requirements were required to protect
15 the consumer in an environment where the service provider has traditionally been a
16 monopoly. A customer receiving inadequate service, especially in rural areas, has
17 traditionally had no alternative service provider. The lack of competition creates an
18 environment where quality of service is appropriately regulated. In contrast, the
19 wireless service environment is not licensed as a monopoly. If one service provider
20 offers inferior service, the customer often has the ability to switch their service
21 provider. As I previously testified, MO 5 affords its customers a trial period in which
22 they can effectively “test drive” the MO 5 network. If a customer is not satisfied with
23 the service they actually receive from MO 5 during this test drive, they are not

1 obligated to continue service. The advent of local number portability allows the
2 customer to even keep their telephone number as they move from one provider to
3 another, even if the contract is cancelled during the trial period, subject of course to
4 the availability of wireline to wireless local number portability.

5 Finally, it is significant to note that LEC service providers receive USF
6 support based upon their cost of service. To the extent that a LEC is required to make
7 network upgrades to meet certain quality of service requirements, the LEC cost can
8 be recovered. Unfortunately, a wireless ETC is limited in its USF support to the per-
9 line level of support received by an underlying LEC. Accordingly, imposing LEC-
10 like quality of service requirements on the wireless carrier without the wireless carrier
11 being able recover costs associated with meeting those requirements would be to
12 place further unfunded mandates on the wireless carrier.

13 **Q. Can you identify some of the customer care programs MO 5 has implemented?**

14 A. Yes. Since the MO 5 customers carry their handset with them and place and receive
15 calls throughout the MO 5 network, a customer can experience trouble with his or her
16 handset at any given location. MO 5 has four points of presence throughout the area
17 served by the consolidated network. An MO 5 customer can go to any one of these
18 locations and receive assistance if they are encountering problems. In addition,
19 MO 5's salespeople deliver phones directly to subscribers.

20 When the problem is with the customer's handset, MO 5 provides the
21 customer with a free loaner phone that the customer may use until their handset can
22 be repaired or replaced. An MO 5 customer can drop their phone off for service and

1 pick up the free loaner at any of these four locations, including those operated by
2 MO 5's agents.

3 Issues relating to customer handsets provide an interesting contrast with
4 traditional LEC service providers. Just as with wireless subscribers, most LEC
5 subscribers today own their own telephones. However, I am not aware of any LECs
6 in the MO 5 service area that even provide service for their customer owned
7 telephones, let alone a free loaner while the customer owned telephone is being
8 repaired. When the customer needs to visit the LEC, they usually have a single
9 location and in some cases, no office at all, where they have to go to.

10 MO 5 staffs its trouble lines with live service operators to give the customer
11 "someone to talk to" during normal business hours. The MO 5 retail outlets offer
12 extended service hours including evenings and weekends. In addition to being able to
13 deal with customer activations during these extended hours, the "free loaner" phone
14 program that I previously discussed is available during all business hours, even the
15 evening and weekend hours.

16 **Q. What steps has MO 5 taken to enhance its network reliability?**

17 A. The MO 5 network consists of a mobile switching office, identical in most respects to
18 a traditional LEC end office, and cell sites which can be thought of as somewhat
19 analogous to traditional LEC remote switching offices. The switches that serve the
20 MO 5 network are fully redundant. The switches, physically located in Huntsville,
21 Missouri (provides TDMA and AMPS service) and Richardson, Texas (provides
22 GSM service), have their own battery back-up plant and are further backed-up with
23 an emergency generator.

1 The MO 5 cell sites are also redundant and equipped with battery back-up
2 plants capable of operating the cell site under full load for more than 6 hours. Nine
3 key cell sites are equipped with dedicated back-up generators.

4 The entire consolidated MO 5 network is monitored to check for proper
5 operations at all times. The redundant network design allows the system to avoid
6 most customer-affecting service outages since, in the event of a failure, the redundant
7 facilities are designed to automatically take over primary operation and an alarm is
8 sounded at the mobile switching office. During after-hours, the alarm system
9 automatically notifies a remote monitoring center of the outage and the service
10 technicians (which are on call 24 hours per day and 7 days a week) are advised of the
11 outage and the nature and criticality of the failure. The service technician can then
12 remotely access the network and learn of the precise nature and physical location of
13 the outage, thereby enabling the MO 5 technician to proceed to the proper location
14 with the proper replacement parts to correct the fault. MO 5 stocks a full complement
15 of spare parts for its TDMA and analog networks and its GSM cell sites and has a
16 four emergency shipment agreement with Ericsson for its GSM Base Station
17 Controller. There are no network components for which MO 5 does not maintain
18 spare parts. These spare parts are in addition to the redundant hardware that I
19 previously discussed. The redundant hardware is fully installed and in a “hot
20 standby” mode that enables it to take over the handling of traffic automatically in the
21 event of a failure of the primary components.

