

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Socket Telecom, LLC,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2007-0341
)	
CenturyTel of Missouri, LLC d/b/a)	
CenturyTel and Spectra Communications)	
Group, LLC dba CenturyTel)	
)	
Respondents.)	

SOCKET TELECOM’S SUPPLEMENTAL BRIEF

COMES NOW Socket Telecom, LLC, pursuant to 4 CSR 240-2.080 and other applicable authority and by this Supplemental Brief informs the Commission of a pertinent new decision by the FCC that further demonstrates that Socket Telecom should prevail in this case, as follows:

On November 8, 2007 the FCC released its Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking in CC Docket 95-116, *In the Matter of Telephone Number Portability* (and other dockets), extending LNP obligations to interconnected VOIP providers and addressing other LNP issues. In this *Interconnected VOIP LNP* decision, the FCC restates its number portability requirements and provides additional authority showing that Socket Telecom should prevail in this Missouri PSC proceeding.

In order to keep the Commission fully informed of this latest FCC decision, Socket Telecom herein presents key aspects of that decision in the context of the issues framed in this proceeding.

Issue 1. Does federal law require CenturyTel to fulfill the number port orders specifically at issue in this case and similar orders submitted since the filing of the complaint and into the future?

In the *Interconnected VOIP LNP* decision, the FCC emphasizes once again that wireline carriers are required by federal law to port numbers when the rate center assignment does not change. In paragraphs 3, 10, 34-35, 50-51 of the *Interconnected VOIP LNP* decision and essentially throughout the rest of the decision as well, the FCC reiterates that wireline carriers are obligated to port when the telephone number's original rate center designation remains the same.

Further, the FCC again makes clear that the pertinent location, for purposes of determining that there is no change in location, is the location of the telephone number, and that the location of the number is the assigned rate center.¹ The FCC states that numbers are provided “in” a geographic location (i.e. the rate center) rather than “at” a location (i.e. a customer premise). *Interconnected VOIP LNP* decision, para. 50-51.²

Confirming that it has rejected the notion that it has imposed any location porting duties, the FCC explains again that there is no change in location when the rate center designation remains the same. At footnote 18, the FCC states: “The Commission rejected the argument that it imposed a location portability duty on carriers, because the number must retain its original rate center designation, **i.e. the number remains at the same location ...**” (emphasis added).

In discussing the new LNP obligations of interconnected VOIP providers, the FCC explains that those obligations will be identical to the duties of wireline carriers when the VOIP provider is certificated as such or partners with a wireline carrier to obtain numbering resources. *Interconnected VOIP LNP* decision, para. 34-35. In the course of that discussion, the FCC

¹ The FCC also once again notes the definition of “rate center” as “a geographic area that is used to determine whether a call is local or toll.” *Interconnected VOIP LNP* decision, at n. 13.

² “Porting from a wireline carrier to a wireless carrier is required where the requesting wireless carrier’s coverage area overlaps the geographic location **in which** the wireline number is provisioned, provided that the porting-in

explains again that rate center assignment is the pertinent definition of “location” for purposes of number portability. At note 114, the FCC explains that customers cannot port a number if they select a number that is not assigned to their current rate center as a new VOIP customer and then try to port that number to a new wireline provider for new assignment to that rate center, and likewise cannot port a number if they select a number assigned to their current rate center as a new VOIP customer, but then move to a different rate center and try to port that number to a new wireline provider for new assignment in the new rate center. In explaining these limits on porting that can result from VOIP providers offering telephone numbers that are not “necessarily based on the geographic location of their customers”, the FCC also makes clear that so long as the rate center assignment does not change, wireline carriers must port numbers.

The FCC also repeatedly states that its number portability requirements are meant to provide the most possible flexibility and benefit to customers, and thereby to competition as a whole. The FCC makes plain that any efforts to impair number portability are totally unacceptable. *Interconnected VOIP LNP* decision, para. 1, 5, 17, 19, 23, 26, 29-31.³

In all respects, the FCC’s *Interconnected VOIP LNP* decision demonstrates that CenturyTel is required by federal law to fulfill the porting requests of Socket Telecom and its customers that are at issue in this proceeding, because the rate center assignment will not change.

Issue 2. Do the Socket/CenturyTel interconnection agreements require CenturyTel to fulfill the number port orders specifically at issue in this case and similar orders submitted since the filing of the complaint and into the future?

