EXHIBIT

Exhibit No.: 83
Issue(s): Wireline to Wireless Porting
Witness/Type of Exhibit: Meisenheimer/Testimony
Sponsoring Party: Public Counsel
Case No.: TO-2004-0456

TESTIMONY

OF

BARBARA A. MEISENHEIMER

Submitted on Behalf of the Office of the Public Counsel

GRAND RIVER MUTUAL TELEPHONE CORPORATION

CASE NO. TO-2004-0456

June 18, 2004

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Petition of Grand River Mutual Telephone Corporation for Suspension and Modification of the FCC's Requirement to Implement Number Portability.	)))))	Case No. TO-2004-0456

AFFIDAVIT OF BARBARA A. MEISENHEIMER

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Barbara A. Meisenheimer, of lawful age and being first duly sworn, deposes and states:

1. My name is Barbara A. Meisenheimer. I am Chief Utility Economist for the Office of the Public Counsel.

2. Attached hereto and made a part hereof for all purposes is my testimony consisting of pages 1 through 7.

3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.

Barbara A. Meisenheimer

Subscribed and sworn to me this 18th day of June 2004.

KATHLEEN HARRISON
Notary Public - State of Missouri
County of Cole
My Commission Expires Jan. 31, 2006

Kathleen Harrison
Notary Public

My Commission expires January 31, 2006.

TESTIMONY

OF

BARBARA A. MEISENHEIMER

GRAND RIVER MUTUAL TELEPHONE CORPORATION

CASE NO. TO-2004-0456

Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.

A. Barbara A. Meisenheimer, Chief Utility Economist, Office of the Public Counsel, P. O. 2230, Jefferson City, Missouri 65102.

Q. PLEASE SUMMARIZE YOUR EDUCATIONAL AND EMPLOYMENT BACKGROUND.

A. I hold a Bachelor of Science degree in Mathematics from the University of Missouri-Columbia (UMC) and have completed the comprehensive exams for a Ph.D. in Economics from the same institution. My two fields of study are Quantitative Economics and Industrial Organization. My outside field of study is Statistics. I have taught Economics courses for the following institutions: University of Missouri-Columbia, William Woods University, and Lincoln University. I have taught courses at both the undergraduate and graduate levels.

Q. HAVE YOU TESTIFIED PREVIOUSLY BEFORE THIS COMMISSION?

A. Yes, I have testified on numerous issues before the Missouri Public Service Commission. (PSC or Commission)

Q. WHAT IS YOUR PREVIOUS EXPERIENCE RELATED TO NUMBERING RESOURCES?

A. I have been a utility economist with the Office of the Public Counsel since 1995. As the Public Counsel's expert witness before the PSC, I have analyzed area code relief and number conservation proposals and issues over the last 9 years. On behalf of the Missouri Public Counsel and in conjunction with other state consumer advocates, I helped draft numbering issues comments to the FCC. Also, from 2000-2001, I served as a consumer representative on the North American Numbering Council (NANC), a committee of industry and governmental stakeholders appointed by the FCC to make recommendations on numbering issues including portability.

Q. WHAT IS LOCAL NUMBER PORTABILITY?

A. Local number portability is defined as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."[1]

Q. PLEASE DESCRIBE THE PORTING PROCESS.

A. In the past, changing carriers would have required the customer to change their telephone number. Number porting describes reconfiguration of processing calls on the network to allow customers to retain their existing telephone number while changing to a different service provider. When a customer changes service providers using a ported number, calls are originated in the same manner as they would be if they had changed service providers without taking their old telephone number with them.

The significance of porting is that it affects how customers receive calls after switching service providers. Building on the traditional call routing process, once a call is placed to a customer who

[1] 47 U.S.C. § 153(30); 47 C.F.R. §52.21(k).

has changed service providers, a modification allows for a database query at what was previously the next to the last switch that a call would pass through in terminating the call. The database query identifies the new service providers telephone switch to which the call should be routed in order to complete the call.

Q. PLEASE DESCRIBE THE TYPES OF NUMBER PORTING THAT EXIST.

A. Wireline porting refers to porting telephone numbers between landline telecommunications service providers.

Wireless porting refers to porting telephone numbers between wireless telecommunications service providers.

Intermodal porting refers to porting numbers between different technologies. The focus of this Commission proceeding is wireline-to-wireless intermodal porting.

Q. WHAT IS THE GEOGRAPHIC AREAS IN WHICH CALLS CAN BE PORTED?

A. A rate center is the geographic area in which wireline porting can occur. A local calling area is at least as big as a single rate center but may include more than one rate center.

Q. PLEASE SUMMARIZE PUBLIC COUNSEL'S CONCERNS WITH MOVING FORWARD WITH WIRELINE-TO-WIRELESS INTERMODAL LOCAL NUMBER PORTABILITY.