22 **Q. Is MO 5 capable of supporting local number portability?**

Direct Testimony of
James A. Simon

1 A. Yes. MO 5's network is presently capable of porting numbers to and from other
2 wireless and ILEC carriers. MO 5's ability to complete number ports with any given
3 carrier is a function of that carrier's capabilities and not MO 5's. For example, it is
4 my understanding that the Commission has delayed the effective date of the
5 requirement for an ILEC to port numbers to a wireless carrier. Accordingly, while
6 MO 5's network is fully capable of porting in the number and fully supporting that
7 number as a wireless subscriber, a consumer would not be able to actually port that
8 number to MO 5 at this time because the current ILEC hosting that number may not
9 be LNP capable.

10 **Q. Once LNP between wireless and wireline carriers becomes effective, would the**
11 **grant or denial of ETC designation have any impact on MO 5's ability to port**
12 **numbers?**

13 A. From a technical standpoint, it would not. As I said, the MO 5 network is already
14 fully capable of supporting LNP. However, as I previously explained, if MO 5 is not
15 granted ETC status, MO 5 will not be in a position to provide Lifeline service.
16 Therefore, once the Commission implements LNP, while an existing LEC Lifeline
17 customer could physically have his or her number ported to MO 5, they would not be
18 eligible for Lifeline support as a wireless subscriber. The loss of Lifeline support
19 would, effectively, bar the Lifeline eligible LEC customer from being able to port a
20 number to a wireless service provider.

21 However, if MO 5 were designated as an ETC, then the Lifeline plans I
22 discussed previously would be available at rates comparable with those paid for

Direct Testimony of
James A. Simon

1 current LEC-based service. The result would be a greatly expanded service offering
2 for Lifeline customers.

3 **Q. Does that conclude your testimony?**

4 **A. Yes it does.**

**CONTAINS
HIGHLY
CONFIDENTIAL
INFORMATION**

Chariton Valley

Wireless Connection

Connection I

400 Local
100 Roam
1000 Nights & Weekends

\$29.95

Overage rate of .35 per minute
Roam Overage of .40 per minute
Nationwide Long Distance
Add-A-Line for \$19.95 (up to 3)

Connection II

500 Local
200 Roam
3000 Nights & Weekends

\$49.95

Overage rate of .25 per minute
Roam Overage of .30 per minute
Nationwide Long Distance
Add-A-Line for \$19.95 (up to 3)

Connection III

1000 Local
400 Roam
3000 Nights & Weekends

\$79.95

Overage rate of .20 per minute
Roam Overage of .25 per minute
Nationwide Long Distance
Add-A-Line for \$19.95 (up to 3)

Connection IV

1700 Local
800 Roam
6500 Nights & Weekends

\$129.95

Overage rate of .15 per minute
Roam Overage of .20 per minute
Nationwide Long Distance
Add-A-Line for \$19.95 (up to 3)

Mobile Messaging

1000 Messages = \$14.95/mo/line
500 Messages = \$9.95/mo/line
250 Messages = \$5.95/mo/line
100 Messages = \$3.95/mo/line
50 Messages = \$2.95/mo/line

GSM Total Package

Includes: Voice Mail, Call Forwarding, Call Waiting, 3-Way, Caller ID, Detailed Billing and Mobile Messaging (10 cents per outbound message)

