

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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5 TRANSCRIPT OF PROCEEDINGS
6
7 HEARING
8
9 July 22, 2004
10 Jefferson City, Missouri
11 Volume 3
12
13 In the Matter of the Petition)
of Cass County Telephone)
14 Company for Suspension of the)
Federal Communications)
15 Commission Requirement to) Case No. TO-2004-0504
Implement Number Portability)
16
17 In the Matter of the Petition)
of Craw-Kan Telephone)
18 Cooperative, Inc. for)
Suspension of the Federal)
19 Communications Commission) Case No. TO-2004-0505
Requirement to Implement)
20 Number Portability)
21)
22
23 KENNARD L. JONES, Presiding,
REGULATORY LAW JUDGE.
24
25 LINWARD "LIN" APPLING,
COMMISSIONER.

1 REPORTED BY:

2 STEPHANIE L. KURTZ MORGAN, RPR, CCR
3 MIDWEST LITIGATION SERVICES

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Commission.

1 P R O C E E D I N G S

2 JUDGE JONES: All right. We're on the record with
3 Case Nos. TO-2004-0504 and TO-2004-0505, In the Matter of the
4 Petition of Cass County Telephone Company for suspension and
5 modification of the FCC's requirement to implement number
6 portability; also In the Matter of the Petition of Craw-Kan
7 Telephone Cooperative, Incorporated for suspension and
8 modification of the FCC's requirement to implement number
9 portability.

10 Although these are separate cases and -- and have
11 not been consolidated, because they are factually -- they
12 factually mirror one another, we will hold the joint hearing
13 in both of them.

14 At this time we will have opening statements, the
15 first from Cass County and Craw-Kan.

16 I'm sorry?

17 MR. STEINMEIER: Entries?

18 MR. ENGLAND: Mr. Steinmeier asked if we'd entered
19 our appearances, and I don't believe we have.

20 JUDGE JONES: Oh, I'm sorry. Yes, please enter
21 your appearances.

22 Thank you, Mr. Steinmeier.

23 MR. ENGLAND: Well, I'll -- I'll go first, since
24 we're the Petitioners, Your Honor.

25 Let the record reflect the appearance of

1 W.R. England and Brian T. McCartney appearing on behalf of
2 Petitioners, Cass County Telephone Company and Craw-Kan
3 Telephone Cooperative.

4 Our address is Brydon, Swearengen & England, P.C.,
5 Post Office Box 456, Jefferson City, Missouri 65102.

6 JUDGE JONES: Thank you, Mr. England.

7 MR. ENGLAND: Thank you.

8 JUDGE JONES: Mr. Steinmeier?

9 MR. STEINMEIER: Let the record reflect the
10 appearance of William D. Steinmeier and Mary Ann Garr Young,
11 William D. Steinmeier, P.C., P.O. Box 104595, Jefferson City,
12 Missouri 65110-4595, on behalf of Intervenor, Western
13 Wireless.

14 JUDGE JONES: Thank you, Mr. Steinmeier.

15 And Staff of the Commission?

16 MR. MEYER: Good morning. David Meyer for the
17 Staff of the Missouri Public Service Commission. Our address
18 is P.O. Box 360, Jefferson City, Missouri 65102.

19 JUDGE JONES: Thank you, Mr. Meyer.

20 I'll also note for the record that the Office of
21 Public Counsel is not present, as they have filed a notice of
22 non-participation in this case -- or in this these cases.

23 Now we'll have opening statements.

24 MR. ENGLAND: Thank you, Your Honor. Good morning.

25 May it please the Commission, my name is Trip England. I

1 represent the two Petitioners in this consolidated hearing,
2 Cass County Telephone Company and Craw-Kan Telephone
3 Cooperative.

4 If I can briefly identify for purposes of the -- of
5 the Commission the -- the nature and -- and I guess identity
6 of these two petitioners, Cass County Telephone Company is a
7 small rural telephone company serving approximately
8 8,000 lines, and they are located just due south of Kansas
9 City primarily in Cass County; hence the name.

10 Headquarters in Peculiar, and they serve
11 approximate -- or the -- well, I believe they have 6 exchanges
12 serving approximately 8,000 access lines.

13 Craw-Kan Telephone Cooperative is -- is also a
14 small rural ILEC. It actually has operations in both Kansas
15 and Missouri. The -- the bulk of its operations are in
16 Kansas, but it does have approximately 2,700 access lines in
17 Missouri along the Missouri/Kansas border.

