

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

In the Matter of the Request of Southwestern Bell)
Telephone, L.P., d/b/a AT&T Missouri, for a Waiver)
of Certain Requirements of 4 CSR 240-29.040 (4).)

Case No. TE-2006-0053

CONCURRING OPINION OF COMMISSIONER CONNIE MURRAY

In its Order, the Commission voted to clarify the Enhanced Record Exchange Rule by affirmatively stating that the rule does not require Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri to include the Calling Party Number (CPN) in Category 11 billing records exchanged by telecommunications companies for traffic that traverses the LEC-to-LEC network. I agree with the outcome, but I am concerned with language that asserts the Commission's intent was to include CPN in Category 11 billing records.

I voted against the final version of the Enhanced Record Exchange Rule, 4 CSR 240-29.040, because I was convinced that this rule imposes excessive costs and unnecessary regulatory burdens on the Missouri telecommunications industry. When AT&T Missouri¹ requested a rehearing on the rule, I agreed with the Commission regarding its denial, but I filed a concurrence expressing my concerns, once again, that the Enhanced Record Exchange Rule was too burdensome and that I did not believe that CPN should be required in Category 11 billing records.²

In Case Number TX-2003-0301 AT&T Missouri stated that the company could not immediately comply with the Commission's requirement for CPN in the Category 11

¹ Then Southwestern Bell Telephone Company, L.P., d/b/a SBC Missouri.

² See Concurring Opinion of Commissioner Connie Murray, Case No. TX-2003-0301.

billing records for wireless-originated calls.³ AT&T Missouri argued that tracking of the CPN is entirely unnecessary because other data already captured by the company are sufficient for billing purposes. Industry standards do not require that the originating CPN be captured in the accounting records for wireless-originated calls. Rather, industry standards rely on the capture and recording of billing account numbers in the creation of billing records because this information is more reliable.⁴

Therefore, I agree with the conclusion that CPN is not required in Category 11 records for wireless calls, and continue to disagree with the statements of intent in the Final Order of Rulemaking and the Commission's Order.

Respectfully submitted,


Connie Murray, Commissioner

Dated at Jefferson City, Missouri
on this 23rd day of May, 2006.

³ AT&T Missouri also asserted that it currently is not technically feasible for its network switches to track and record the CPN. AT&T Missouri asserted that it needed at least one year to investigate whether its 5 ESS tandem switches have the technical capacity required by the rule and to complete necessary changes to its record creation and billing systems to include the CPN in billing records. This is time-consuming and expensive work that could take even longer than a year to complete.

⁴ The CPN will not always indicate which wireless carrier actually originated the call because some wireless companies who have spare capacity contract to carry traffic for other wireless carriers. In addition, because of wireless number portability, the CPN originally assigned to one wireless carrier may no longer belong to that carrier.