\$2.95

Options

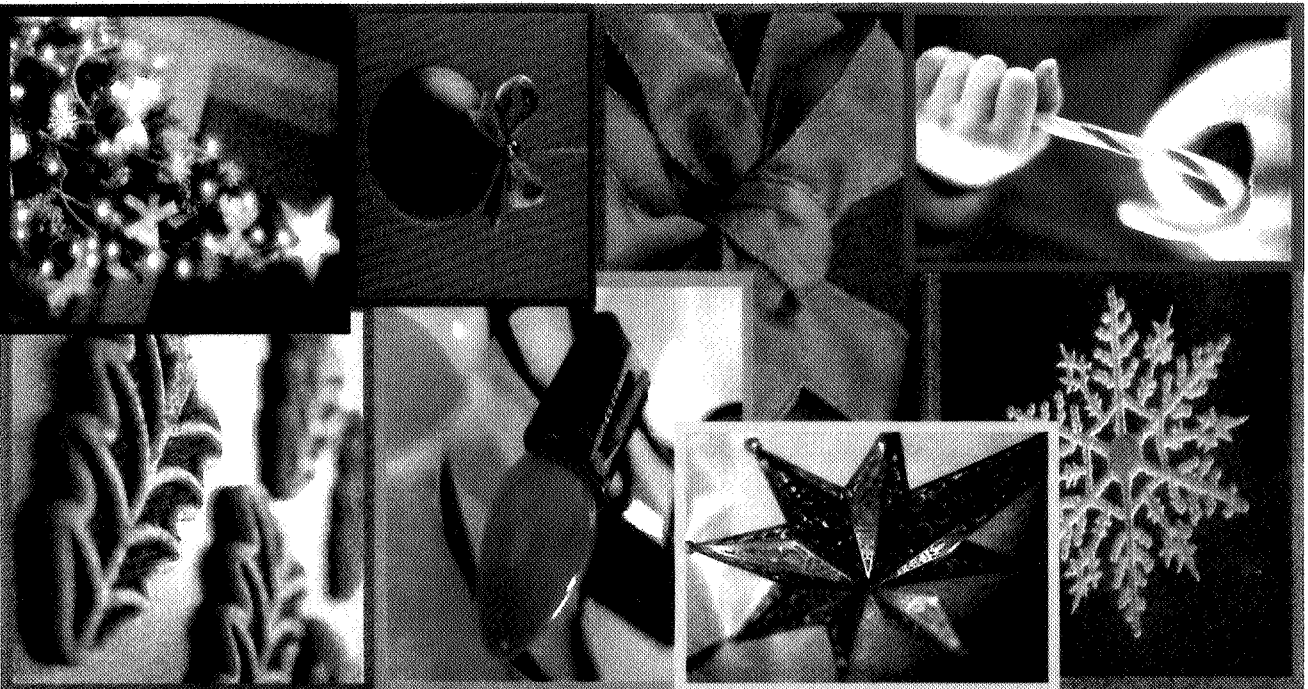
Phone Insurance = \$4.95/month
Directory Assistance = \$1.25/call
Mobile to Mobile = \$9.95 for unlimited
\$4.95 for 1000 min

See Retail Center for Details:

Salsbury: 388-6725
Moberly: 268-2535
Brookfield: 258-5777
Macora: 395-9000

Nights: 7pm - 6am
Weekends: Fri 7pm - Mon 6am

Some restrictions may apply.



Santa does his shopping at Chariton Valley!

Share More - Pay Less

2 Lines with:

1000 Local Minutes

100 Roam Minutes

Unlimited Nights and Weekend Minutes

\$40.00 per month

- ◆ *Nationwide Long Distance* ◆ *Unlimited Text Messaging on one phone*
- ◆ *Overages = .20 cents/minute* ◆ *Roaming Overages = .35 cents/minutes*

*Buy one phone and receive a **FREE Nokia 3300.***

This phone has a dedicated music key to access the built-in digital music player and FM radio, a keyboard for messaging, music and games! The Perfect Gift is calling for your family!

**Learn 5 tricks to register and win an Xbox 360 to be given away on December 15!
**Some restrictions may apply. No purchase necessary. Quantities are limited.*

Brookfield
201 N. Main
258-5777

Macon
1714 Prospect Dr
395-9000

Moberly
1320 Hwy 24 East
263-2735

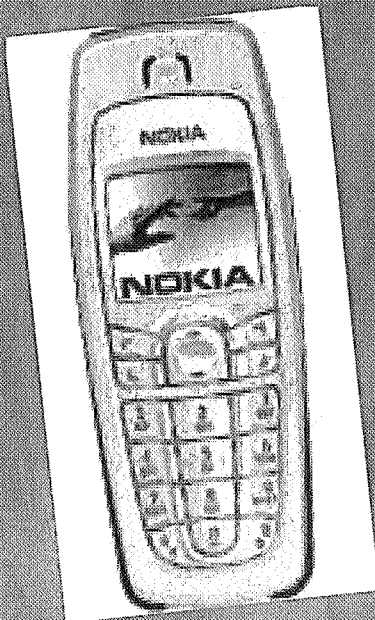
Salisbury
302 N. Weber
388-6725

LOCAL PLAN

\$24.95



- 200 minutes local airtime within Chariton Valley's network of coverage.
- Overage rate of .40 per minute.
- Roaming ability at .50 per minute.
- FREE long distance.