18 And if I may approach and show on the NTIA map
19 where they're located, because they are in two separate
20 locations.

21 JUDGE JONES: Yes, you may.

22 MR. ENGLAND: There are the northern exchanges of
23 Craw-Kan, Amsterdam, Amoret, Pleasonton (sic), Foster and
24 Hume, which are in the Kansas City LATA north of the LATA
25 boundary, if you will, and along the -- the western boundary

1 of the state.

2 And then there are two other Craw-Kan exchanges
3 down in what I call the Springfield LATA, Amsterdam and
4 Purcell, just north of Joplin. And again, along the western
5 boundary of the state. So Craw-Kan is kind of split into two
6 locations and in two separate LATAs.

7 Both Craw-Kan and Cass County Telephone Company are
8 LNP capable. They have made the necessary investments in
9 their switch, the necessary arrangements with vendors to
10 provide database administration and they can provide local
11 number portability.

12 What they seek with their petition is a
13 modification only of the FCC rules, insofar as those rules
14 appear to require them to port numbers and associated calls
15 beyond their local exchange boundaries.

16 As I mentioned, they're both local exchange
17 carriers authorized to provide local services within those
18 boundaries, and those boundaries are set by the Commission and
19 by their tariffs, which are on file and approved by this
20 Commission.

21 For purposes of their modification and what they're
22 concerned about, as we learned yesterday, particularly to the
23 extent these companies are in the Kansas City LATA, under
24 Western Wireless's view of local number portability if a
25 customer in Cass County or the northern exchanges of Craw-Kan

1 ports their number to Western Wireless, that number -- or
2 rather calls to that number by other customers in Craw-Kan and
3 Cass would have to be routed first to the Southwestern Bell
4 tandem in Kansas City.

5 Next it would have to be routed from Southwestern
6 Bell's tandem in Kansas City to Springfield's tandem in
7 Warrensburg, and then it would have to be routed from
8 Warrensburg's -- Springfield's Warrensburg tandem back to
9 Western Wireless's facilities in Butler, Missouri.

10 Western Wireless expects Craw-Kan and Cass County
11 to do that, and to do that at their expense. That would
12 require, of course, the establishment of either facilities
13 from the exchanges served by Craw-Kan and Cass County to
14 Western Wireless, or it would require them to establish
15 business relationships with both Southwestern Bell Telephone
16 Company and Sprint Missouri, Inc. in order to transit that
17 call to -- to Western Wireless.

18 In order to establish those business relationships,
19 the companies will have to negotiate and possibly arbitrate
20 some sort of an agreement. Mr. Schoonmaker, the witness for
21 Craw-Kan and Cass County, has testified in his experience, and
22 it is extensive, that those negotiations can be expensive
23 ranging from \$20,000 to \$100,000.

24 There are also costs -- ongoing costs, if you will,
25 in transiting that traffic. Western Wireless suggests that we

1 can do it at their transit rates. Mr. Schoonmaker has
2 testimony to the fact that that is probably not available to
3 us, and experience -- his experience in the state would lead
4 him believe -- would lead him to believe that that is not
5 gonna be the case, certainly not without some very vigorous
6 negotiations and possibly arbitration before this Commission.

7 We also believe that the issue of compensation for
8 transporting these calls has not been addressed by the FCC.
9 As a matter of fact, I don't think there's any contest or any
10 dispute in this case regarding that issue.

11 So it makes no point to us -- or no sense to
12 require us to port calls and incur the costs of porting those
13 calls over the various facilities of Southwestern Bell and
14 Sprint Missouri, Inc. to Western Wireless when the FCC has not
15 resolved that issue and said who's gonna be responsible.

16 So what we've asked for is a modification of -- of
17 the FCC rules at least insofar as they appear to require us to
18 do that at this point in time until the FCC specifically
19 addresses this issue.

20 The requests of Craw-Kan and Cass County are
21 identical to the requests of 15 other Missouri small ILECs
22 that you all recently decided on approximately June 29th and
23 resolved in -- by -- by granting those modifications.

24 So what Craw-Kan and Cass County ask is no
25 different than what those other 15 companies have asked for

1 and been granted by this Commission.

2 Those companies and those case numbers, by the way,
3 are listed in a footnote, No. 10, in Mr. Schoonmaker's
4 surrebuttal testimony at page 9.

