

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

In the Matter of CenturyTel of Missouri, LLC d/b/a)	
CenturyTel and Spectra Communications Group,)	<u>Case No. TC-2007-0307</u>
LLC d/b/a CenturyTel Tariff Filings to Grandfather)	Tariff Nos. JI-2007-0498
Remote Call Forward Services to Existing)	JI-2007-0499
Customers and Existing Locations)	

BRIEF OF STAFF

COMES NOW the Staff of the Missouri Public Service Commission and for its brief states:

Summary

The Staff recommends that the Commission reject CenturyTel's proposed grandfathering of Remote Call Forwarding (RCF) service. If, however, the Commission allows CenturyTel to grandfather RCF service, the Staff recommends that the Commission direct CenturyTel to fulfill Socket Internet's 61 pending orders.

Statement of Facts

CenturyTel of Missouri, LLC, and Spectra Communications Group, LLC, d/b/a CenturyTel (collectively, CenturyTel) are incumbent local exchange companies.

On January 19, 2007, the CenturyTel companies issued revised tariff sheets designed to grandfather RCF service to existing customers at existing locations. RCF service allows all calls dialed to a telephone number equipped for RCF service to be automatically forwarded to another dialable telephone number. The RCF customer is the called party who receives the automatically forwarded call. The revised tariff sheets bore a proposed effective date of February 18, 2007.

On February 8, Socket Holdings Corporation d/b/a Socket Internet placed orders with the CenturyTel companies for 61 RCF numbers. The CenturyTel companies denied those orders. (Kohly Direct, Ex. 1, p. 5).

On February 14, Socket Internet and Socket Telecom, LLC, (collectively, Socket) filed a joint pleading asking the Commission to reject or suspend the revised tariff sheets and to direct the CenturyTel companies to fill the pending orders for RCF service. Socket Telecom is a competitive local exchange company and an interexchange telecommunications company, and is a subsidiary of Socket Holdings Company.

On February 15, the Commission suspended the proposed tariff sheets to December 17, 2007, to allow sufficient time to study their effect and to establish an evidentiary record.

Socket, CenturyTel and the Commission Staff submitted pre-filed testimony. CenturyTel and Socket Telecom filed a joint motion asking the Commission to cancel the evidentiary hearing, to permit the parties to stipulate to the introduction of the prefiled testimony and the waiving of cross-examination, and to direct the parties to file briefs on or before October 31. The Commission granted the motion, assigned exhibit numbers, and admitted the pre-filed testimony into evidence.

Argument

The parties filed an agreed upon list of two issues:

Issue 1. Should the Commission approve CenturyTel of Missouri, LLC's and Spectra Communications Group, LLC d/b/a CenturyTel's (collectively "CenturyTel") tariff filings to grandfather Remote Call Forward ("RCF") service to existing customers and existing locations?

The Commission should reject CenturyTel's tariff filings to grandfather RCF service.

CenturyTel provides several arguments for its proposal to grandfather RCF service: fraudulent use of RCF service by prison inmates to set up “burn lines”, obsolescence of RCF service, and inappropriate use of RCF service by internet service providers to allow customers to place calls for dial-up internet access can cause serious network congestions on CenturyTel’s network.. (Martinez Direct, Ex. 2, pp. 7-15) As explained below, CenturyTel’s arguments are not persuasive.

No evidence was presented as to whether inmates in Missouri were misusing RCF service; and the Staff was unaware of such problems. (Voight Rebuttal, Ex. 5, p. 4)

The Commission permits grandfathering due to technological obsolescence. If customers have viable alternatives, the Staff would recommend approval of grandfathering. (Voight Rebuttal, Ex. 5, p. 3). CenturyTel lists what it believes are competitive alternatives to RCF service, such as national unlimited calling plans and VoIP service. It is difficult to see how these plans and services can replace RCF service if a business wants to provide a local number for customers to call without having a physical presence in the local area. (Voight Rebuttal, Ex. 5, p. 4-5)

RCF service can also be useful in response to natural or man-made disasters. For example, a natural or man-made disaster may destroy or prevent a customer from inhabiting their existing physical location. Remote Call Forwarding can be helpful because the service allows a customer to retain the same phone number and have calls to this number redirected to another location. Unlike standard versions of call forwarded service, a unique feature of RCF service is that customer premise equipment is not required to make the service function properly. This unique characteristic of *Remote* Call Forwarding makes the service indispensable for emergency

and disaster contingency planning purposes. In the Staff's opinion, there is no close substitute for Remote Call Forwarding telephone service. (Voight Rebuttal, Ex. 5, pp. 2-3)

The parties' Interconnection Agreement addresses CenturyTel's concern that porting an RCF number to Socket Telecom poses a traffic congestion threat to CenturyTel's network. Pursuant to Sections 4.3.3 and 4.3.4 of Article V of the CenturyTel/Socket Telecom Interconnection Agreement, Socket Telecom would be required to move its Point of Interconnection, or establish a new Point of Interconnection, should the traffic in question reach certain predetermined levels over three consecutive months. Socket Telecom and CenturyTel should promptly confer on the trunking arrangements for any Socket Telecom request to port telephone numbers, and all requirements for additional common trunking capacity should be accommodated with the addition of dedicated trunks. This method of provisioning will alleviate any concerns with network congestion. (Voight Rebuttal, Ex. 5, pp. 5-6)

Section 392.200.1 RSMo directs that every telecommunications company shall furnish and provide with respect to its business such instrumentalities as shall be adequate and in all respects just and reasonable. Section 392.200.3 directs that no telecommunications company shall make or give any undue or unreasonable preference or advantage to any person, corporation or locality, or subject any particular person, corporation or locality to any undue prejudice or disadvantage.

Under the facts of this case, grandfathering RCF to existing customers and existing locations would constitute the failure to provide adequate, just and reasonable facilities, and would constitute undue or unreasonable preference between those customers whose service is grandfathered and those customers who would not be able to order the service in the future.

Issue 2. Should the Commission require CenturyTel to fulfill Socket Internet's orders for RCF service submitted after the tariff filings, before being allowed to grandfather that service?

Yes. These 61 orders were submitted while CenturyTel's RCF tariff sheets were in effect. (Voight Rebuttal, Ex. 5, pp. 6-7)

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 31st day of October 2007.

/s/ William K. Haas

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