Retail Centers:

Salisbury: 388-6725

Moberly: 263-2535

Brookfield: 258-5777

Macon: 395-9000

Website: www.cvalley.net

Email: feedback@cvalley.net

"Keeping You Connected!"



OPTIONAL FEATURES:

GSM TOTAL PACKAGE

Includes; Voice Mail, Call Forwarding, Call Waiting, 3-Way Conference Call, Detailed Billing, and Caller ID, Mobile Messaging (FREE incoming messages 10 cents per outbound message). \$1.95/mo

LONG DISTANCE OPTIONS

Includes FREE long distance.

MOBILE TO MOBILE OPTION

Provides 1000 Minutes of mobile to mobile calling within Chariton Valley network. \$4.95/mo

Provides Unlimited mobile to mobile calling within the Chariton Valley network. \$9.95/mo

MOBILE MESSAGING

All packages include unlimited incoming messages!

Mobile Messaging 1000	\$14.95/month/line
Mobile Messaging 500	\$9.95/month/line
Mobile Messaging 250	\$5.95/month/line
Mobile Messaging 100	\$3.95/month/line
Mobile Messaging 50	\$2.95/month/line
Each Additional Outgoing Message	10 cents/message
Add an email address to your phone	\$1.95 month

PHONE INSURANCE (available soon)

Replaces or repairs your phone if it's lost, stolen, or damaged. \$4.95/mo

ROADSIDE ASSISTANCE (available soon)

Provides 24 hour a day, 365 days a year – help is just a phone call away. Protection travels with the phone – restrictions apply – see store for details. \$2.95/mo

DIRECTORY ASSISTANCE

Call within your home area. \$1.25/per call

ADD-A-LINE

Add up to 3 lines to the Local Plan. \$9.95/mo

ROAMING PACK

Provides 120 minutes (2 hours) of calling outside of CV's Network. \$19.95/mo
Overage .25/per minute

Provides 300 minutes (5 hours) of calling outside of CV's Network. \$49.95/mo
Overage .20/per minute

LOCAL PLUS PLAN

\$36.95



- Unlimited local airtime within Chariton Valley's network of coverage.
- Roaming ability .50 per minute.
- Long distance rate is .10 per minute.



Retail Centers:

Salisbury: 388-6725

Moberly: 263-2535

Brookfield: 258-5777

Macon: 395-9000

Website: www.cvalley.net

Email: feedback@cvalley.net

"Keeping You Connected!"



OPTIONAL FEATURES:

GSM TOTAL PACKAGE

Includes; Voice Mail, Call Forwarding, Call Waiting, 3-Way Conference Call, Detailed Billing, and Caller ID, Mobile Messaging (FREE incoming messages 10 cents per outbound message). \$1.95/mo

LONG DISTANCE OPTIONS

Provides 200 minutes of long-distance minutes. Overage charges at 5 cents per minute. \$4.95/mo

Provides 500 minutes of long-distance minutes. Overage charges at 4 cents per minute. \$9.95/mo

MOBILE TO MOBILE OPTION

Provides 1000 Minutes of mobile to mobile calling within Chariton Valley network. \$4.95/mo

Provides Unlimited mobile to mobile calling within the Chariton Valley network. \$9.95/mo

MOBILE MESSAGING

All packages include unlimited incoming messages!