5 Western Wireless has offered, by the way, to
6 reimburse Cass County and Craw-Kan for their indirect transit
7 costs, which would be associated with the routing of these
8 ported calls outside their local exchanges. But that offer of
9 reimbursement is limited only to the transit rates that
10 Western Wireless pays to Southwestern Bell Telephone Company.

11 As we learned yesterday, the transit rates that
12 Western Wireless pays to Sprint are significantly higher than
13 what they pay to Southwestern Bell.

14 Moreover, Western Wireless is not willing to
15 reimbursement the Petitioners for any of their non-recurring
16 negotiation and arbitration costs that they may have.

17 The -- this offer, besides being insufficient, is
18 unnecessary, because Western Wireless currently has agreements
19 with both Sprint and Southwestern Bell Telephone Company to
20 transit traffic. And we think it would be certainly feasible
21 and certainly practic-- practicable for them to simply use
22 their existing agreements to accept financial responsibility
23 for these calls from the exchanges of Craw-Kan and Cass to
24 their facilities at least until such time as the FCC and this
25 Commission subsequently addresses the routing issues

1 that -- that currently exist.

2 As I said, we -- we simply seek the same thing that
3 15 other companies have been granted by this Commission very
4 recently, and would ask your favorable or consistent treatment
5 for these companies.

6 Thank you.

7 JUDGE JONES: Thank you, Mr. England.

8 Now we'll hear from Western Wireless.

9 MR. STEINMEIER: Good morning. Your Honor and
10 members of the Commission, for the record, today has a certain
11 deja vu quality about it, and in one respect we apologize for
12 that.

13 There are many similarities between the case that
14 was tried yesterday and the case that is being tried today.
15 An adequate legal record needs to be made in each, and so
16 there will be necessarily some -- some things that you'll hear
17 today that you would swear you just heard.

18 In these cases today Cass County Telephone Company
19 and Craw-Kan Telephone Cooperative are asking you to modify
20 their legal obligation to provide local number portability or
21 LNP of numbers to wireless carriers.

22 The FCC ordered wireline rural ILECs to provide
23 LNP as of May 24th of this year, and also provided for cost
24 recovery by those LECs through a surcharge.

25 The statutory standard for suspension or

1 modification of the LNP requirements that the Congress
2 included in the 1996 Telecommunications Act in Section 251F2
3 is that suspension or modification should only be granted if
4 it is necessary to avoid certain things.

5 Is it necessary to avoid a significant adverse
6 economic impact on telecommunications users generally? Is it
7 necessary to avoid undue economic detriment not just some
8 competitive transition costs, which is inevitable? Or is it
9 necessary to avoid imposing a requirement that is technically
10 infeasible?

11 Just can't be done engineering-wise. Then and only
12 then if one or more of those necessities is present, the
13 Commission must also consider whether a suspension or
14 modification of the LNP requirements is consistent with the
15 public interest, convenience and necessity.

16 Further, the FCC stated in its LNP first report and
17 order that to meet this standard for suspension or
18 modification the ILEC must show "undue economic burden beyond
19 the economic burden typically associated with efficient
20 competitive entry."

21 Adjustments to making competitive entry will cost
22 some money. The FCC knows that. We all know that. And the
23 fact that adjusting to a new competitive requirement costs a
24 local exchange company some money or has some mild economic
25 impact on its customers or causes a local exchange company to

1 have to learn some new ways of doing things is irrelevant to
2 the standard for modification.

3 Only an undue burden, beyond that typically
4 associated with efficient competitive entry, is worthy to be
5 considered for a suspension or modification of the FCC's rules
6 under the act.

7 I urge you, therefore, to listen carefully to the
8 testimony in this case and to read the pre-filed testimony
9 carefully with a mind to applying that statutory standard.

10 I submit to you that this statutory burden of proof
11 is not met by the evidence of Cass County or Craw-Kan in this
12 case -- in these cases nor even applied by the Staff or Public
13 Counsel.

14 Listen and watch for the evidence of significant
15 adverse economic impact on customers generally and of undue
16 economic impact on the Company. Listen and watch for the
17 evidence of technical infeasibility. Actually both
18 Petitioners are LNP capable. It is not infeasible.

19 Only if at least one of the first three prongs of
20 the test is met, need you be concerned about the public
21 interest standard, and you won't need to try to apply it,
22 because none of the other three standards has been met first.

