

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

In the Matter of a Possible Amendment)
To Section 4 CSR 240-29.040)

Case No. TX-2006-0444

**AT&T MISSOURI'S REPLY TO MITG AND STCG'S
MOTIONS TO STRIKE AND TO MITG AND STCG'S RESPONSE**

AT&T Missouri¹ respectfully requests the Missouri Public Service Commission (“Commission”) to (1) deny the Motions to Strike filed by the Missouri Independent Telephone Group (“MITG”) and the Small Telephone Company Group (“STCG”); and (2) issue an order declining to amend 4 CSR 240-29.040.

1. The Commission should deny MITG’s and STCG’s Motions to Strike because Commission Rules permitted AT&T Missouri’s Reply.

MITG and STCG ask the Commission to strike AT&T Missouri’s July 17, 2006 Reply to the comments MITG and STCG filed in this case, claiming that this proceeding “was established in order to receive one round of comments on discrete Commission questions.”² MITG also claims that the initial comments filed in this proceeding do not constitute “pleadings” under Rule 4 CSR 240-2.080 (15) that would trigger a right of response within 10 days.³

MITG and STCG are mistaken. Under Commission Rule 4 CSR 240-2.080 (15), parties are allowed to file a responsive pleading unless otherwise ordered by the Commission:

Parties shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the Commission.

Rule 4 CSR 240-2.010 (13) defines a pleading as meaning:

¹ Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri will be referred to in this pleading as “AT&T Missouri.” It previously conducted business as “SBC Missouri.”

² MITG’s Motion to Strike, page 1; STCG’s Motion to Strike, pages 1-2.

³ MITG Motion to Strike, page 1

...any application, complaint, petition, answer, motion, staff recommendation, or other similar written document, which is not a tariff or correspondence, and which is filed in a case. A brief is not a pleading under this definition.

Under Commission Rules, comments filed by parties in a case are “pleadings” because they would fall within the broad category of “other similar written documents” and are not tariffs, correspondence, or briefs. The Commission did not need to specify a separate date in its orders for the filing of replies, as that date was already established by 4 CSR 240-2.080 (15). The Commission would only need to specify a date for filing replies if it wished to set a different date than that prescribed by the rule. The Commission’s orders neither precluded parties from filing replies nor limited filings in this case to initial comments. Accordingly, replies are therefore permitted under the rules to those parties wishing to file them.

The Commission, in accordance with 4 CSR 240-2.080 (15), customarily accepts reply comments in cases in which it seeks information from parties, as it is generally helpful during its deliberations to see the parties’ critiques of the information provided by their opponents. 4 CSR 240-2.080 (15) was intended to encourage such a healthy debate on issues, not stifle it. MITG’s and STCG’s Motions to Strike should therefore be denied.

2. AT&T Missouri’s filings in this case do not conflict with statements or commitments made in previous cases.

MITG and STCG again raise the tired claim that AT&T Missouri’s representations to the Commission in this proceeding conflict with statements previously made to the FCC and with commitments made to the Commission when the PTC Plan terminated. As AT&T Missouri previously demonstrated, MITG’s and STCG’s claims are inaccurate and it is perplexing that they continue to attempt to mislead the Commission in this fashion.

The FCC case concerning wireless calls terminated by IXCs. In pointing to SBC Communications’ Petition to the FCC for a Declaratory Ruling, MITG and STCG improperly persist in attempting to confuse traffic that may have originated on a cell phone but terminated to

the LEC network by an IXC, with traffic terminated to the LEC network directly by a wireless carrier.⁴ As undisputed evidence presented in case TC-2006-0053 shows, these two types of traffic are handled very differently, both from the technical and the regulatory perspectives.

From a technical perspective, wireless-originated IXC traffic is handled like landline-originated IXC traffic. It is brought into the LEC network over FGD access trunk groups, which are specific types of trunks dedicated to IXCs.⁵ For such traffic, the Telcordia Technologies GR-1504 standards require a Call Code 119 AMA record to be created by the switch for each call. On the other hand, traffic terminated to the LEC network directly by a wireless carrier is handled over specific types of trunk groups dedicated to wireless carrier traffic. For that type of traffic, the Telcordia GR-1504 requires a Call Code 66 AMA record.⁶ These recording differences are significant because the data that is captured is used to create different types of Category 11 billing records for these two types of traffic.