Mobile Messaging 1000	\$14.95/month/line
Mobile Messaging 500	\$9.95/month/line
Mobile Messaging 250	\$5.95/month/line
Mobile Messaging 100	\$3.95/month/line
Mobile Messaging 50	\$2.95/month/line
Each Additional Outgoing Message	10 cents/message
Add an email address to your phone	\$1.95 month

PHONE INSURANCE (available soon)

Replaces or repairs your phone if it's lost, stolen, or damaged. \$4.95/mo

ROADSIDE ASSISTANCE (available soon)

Provides 24 hour a day, 365 days a year – help is just a phone call away. Protection travels with the phone – restrictions apply – see store for details. \$2.95/mo

DIRECTORY ASSISTANCE

Call within your home area. \$1.25/per call

ADD-A-LINE

Add up to 3 lines to the Local Plus Plan. \$19.95/mo

ROAMING PACK

Provides 120 minutes (2 hours) of calling outside of CV's Network. \$19.95/mo
Overage .25/per minute

Provides 300 minutes (5 hours) of calling outside of CV's Network. \$49.95/mo
Overage .20/per minute

REGIONAL PLAN

\$49.95



- Unlimited local airtime throughout Chariton Valley's network of coverage.
- Roaming is .25 per minute.
- FREE long distance.



Retail Centers:

Salisbury: 388-6725
Moberly: 263-2535
Brookfield: 258-5777
Macon: 395-9000
Website: www.cvalley.net
Email: feedback@cvalley.net

"Keeping You Connected!"



OPTIONAL FEATURES:

GSM TOTAL PACKAGE

Includes; Voice Mail, Call Forwarding, Call Waiting, 3-Way Conference Call, Detailed Billing, and Caller ID, Mobile Messaging (FREE incoming messages 10 cents per outbound message). \$1.95/mo

LONG DISTANCE OPTIONS

Includes FREE long distance.

MOBILE MESSAGING

All packages include unlimited incoming messages!

Mobile Messaging 1000	\$14.95/month/line
Mobile Messaging 500	\$9.95/month/line
Mobile Messaging 250	\$5.95/month/line
Mobile Messaging 100	\$3.95/month/line
Mobile Messaging 50	\$2.95/month/line
Each Additional Outgoing Message	10 cents/message
Add an email address to your phone	\$1.95 month

PHONE INSURANCE (available soon)

Replaces or repairs your phone if it's lost, stolen, or damaged. \$4.95/mo

ROADSIDE ASSISTANCE (available soon)

Provides 24 hour a day, 365 days a year – help is just a phone call away. Protection travels with the phone – restrictions apply – see store for details. \$2.95/mo

DIRECTORY ASSISTANCE

Call within your home area. \$1.25/per call

ADD-A-LINE

Add up to 3 lines to the Regional Plan. \$19.95/mo

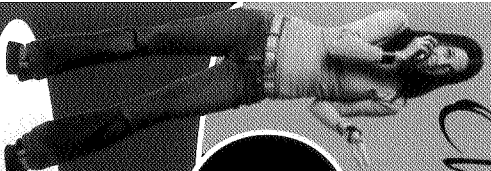
ROAMING PACK

Provides 120 minutes (2 hours) of calling outside of CV's Network. \$19.95/mo
Overage .25/per minute

Provides 300 minutes (5 hours) of calling outside of CV's Network. \$49.95/mo
Overage .20/per minute

Chariton Valley

Wireless Connection



Local

Connection

500 Anytime Minutes
1000 Nights & Weekends

\$29.95*

Show-Me

Connection

700 Anytime Minutes
3000 Nights & Weekends

\$49.95*

National

Connection

1400 Anytime Minutes
3000 Nights & Weekends

\$79.95

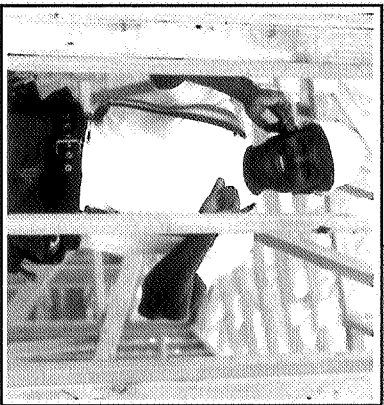
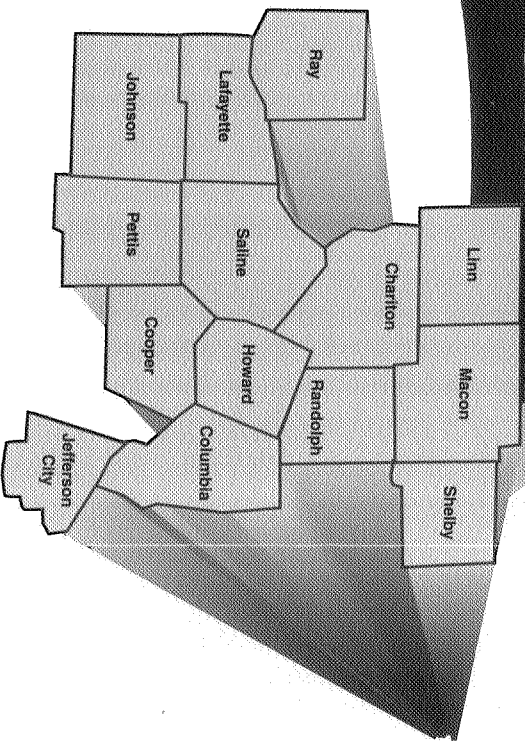