23 Besides the public interest as expressed by the
24 Missouri General Assembly in 1996 in SB570 is in promoting a
25 competitive telecommunications industry in the State of

1 Missouri.

2 The evidence will also show that the FCC has
3 steadfastly held that the incumbent local exchange carrier has
4 a responsibility to deliver local calls as local calls. Rural
5 LECs always -- and I'm quoting now -- "rural LECs always have
6 been required to deliver traffic to other carriers through
7 direct or indirect interconnection, even when a wireless
8 carrier switch is not located in the rural LEC's rate center."

9 That is a direct quote from the FCC's brief before
10 the D.C. Circuit Court of Appeals just filed on July 9th.

11 But Cass and Crow County don't want to do that
12 here. They don't want to port calls to wireless carriers.
13 Rather they want to misroute those calls to a call intercept
14 that misdefines the responsibility for correctly porting that
15 call.

16 Please read and listen carefully and watch for
17 application of the statutory standard. You will hear much
18 today about the rating and the routing of ported calls.

19 The routing method used by wireless carriers like
20 Western Wireless today is the most efficient means of
21 exchanging relatively low volumes of traffic. That is why the
22 parties in Minnesota were able to agree to it in a stipulated
23 settlement of LNP cases approved not quite two weeks ago by
24 the Minnesota PUC.

25 That method is really quite simple, as illustrated

1 on this chart. Today a call from a Western Wireless customer
2 in the Cass County or Craw-Kan service territory would
3 initiate from a cellphone, go to the cellular tower to
4 Western's CMRS switch -- commercial mobile radio to the LATA
5 tandem owned by SBC or Sprint to the telephone company's rate
6 center and office or the local tandem.

7 All that Western Wireless asks is that Cass County
8 and Craw-Kan fulfill a symmetrical obligation. Just do this
9 in reverse. The magic of doing transport this way is that it
10 is the mirror image of how that transport occurs today.

11 And it is far more economical for everybody than
12 for a wireless carrier to invest in permanent interconnection
13 facilities inside the LEC's rate center.

14 As I said, this is the plan that the Minnesota
15 Commission just approved for its rural LECs to provide LNP.
16 Where there's a will, there's a way.

17 But the LECs aren't interested. They have taken no
18 steps to arrange for such transport or even to see what it
19 would take. They have not even called SBC or Sprint to see
20 what it might take.

21 And Western Wireless, by the way, in response to
22 assertions from the telephone companies, cannot provide that
23 transit under its existing interconnection agreements.

24 Just two months ago on May 13th -- I'm noticing
25 that my mouth has gotten dry at exactly the same point in my

1 opening statement as it did yesterday, and I have failed to
2 bring water to the podium. And so the third time we do this
3 in the tradition of the Ground Hog Day movie I will have water
4 on this podium before I deliver this opening statement.

5 COMMISSIONER APPLING: The ground hog just showed
6 up.

7 MR. STEINMEIER: Just two months ago on May 13th
8 the FCC denied a request for a waiver from LNP requirements to
9 a rural local exchange company in Pennsylvania saying, "all
10 carriers have been on notice since July 2002 that wireless and
11 intermodal LNP would become available beginning in
12 November 2003. Thus NEP has had sufficient time to follow
13 through with these mandates and prepare for LNP."

14 At the close of the hearing today, and based on the
15 evidence in these cases, we will ask the Missouri Public
16 Service Commission to say the same thing to Cass County and to
17 Craw-Kan.

18 Thank you very much.

19 JUDGE JONES: Thank you, Mr. Steinmeier.

20 Now we'll have opening statements from the Staff of
21 the Commission.

22 MR. MEYER: Good morning. I will echo
23 Mr. Steinmeier's sentiments about deja vu, and also echo his
24 discussion of the legal standards that are governing the
25 Commission's decision in this -- with respect to Section 251F

1 and what we need to be looking for in our review to determine
2 whether or not a modification should be granted.

3 The relief requested by Cass County and Craw-Kan
4 Telephone Companies with respect to the modification has
5 already been requested by all of the other companies -- or
6 virtually all of the other companies the Commission has seen
7 in this series of 30-odd cases.

8 The rating and routing problems are common to all
9 of the local exchange companies that don't have a wireless
10 point of presence in their territories, and that would be
11 certainly the case with these two.