And from a regulatory perspective, these two types of traffic are different as well. Traffic IXCs terminate to the LEC network, even if originated on a cell phone (e.g., a cell phone call from Colorado Springs to Jefferson City), are all treated as long distance FGD calls and are subject to the applicable federal or state access tariffs. Under those tariffs, such traffic is to be jurisdictionalized based on CPN.⁷ On the other hand, most calls directly terminated to the LEC network by wireless carriers are not billed under the access tariff.⁸ Rather, such traffic, in accordance with the federal Telecommunications Act, is handled under interconnection agreements,⁹ which apply specific FCC rules requiring intercompany compensation for wireless calls that originate and terminate within a

⁴ MITG Motion, pp. 5-6; and STCG Motion, p.5.

⁵ See April 18, 2006 testimony of Robert Schoonmaker in Case No. TE-2006-0053, T. 389-391.

⁶ See April 17, 2006 testimony of Jason Constable in case No. TE-2006-0053, T. 194-195.

⁷ Schoonmaker, April 18 testimony, T. 389.

⁸ Schoonmaker, April 18 testimony, T. 391.

⁹ Schoonmaker, April 18 testimony, T. 393.

Metropolitan Trading Area (“MTA”) to be paid at lower local reciprocal compensation rates.¹⁰

(And until April 25, MITG and STCG even had separate tariffs for traffic they terminated directly from wireless carriers.¹¹)

By now, it should be clear that the traffic at issue here and the traffic at issue in the FCC proceeding are two different things. It should also be clear, even without a detailed response from AT&T Missouri, that MITG’s and STCG’s other alleged inconsistencies are not inconsistencies at all, as they merely refer to the inclusion of CPN in the signaling that is passed in real time with a call, which AT&T Missouri has fully supported before this Commission.

The Category 11 Requirement from the PTC Plan Order Did Not Apply to Wireless Traffic.

MITG and STCG appear to claim that the requirement from the Commission’s 1999 Order to create Category 11 records (containing CPN) was intended to apply to wireless traffic. As MITG and STCG’s own witness testified, that is not the case.¹² The Missouri-Specific Category 11 records developed pursuant to the Commission’s Order eliminating the Primary Toll Carrier (“PTC”) Plan in Case No. TO-99-254 were for Feature Group C (“FGC”) landline toll traffic:

A Missouri-Specific Category 11-01-XX Record is a mechanized individual call detail record for feature group C (FGC) traffic developed by the incumbent local exchange carriers in Missouri for intercompany settlements pursuant to the MoPSC Report and Order in Case No. TO-99-254. This record contains data transferred from a 92-01-XX mechanized call detail record. The first two digits in this record are “11.” This type of call record is identical to a category 11-01-XX record except that it contains an originating operating company number (OCN) in positions 167 through 170 instead of a CIC in positions 46 through 49.¹³

¹⁰ Schoonmaker, April 18 testimony, T. 393-394.

¹¹ Schoonmaker, April 18 testimony, T. 395.

¹² Schoonmaker, April 18 testimony, T. 361-362

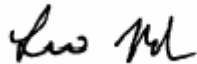
¹³ 4 CSR 240-29.020(5).

As the Commission is aware, the 92-01-XX mechanized call detail record referenced in this definition is the individual call detail record created for LEC-originated toll calls.¹⁴ At the time the Missouri-specific 11-01-XX billing record was created, carriers in Missouri, pursuant to the Commission's Order in TT-97-524, were creating the Cellular Transiting Usage Summary Report ("CTUSR") to bill intercompany compensation on wireless traffic.¹⁵ It was not until mid 2004 that AT&T Missouri began providing Category 11-01-XX records on wireless traffic, and when it did, it followed the industry standard 11-01-XX record for wireless traffic as specified in the OBF EMI document, which does not require the inclusion of CPN.¹⁶

WHEREFORE, AT&T Missouri respectfully requests the Commission to enter an order (1) denying MITG's and STCG's Motions to Strike, and (2) finding it unnecessary to amend 4 CSR 240-29.040 to require CPN to be included in the Category 11 billing records exchanged between telecommunications carriers for calls wireless carriers directly terminate to the LEC network.

Respectfully submitted,

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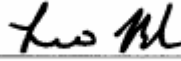
¹⁴ Ex. 9NP, Schoonmaker Direct from Case No. TE-2006-0053, pp. 7-8.

¹⁵ Ex. 9NP, Schoonmaker Direct, pp. 6-8. Schoonmaker April 18 testimony, T. 361-362.

¹⁶ Ex. 1NP, Read Direct from Case No. TE-2006-0053, pp. 4-5.

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on July 26, 2006.



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