National

Connection

2500 Anytime Minutes
6500 Nights & Weekends

\$129.95*



**All Connection Plans:
FREE FIRST INCOMING MINUTE
FREE VOICE MAIL**

Map depicts an approximation of outdoor coverage. Actual coverage area may differ substantially from map graphics, and coverage may be affected by such things as terrain, weather, foliage, buildings and other construction, signal strength, customer equipment and other factors. Chariton Valley does not guarantee coverage. Charges will be based on the location of the site receiving and transmitting the call, not the location of the subscriber. Future coverage, if depicted above, is based on current planning assumptions, but is subject to change and may not be relied upon.

* Some restrictions apply. See store for details.
50% of usage in the home area.
NIGHTS: 7PM-6AM
WEEKENDS: FRI-7PM/MON-6AM

Real Customer Service...

Your chance to support your community...

Ale can & will help!

- SpeedNet
- WEB page design
- Long Distance
- Paging Service
- #800 Service
- 2-Way Radio Sales & Repair

Phone Systems Sales, Installation & Repair



Ale Bank here, Shop here, Employ people here & Ale Live here!

Nationwide Wireless Service Store Locations

BROOKFIELD

201 N. Main • 660-258-5777
1-888-305-3087

SALISBURY

317 S. Broadway • 660-388-6725
1-888-443-7133

MACON

514 E. Briggs Dr., Ste. D • 660-395-9000
1-888-443-5079

MOBERLY

1125 N. Morley • 660-263-2535
1-800-769-8731

www.crownpressinc.com



We are **LOCAL** people, offering

REAL

Customer

Service,

& we

CARE

ABOUT

YOU!



Chariton Valley

Your Total Communications Provider

BACK TO BASICS PLAN

*30 Minutes of talk time in the 12 county Home Area
After 30 Minutes, .55 per Minute, (includes toll).

11.95 per month. (\$9.95 + \$2.00 Nationwide Link)

1 Year Contract

Roam charges including toll .55 per minute nationwide

No Multiples will be allowed on this plan

\$20.00 Activation Fee

*Free First Month Package #1
Customer required to deactivate services

Rate Comparison for Lifeline Customers

	Alltel Rate	Alltel Rate	Chariton Valley	SBC Flat Rate	SBC Flat Rate	Spectra Rate	Spectra Rate	Spectra Rate	Grand River Rate	Grand River Rate
Basic Cost	Group I	Group II	Group A	Group B	Group A1	Group A2	Group A3	Group I	Group II	
Basic Local Service	\$ 7.35	\$ 7.85	\$ 12.00	\$ 7.15	\$ 8.79	\$ 7.63	\$ 8.11	\$ 8.58	\$ 7.22	\$ 7.64
Relay Missouri Surcharge	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13
FCC Line Charge	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50
E911 Service Tax ⁽²⁾	\$ 1.10	\$ 1.18	\$ 1.80	\$ 1.07	\$ 1.32	\$ 0.38	\$ 0.41	\$ 0.43	\$ 1.08	\$ 1.15
Total Single Line Monthly Charge	\$15.08	\$15.66	\$20.43	\$ 14.85	\$ 16.74	\$ 14.64	\$ 15.15	\$ 15.64	\$14.93	\$15.42

Included Features

Local Calling Area in MO 5 Five County Service Area	No	No	No	No	No	No	No	No	No	No
Mobility within Calling Area	No	No	No	No	No	No	No	No	No	No
Voice Mail ⁽¹⁾	No	No	No	No	No	No	No	No	No	No
Call Waiting ⁽¹⁾	No	No	No	No	No	No	No	No	No	No
Call Forwarding ⁽¹⁾	No	No	No	No	No	No	No	No	No	No
Three Way Calling ⁽¹⁾	No	No	No	No	No	No	No	No	No	No
Caller ID ⁽¹⁾	No	No	No	No	No	No	No	No	No	No

(1) These features are offered by each LEC for Additional charges.