In the course of addressing the various LNP issues before it in the *Interconnected VOIP LNP* decision, the FCC repeatedly notes that industry consensus can and should be the basis for

carrier maintains the number’s original rate center designation following the port.” (emphasis added)

³ The FCC also once again explains that numbers are public resources and do not belong to carriers or customers. *Interconnected VOIP LNP* decision, at note 63.

resolution of LNP issues. *Interconnected VOIP LNP* decision, para. 47, 59, 60, 63. The FCC also points out again the key role played by NANC in LNP matters. *Id.* para. 7, 61-62.

In this instant case, where CenturyTel has contractually agreed to abide by industry agreed-upon practices regarding the porting of numbers, subsequent enactment of that consensus into law or regulation is not necessary. Absent voluntary fulfillment of CenturyTel's promises, enforcement of the contract is sufficient.

The record evidence in this case indisputably shows that industry consensus has been achieved, and since the hearing CenturyTel has admitted that the LNPA-WG presented its report adopting PIM-60 as item 50 on the industry best practice list to NANC at the October 10, 2007 meeting, that report was listed on the agenda providing notice of the meeting, that the LNPA-WG presented its report to NANC without challenge, and that NANC accepted the LNPA-WG report as submitted, and that PIM-60/item 50 remains listed as an industry best practice. (See Socket Withdrawal of Motion to Reopen Record and Notice of CenturyTel's Admission of Additional Facts). Particularly in light of the FCC's ongoing recognition of the important role of NANC, the evidence is overwhelmingly in favor of Socket's position on Issue 2 in this case.

Issue 3. Are network capacity issues grounds for denial of a number port order?

In its *Interconnected VOIP LNP* decision, the FCC makes clear that no obstruction or delay in the porting process is to be tolerated. (See para. 2, 16, 42 et seq.). Carriers are only allowed to request the minimum information necessary and nothing else. (*Id.*, para. 43).⁴ Carriers are required to take all steps necessary to facilitate ports without delay. (*Id.* para. 32).

⁴ So CenturyTel's demand for a "no location change" certificate is in direct violation of FCC requirements. Likewise CenturyTel's certification requirement is not found in the ICA nor is it an industry-agreed upon practice (or required by any other LEC that Socket has ever ported a number from). CenturyTel's "geographic certification" is an unlawful obstruction of customers' right to port their phone numbers. CenturyTel should immediately be prohibited from requiring this or any other type of certifications or showings by Socket or Socket's customers as a

Specifically, the FCC reiterated that contract issues are not a basis to deny a port. (Id. at para. 32). Thus, the *Interconnected VOIP LNP* decision shows that CenturyTel is not allowed to use its dissatisfaction with the provisions of the Commission-approved interconnection agreements as an excuse to obstruct competition and customer choice by refusing to port numbers based on purported network capacity issues.

Issue 4. Is Socket required to have a block of numbers assigned to it for a rate center before CenturyTel has to fulfill number port orders from Socket for that rate center?

In its *Interconnected VOIP LNP* decision, the FCC continues to perpetuate the myth that the source documents called for wireline carriers to have facilities or numbering resources in a rate center to be able to port numbers. (Para. 34). There is no avoiding the fact that the FCC has convinced itself that the myth is true. But the FCC also repeatedly emphasizes how critical it is to preserve numbering resources and avoid inefficiencies. (Para. 13, 19, 20, 25, 27, 37).

At present, it does not appear that anyone has informed the FCC of the avoidable inefficiency that arises when a carrier that may at first only provide service by ported numbers with foreign exchange service is nonetheless required to obtain unneeded numbering resources. But Socket Telecom has no doubt that the FCC would clarify its statements in favor of greater efficiency and number conservation. Hence, despite the fact that Socket Telecom currently has numbering resources in all CenturyTel exchanges, it continues to encourage the Commission to interpret FCC requirements in a manner that would allow Socket Telecom to return as many blocks of numbers as possible (as described in Socket's prior Brief).

condition of porting customers' phone numbers.

Conclusion

Thus, the FCC's newly released *Interconnected VOIP LNP* decision fully supports Socket Telecom's positions on the issues in this case and demonstrates that the Commission should rule in Socket Telecom's favor on all pending issues.

WHEREFORE, Socket Telecom submits its Supplemental Brief and requests the Commission to grant relief to Socket Telecom in this proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was emailed to the parties listed below on this 13th day of November, 2007.

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