12 Staff has provided a consistent recommendation for
13 all of these requests that the Commission authorize blocking
14 of calls to ported numbers where no facilities or arrangements
15 have been established, and direct local exchange companies to
16 establish intercept messages so that customers placing calls
17 can be aware of any rating and routing issues that may arise.

18 This goes to the point under Section 251F that
19 governs the Commission's review here about adverse impact on
20 users. If those calls are not blocked and supported by
21 intercept messages explaining how the calls could be
22 completed, callers may find when they receive their bills that
23 they have unwittingly made calls that have charges that they
24 certainly didn't intend to pay, because at the time they
25 expected it was a local call.

1 These calls, of course, when they're ported numbers
2 do come with charges. Somebody has to bear those charges.
3 And customers who weren't expecting to bear those charges may
4 certainly find that they are to do so if -- if blocking and
5 intercept messages are not implemented, as Staff recommends.

6 Regardless of when the FCC resolves the rating and
7 routing issues and regarding -- or regardless of when a
8 Petitioner such as Cass or Craw-Kan implements intermodal
9 porting, it is, was and has been the Staff's position that
10 neither the Petitioner nor its wireline customers should be
11 responsible for any transport or long distance charges
12 associated with porting numbers and any associated calls
13 outside the Petitioner's local service area absent further
14 direction or clarification from the FCC.

15 The costs that result from a customer's decision to
16 port its number to a different carrier are the topic here.
17 Calls that would be routed differently after the port than
18 before the port and the new routing methods will cause
19 additional costs.

20 The former service provider should not bear the
21 cost generated as a result of actions by its former customer.
22 And that, again, goes to one of the points under the
23 FCC standard for modification to avoid imple-- imposing
24 requirements that are unduly economically burdensome.

25 Both, of course, also relate to the public interest

1 standard that is underlying all of these as well -- the second
2 sort of prong after the first prong has been -- has been met.

3 Natelle Dietrich, supervisor of the economic and
4 competitive analysis group in the telecommunications
5 department, is here to discuss how the department arrived at
6 its conclusions, and can assist in putting this case in
7 perspective with respect to all of the cases that have come
8 before. And I believe at this point that is all of the cases
9 that we've had so far.

10 And with that I will conclude, and reiterate
11 Staff's recommendation in the other cases. We believe we have
12 been consistent here as well.

13 Thank you.

14 JUDGE JONES: Thank you, Mr. Meyer.

15 All right. Then we'll -- we will now have Cass and
16 Craw County's first witness.

17 MR. ENGLAND: Thank you, Your Honor.

18 Mr. Schoonmaker is our first witness -- first and
19 only.

20 JUDGE JONES: Good morning, Mr. Schoonmaker.

21 MR. SCHOONMAKER: Good morning. How are you?

22 JUDGE JONES: Will you please raise your right
23 hand?

24 (Witness sworn.)

25 JUDGE JONES: Thank you. You may be seated.

1 THE WITNESS: Thank you.

2 JUDGE JONES: You may proceed.

3 MR. ENGLAND: Thank you.

4 ROBERT C. SCHOONMAKER testified as follows:

5 DIRECT EXAMINATION BY MR. ENGLAND:

6 Q. Would you state your full name for the record,
7 please.

8 A. My name is Robert C. Schoonmaker.

9 Q. And your business address, please?

10 A. My business address is 2270 La Montana Way,
11 Colorado Springs, Colorado 80918.

12 Q. Mr. Schoonmaker, by whom are you employed and in
13 what capacity?

14 A. I am the president of GVNW Consulting,
15 Incorporated.

16 Q. And on whose behalf are you testifying here today?

17 A. I'm testifying on behalf of Craw-Kan Telephone and
18 Cass County Telephone Company.

19 Q. In that capacity, have you caused to be prepared
20 and filed in this docket two pieces of testimony, the first of
21 which I believe has been marked for identification as
22 Exhibit No. 1, which is your direct testimony?

23 A. That's the first, yes. I -- I did prepare that.

24 Q. And -- and the second of which has been marked for
25 purposes of identification as Exhibit No. 2, which is your

1 prepared surrebuttal testimony?

2 A. That's correct.

3 Q. With regard to -- to both of those pieces of
4 testimony, do you have any corrections that need to be made
5 today?

6 A. I have one slight clarification on the -- on the
7 direct testimony, page 16, on line 11. The preceding question
8 says, has the FCC issued an order in this other proceeding,
9 and the answer was, at this -- at the time this testimony was
10 submitted, no order has been issued in any other proceeding
11 that would resolve this issue.