	Grand River Rate	Grand River Rate	Green Hills	Mark Twain	Northeast Missouri	Mid- Missouri	Century- Tel Rate	MO 5 Option 1	MO 5 Option 2
Basic Cost	Group III	Group V	Group III	Group V	Group III	Group V	Group A1	Option 1	Option 2
Basic Local Service	\$ 8.06	\$ 8.89	\$ 13.00	\$ 9.00	\$ 10.00	\$ 8.00	\$ 8.93	\$ 6.75	\$11.75
Relay Missouri Surcharge	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	\$ 0.13	--	--
FCC Line Charge	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	\$ 6.50	--	--
E911 Service Tax ⁽²⁾	\$ 1.21	\$ 1.33	\$ 1.95	\$ 0.45	\$ 1.50	\$ 0.16	\$ 1.34	--	--
Total Single Line Monthly Charge	\$15.90	\$16.85	\$21.58	\$ 16.08	\$ 18.13	\$ 14.79	\$ 16.90	\$ 6.75	\$11.75

Included Features

Local Calling Area in MO 5 Five County Service Area	No	No	No	No	No	No	No	Yes	Yes
Mobility within Calling Area	No	No	No	No	No	No	No	Yes	Yes
Voice Mail ⁽¹⁾	No	No	No	No	No	No	No	Yes	Yes
Call Waiting ⁽¹⁾	No	No	No	No	No	No	No	Yes	Yes
Call Forwarding ⁽¹⁾	No	No	No	No	No	No	No	Yes	Yes
Three Way Calling ⁽¹⁾	No	No	No	No	No	No	No	Yes	Yes
Caller ID ⁽¹⁾	No	No	No	No	No	No	No	Yes	Yes

(1) These features are offered by each LEC for Additional charges.

(2) E911 Service Taxes vary by County. In some counties the tax applies only to local service. In other counties the tax rate is applied to the entire amount for services provided. The lowest rate is shown for each ILEC.

CTIA

Consumer Code *for* Wireless Service

To provide consumers with information to help them make informed choices when selecting wireless service, to help ensure that consumers understand their wireless service and rate plans, and to continue to provide wireless service that meets consumers' needs, the CTIA and the wireless carriers that are signatories below have developed the following Consumer Code. The carriers that are signatories to this Code have voluntarily adopted the principles, disclosures, and practices here for wireless service provided to individual consumers.

THE WIRELESS CARRIERS THAT ARE SIGNATORIES TO THIS CODE WILL:

ONE

DISCLOSE RATES AND TERMS OF SERVICE TO CONSUMERS

For each rate plan offered to new consumers, wireless carriers will make available to consumers in collateral or other disclosures at point of sale and on their web sites, at least the following information, as applicable: (a) the calling area for the plan; (b) the monthly access fee or base charge; (c) the number of airtime minutes included in the plan; (d) any nights and weekend minutes included in the plan or other differing charges for different time periods and the time periods when nights and weekend minutes or other charges apply; (e) the charges for excess or additional minutes; (f) per-minute long distance charges or whether long distance is included in other rates; (g) per-minute roaming or off-network charges; (h) whether any additional taxes, fees or surcharges apply; (i) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (j) whether a fixed-term contract is required and its duration; (k) any activation or initiation fee; and (l) any early termination fee that applies and the trial period during which no early termination fee will apply.

TWO

MAKE AVAILABLE MAPS SHOWING WHERE SERVICE IS GENERALLY AVAILABLE

Wireless carriers will make available at point of sale and on their web sites maps depicting approximate voice service coverage applicable to each of their rate plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps will be generated using generally accepted methodologies and standards to depict the carrier's outdoor coverage. All such maps will contain an appropriate legend concerning limitations and/or variations in wireless coverage and map

usage, including any geographic limitations on the availability of any services included in the rate plan. Wireless carriers will periodically update such maps as necessary to keep them reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers will request and incorporate coverage maps from roaming partners that are generated using similar industry-accepted criteria, or if such information is not available, incorporate publicly available information regarding roaming partners' coverage areas.

T H R E E

PROVIDE CONTRACT TERMS TO CUSTOMERS AND CONFIRM CHANGES IN SERVICE

When a customer initiates service with a wireless carrier or agrees to a change in service whereby the customer is bound to a contract extension, the carrier will provide or confirm the material terms and conditions of service with the subscriber.