A. The FCC directed that wireline-to wireless intermodal porting proceed without first addressing all necessary implementation issues. As a result, some significant issues still need to be resolved regarding implementation of local wireline-to-wireless number portability. These unresolved items

include concerns regarding service reliability, customer confusion, billing, jurisdictional conflicts between local and federal requirements and intercarrier compensation issues that may ultimately affect customer rates.

The unresolved issues arose because the FCC relied heavily on standards recommended by the NANC group for wireline porting without full consideration of the effect the application of these standards to wireline to wireless porting would have on consumers and the wireline industry and other issues. The FCC relied on the NANC recommendation for the implementation of wireline number porting and incorporated the working group recommendation into FCC Rules when it mandated wireline porting in 1997, in the Local Number Portability *Second Report and Order*[2] However, the FCC failed to address the additional issues before mandating wireline-to-wireless porting in its Order dated November, 10, 2003 in CC Docket No. 95-116.

Q. WHY IS THIS A PROBLEM?

A. The NANC working group standards established technical requirements for wireline porting and were not designed or intended to address all of the more complex issues related to wireline-to-wireless intermodal porting. The working group clearly indicated in their recommendations (Sections 3 and 7) that additional work would be needed to address wireless issues in the future. As a result, the FCC heavily relies on wireline standards for this type of porting even though it is clear from the report that it did not fully address wireless issues or wireline to wireless integration.

[2] Telephone Number Portability, CC Docket No. 95-116, *Second Report and Order*, 12 FCC Rcd 12,281 (1997) (*Second Report and Order*).

Q. PLEASE IDENTIFY OTHER SPECIFIC CONCERNS IN INITIATING WIRELINE TO WIRELESS PORTABILITY.

A. The FCC also makes the assumption that "... calls to the ported number will continue to be rated in the same fashion as they were prior to the port. As to the routing of calls to ported numbers, it should be no different than if the wireless carrier had assigned the customer a new number rated to that rate center." This ignores a number of potential issues, including an important issue of interconnection agreements and arrangements for the exchange of traffic as well as the related issue of intercarrier compensation.

The FCC specifically frees wireless carriers from any obligation to enter interconnection agreement with local exchange carriers setting out the terms and conditions for exchanging ported traffic. The FCC seems to believe that wireline carriers can be required to port numbers to wireless carriers without necessarily entering into an interconnection agreement because this obligation can be discharged with a minimal exchange of information. As a result, the FCC said that wireline carriers may not unilaterally require interconnection agreements prior to porting. The Commission also specifically forebears the applicability of Section 252 requirement as applied to wireless porting and removes the state commission involvement under 251 and 252 requiring interconnection agreements be filed with the state commission. The FCC took these actions in concluding that interconnection agreements are not necessary to prevent unjust or unreasonable charges or practices by wireless carriers. However, the FCC also requires that the LEC must deliver traffic even without receiving compensation. Public Counsel believes that ultimately wireline customers that did not switch numbers will bear the greatest cost of this policy. The FCC has already ordered that LECs can recover the costs of porting from their local wireline customers.

Q. WHAT ABOUT THE RELIABILITY ISSUES YOU MENTIONED?

A. Carriers have reported that 911 calls can be incorrectly routed during the initial switch from wireline to wireless service provider. Another large area that needs to be explored is the more complex porting where a wireline customer ports to a wireless provider and then changes wireless providers. There are a host of issues left unresolved, most of them relating to jurisdiction. The PSC is responsible for oversight of quality of service, billing and collection standards, snapback provisions upon discontinuation of business by a new provider, and other consumer protection issues. But in the wireless arena, the PSC has little to no authority over these issues while at the same time, the FCC has not regulated this industry to the same level. For example, who is responsible for insuring that the customer is able to resolve problems concerning the customer's number? What is the process? Who oversees it?

The FCC allows the LEC to recover their costs of implementing number portability. What are these costs?

For Public Counsel another significant concern is the cost to customers. Some LECs have estimated their costs, and they vary widely. In addition there may be new costs that may not yet be identified or quantified. One such cost is trunking needed to transport calls to the wireless carrier after the appropriate terminating carrier for the calls have been identified by the data base query

Q. PLEASE SUMMARIZE YOUR KEY CONCERN AND RECOMMENDATION TO THE PSC.

A. While Public Counsel supports the ability of telecommunications customers in Missouri having the ability to choose service providers and communication technologies all in an effort to bring better

service, more options, and lower prices to consumers, it is essential to have seemless transitions and reliable service, just and reasonable pricing and appropriate cost recovery. The environment under the present FCC Order is too uncertain at this time to give Public Counsel assurance that these goals can be attained and maintained. For that reason, Public Counsel is concerned that ultimately the group of customers who will bear the greatest burden, but receive the least benefit of wireline to wireless portability will be the LECs remaining customers.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes, it does.