12 That was true at that time. It is also true today.

13 Q. Okay. Any other corrections or clarifications?

14 A. No.

15 Q. With that in mind, if I were to ask you the same
16 questions appearing in Exhibits No. 1 and 2, would your
17 answers here today under oath be the same as those appearing
18 in those two exhibits?

19 A. Yes.

20 Q. And are those answers true and correct, to the best
21 of your knowledge, information and belief?

22 A. Yes.

23 MR. ENGLAND: Thank you.

24 Your Honor, I have no other questions of the
25 witness, but would offer Exhibits 1 and 2 into evidence and

1 tender the witness for cross-examination.

2 JUDGE JONES: Exhibits 1 and 2 are admitted into
3 the record.

4 (EXHIBIT NOS. 1 AND 2 WERE RECEIVED INTO EVIDENCE.)

5 JUDGE JONES: Now, we'll first have
6 cross-examination from the Staff of the Commission.

7 CROSS-EXAMINATION BY MR. MEYER:

8 Q. Good morning.

9 A. Good morning.

10 Q. Some of these may sound familiar, some of them may
11 not. But hopefully I'll be able to go fairly quickly, at
12 least for the ones that sound familiar. Because I believe you
13 were here yesterday?

14 A. I was here, yes.

15 Q. Yes.

16 To your knowledge, have either Cass or Craw-Kan --
17 and I'll just use those for the short for the companies for
18 which I think is obvious -- have any customer inquiries
19 regarding porting arrangements?

20 A. I am not aware of any. I asked them that question
21 two or three weeks ago and they had not -- not -- haven't
22 asked that in the last few days to -- to verify that.

23 To my knowledge, they have not had any requests for
24 porting.

25 Q. Right now if a Cass or Craw-Kan customer calls a

1 wireless customer, what must they do?

2 A. In Craw-Kan's case those numbers would be dialed on
3 a one-plus toll basis through an inter-exchange carrier. In
4 Cass County's case it would depend on the telephone number of
5 the wireless carrier.

6 Cass County's operating area is in the metropolitan
7 calling area or MCA area. And to the extent that wireless
8 carrier's number was in the central zone of the MCA area,
9 those calls could be dialed as a local call.

10 Calls to other wireless carriers would be dialed as
11 a toll call. Calls to Western Wireless who specifically
12 proceeding -- participating in this case, to my knowledge,
13 would -- would all be dialed as toll calls, because their
14 numbers are in Butler, Missouri, not -- which is not in the
15 MCA area.

16 Q. So is it a combination of being both customer
17 specific and the -- specific to the number that is being
18 dialed as to how the call would go through?

19 A. It -- it would be specific to the -- the number
20 that's being dialed and the -- the location of that number as
21 to whether it's in the MCA area. Which in Cass's case, then,
22 would be a -- a dial of seven-digit local basis, or whether
23 it's outside that area, which would be dialed on a one-plus
24 toll basis.

25 Q. There's been discussion in your testimony that the

1 concept that without a direct connection the Petitioners, Cass
2 and Craw-Kan, could not transport calls from their customers
3 to wireless customers unless there is an intermediary.

4 What exactly would happen in the absence of such
5 a media-- intermediary for these two companies?

6 A. Could you repeat the question again, and make sure
7 I get all the -- all the pieces of your --

8 Q. Sure.

9 In your -- in your -- in your testimony you've
10 discussed the concept that without a direct connection, the
11 Petitioners could not transport calls from their customers to
12 wireless customers without intermediaries; in other words, in
13 the absence of a direct connection, something else is needed.

14 Could you explain what would happen if that
15 something else is missing, as it appears to be today?

16 A. Well, what's missing today is the business
17 arrangements, not the network. I mean, both Cass and -- and
18 Craw-Kan have network connections to the Bell tandem and --
19 and calls could go over those.

20 In fact, the test call that -- that Cass County
21 made with -- with Western Wireless that I referenced in my
22 surrebuttal testimony, in fact, went over those facilities.

23 The things that we're concerned about is that it's
24 not proper for us to be using those facilities without making
25 appropriate business arrangements to do so.

1 And we have criticized wireless carriers in the
2 past who have -- who have done that kind of thing. We don't
3 think we should be doing that. And we think that somebody
4 should be making those business arrangements.