F O U R

ALLOW A TRIAL PERIOD FOR NEW SERVICE

When a customer initiates service with a wireless carrier, the customer will be informed of and given a period of not less than 14 days to try out the service. The carrier will not impose an early termination fee if the customer cancels service within this period, provided that the customer complies with applicable return and/or exchange policies. Other charges, including airtime usage, may still apply.

F I V E

PROVIDE SPECIFIC DISCLOSURES IN ADVERTISING

In advertising of prices for wireless service or devices, wireless carriers will disclose material charges and conditions related to the advertised prices, including if applicable and to the extent the advertising medium reasonably allows: (a) activation or initiation fees; (b) monthly access fees or base charges; (c) any required contract term; (d) early termination fees; (e) the terms and conditions related to receiving a product or service for "free;" (f) the times of any peak and off-peak calling periods; (g) whether different or additional charges apply for calls outside of the carrier's network or outside of designated calling areas; (h) for any rate plan advertised as "nationwide," (or using similar terms), the carrier will have available substantiation for this claim; (i) whether prices or benefits apply only for a limited time or promotional period and, if so, any different fees or charges to be paid for the remainder of the contract term; (j) whether any additional taxes, fees or surcharges apply; and (k) the amount or range of any such fees or surcharges collected and retained by the carrier.

S I X

SEPARATELY IDENTIFY CARRIER CHARGES FROM TAXES ON BILLING STATEMENTS

On customers' bills, carriers will distinguish (a) monthly charges for service and features, and other charges collected and retained by the carrier, from (b) taxes, fees and other charges collected by the carrier and remitted to federal state or local governments. Carriers will not label cost recovery fees or charges as taxes.

S E V E N

**PROVIDE CUSTOMERS THE RIGHT TO TERMINATE SERVICE
FOR CHANGES TO CONTRACT TERMS**

Carriers will not modify the material terms of their subscribers' contracts in a manner that is materially adverse to subscribers without providing a reasonable advance notice of a proposed modification and allowing subscribers a time period of not less than 14 days to cancel their contracts with no early termination fee.

E I G H T

PROVIDE READY ACCESS TO CUSTOMER SERVICE

Customers will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about how customers can contact the carrier in writing, by toll-free telephone number, via the Internet or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries and on carriers' web sites. Each carrier will also make such contact information available, upon request, to any customer calling the carrier's customer service departments.

N I N E

**PROMPTLY RESPOND TO CONSUMER INQUIRIES AND COMPLAINTS
RECEIVED FROM GOVERNMENT AGENCIES**

Wireless carriers will respond in writing to state or federal administrative agencies within 30 days of receiving written consumer complaints from any such agency.

T E N

ABIDE BY POLICIES FOR PROTECTION OF CUSTOMER PRIVACY

Each wireless carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online.

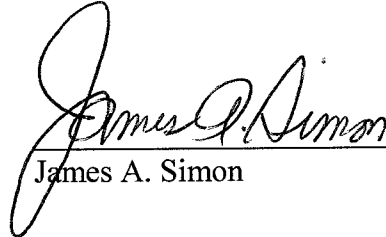
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
Missouri RSA No. 5 Partnership)
For Designation as a Telecommunications) Case No. TO-2006-0172
Company Carrier Eligible for Federal)
Universal Service Support pursuant to § 254 of)
the Telecommunications Act of 1996)
)

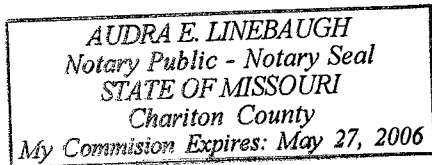
AFFIDAVIT OF JAMES A. SIMON

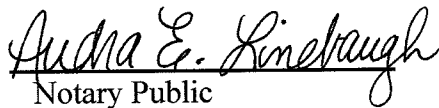
COUNTY OF Macon)
) ss.
STATE OF MISSOURI)

James A. Simon, of lawful age, on his oath states: that he has participated in the preparation of the foregoing Direct Testimony in question and answer form, consisting of _____ pages to be presented in the above case; that the answers in the foregoing Direct Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true and correct to the best of his knowledge and belief.


James A. Simon

Subscribed and sworn to before me this 29th day of December, 2005.




Notary Public