5 And -- and our proposal is that the wireless
6 carrier make arrangements for those facilities either by
7 having direct facilities or by contracting with other people,
8 such as Southwestern Bell and Sprint to carry those calls from
9 the local calling areas of -- of the company.

10 Q. I think that probably reads into my next -- or
11 feeds into my next question. What exactly would, to your
12 knowledge, the Petitioners do if the Commission, in fact,
13 denies these petitions for modification?

14 A. Well, if they deny the petitions, the companies
15 will -- will implement LNP and they will be contacting
16 Southwestern Bell and Sprint and Century, if necessary, to try
17 to make those business arrangements and negotiate
18 interconnection agreements.

19 Q. There's been some discussion in your testimony of
20 your knowledge and experience of those types of business
21 arrangements. Could you elaborate, because I think it's just
22 a passing reference.

23 What exactly is your experience with those types of
24 arrangements?

25 A. Well, I've been involved in negotiations of direct

1 interconnection arrangements in Missouri for a couple of local
2 exchange companies with wireless carriers, specifically Grand
3 River negotiating with Dobson, citizens negotiating with
4 Mid-Missouri.

5 I've been involved in the negotiations of the small
6 companies as a group. I Have entered into with several
7 different wireless carriers, some of which have led to
8 interconnection agreements, some of which have not.

9 In both Missouri and other states I've been
10 involved in interconnection contract negotiations between
11 ILECs and competitive local exchange carriers.

12 JUDGE JONES: Let me interrupt you for a moment.
13 Is the noise distracting to anyone -- the moving of tables and
14 chairs up there?

15 If so, I can ask them to figure out another way to
16 do that. If not, then we'll continue.

17 MR. ENGLAND: Only until you mentioned it,
18 Your Honor.

19 MR. STEINMEIER: Exactly.

20 MR. ENGLAND: Now, I'm sure I'll be keenly aware of
21 it.

22 JUDGE JONES: Well, if it bec-- if it -- if it gets
23 to be a problem, just raise a hand and I'll see what I can do.
24 I'm sorry for interrupting.

25 Go ahead, Mr. Meyer.

1 MR. MEYER: That's all right.

2 BY MR. MEYER:

3 Q. Do you have a sense of what kind of permanent or
4 per-call charges stem from those arran-- I mean, there may not
5 be a way to just generalize here, but from these types of --
6 of discussions that you've -- you've just referenced?

7 A. Well, here in Missouri the interconnection
8 agreements -- the direct interconnection agreements have been
9 entered into have had rates in the neighborhood of 2 cents for
10 transport and termination.

11 The indirect contracts that we've negotiated here
12 in Missouri have rates of 3 1/2 cents per minute. And the --
13 in other states it -- it's dependent, and the rates for
14 transport and termination of traffic are generally
15 considerably higher in rural areas and for rural companies
16 than they are for urban companies.

17 Q. I believe there was a reference in a footnote, and
18 I know -- in fact, actually I think it was related to your
19 clarification in your testimony that you just made with
20 Mr. England.

21 But there's a reference to a docket before the
22 FCC -- a Sprint petition for declaratory ruling that was also
23 referenced in the November 2003 FCC order that I believe was
24 attached to your -- Mr. Williams' testimony.

25 Would you be willing to agree that an entry in that

1 docket would probably const-- would -- sorry -- probably would
2 constitute the trigger of the FCC addressing carrier
3 responsibility for the transport of local calls to carriers
4 at -- with rate centers outside their local exchanges?

5 A. Yeah, it's my anticipation that when the FCC issues
6 an order in that docket, that it will address that issue both
7 as it relates to the specific virtual NXX issue, which was
8 raised in that.

9 And -- and they have through their November 10th
10 order tied that -- the issue in regards to wireless ported
11 numbers appears to be tied to that proceeding.

12 So that -- that -- I would expect that that will be
13 the order that would define what those responsibilities are
14 now. But, I mean, the FCC surprises us as times and could --
15 could issue an order related to the NXX and decide to further
16 address the wireless one or something.

17 But my -- my anticipation is that's the order it
18 will be done.

19 Q. Do you believe the modification to the local number
20 portability rules of the FCC that's been -- well, let
21 me -- let me step back.

22 Are you familiar with some of the other proceedings
23 that have taken place before the Commission --

24 A. I've been --

25 Q. -- in the -- in the series of cases?

1 A. I'm generally familiar with them. I haven't
2 participated specifically in them, but I'm -- I've read the
3 orders -- or at least a representative order of those orders
4 that have been issued, and -- and generally familiar with what
5 has been requested.

6 Q. Do you believe the modification that was addressed
7 in those cases -- or raised in those cases and -- and
8 recommended by parties already before the Commission would
9 address the rating and routing problems that are present in
10 this case as well?

11 A. Yes, I believe they would. And -- and -- and
12 specifically I would point out that -- that to avoid the
13 intercept and avoid the blocking problem what would have to
14 take place is that the wireless carrier would have to take
15 responsibility for the time being to trans-- arrange for the
16 transport of those calls.

17 That could be done through direct facilities. It
18 probably more efficiently could be done, as -- as has been
19 indicated by Western wireless by using the common trunking
20 facilities. And -- and we have no problem with that, but we
21 feel it should be Western Wireless and the other wireless
22 carriers' responsibility to arrange for that transport outside
23 the local calling area until such time as the FCC issues a
24 decision.

25 If they choose not to do that, then we get into the

1 issue of there's no facilities to -- to transport the call.
2 And that gets into the -- the intercept recommendation, which
3 has been, I believe, made by the Staff and ordered by the
4 Commission in those other orders.

5 It's not part of the -- the company's proposal that
6 that that kind of intercept be established.

7 Q. Do you believe that -- and I think you might have
8 already eluded to this a little bit. But do you believe there
9 are any network modifications necessary to route calls through
10 a third-party transiting carrier or do you believe the network
11 is already in place for that?

12 A. I -- I believe that physically at least in -- in
13 terms of the specific case of these two companies the network
14 is there. We are not arguing that there's any technical
15 infeasibility of doing it.

16 We're -- we address the question of whether this
17 suspension should be made in time on other terms than
18 technical and feasibility.

19 Q. Have you had the opportunity to review the
20 Minnesota case attached to Mr. Williams' surrebuttal
21 testimony?

22 A. I reviewed that order briefly.

23 Q. If -- if you could or can, do you believe that the
24 scenario that played out in Minnesota could play out the same
25 way in Missouri with respect to the relationship between

1 Quest and the sort of equivalent peer-type companies in
2 Minnesota of the small ILECs?

3 A. Well, there -- there are certainly some
4 similarities. Southwestern Bell operates a large number of
5 tandems in Missouri, as apparently Quest did in Minnesota.

6 I would point out that I think things will be
7 somewhat more complicated in -- in Missouri. Because, as we
8 talked about in the hearing yesterday in the Kansas City area,
9 not only would a Southwestern Bell tandem be involved, but
10 also a -- a Sprint tandem and a -- to route traffic to Western
11 Wireless.

12 And -- and there was also discussion that in the
13 Springfield LATA, where Craw-Kan does provide service, there
14 might -- depending on the local routing numbers that was used,
15 there might be involvement of a -- a Century tandem in
16 addition to the Sprint tandem -- or the SBC tandem in
17 Springfield.

18 And that could be true in other parts of the state
19 as well. Sprint has tandems in -- in Maryville, and that
20 some -- some other small companies, Subtan -- I'm trying to
21 think where else in the -- in the state.

22 But there -- there are some other cases down in
23 the -- in the Springfield LATA there are -- there are some
24 other companies that also -- Subtan, Century with respect to
25 tandems.

1 Q. On a technical level, do you believe the fact
2 that -- and I believe it was Craw-Kan -- has geographic
3 separation and also involved -- is involved in different
4 LATAs. Do you believe that that would pose a -- a technical
5 problem with respect to the idea of intermodal porting?

6 A. No. They -- I mean, the routing may be going to
7 different switches. Certainly the -- the Craw-Kan switches
8 in -- down near Joplin would route back through the
9 Springfield tandem of SBC, rather than through the Kansas City
10 tandem.

11 But -- but those connections are there to route
12 other traffic, and I don't see that as any technical
13 limitation.

14 Q. You've discussed the concept of location
15 portability starting around page 11 of your direct testimony.
16 Is this a -- a term location of portability something that's
17 commonly used in the industry?

18 A. Well, we thought we had a pretty clear
19 understanding of what it was until November 10th last year
20 when the FCC expanded it.

21 They said they "clarified" what that meant. It was
22 certainly not what the -- the LECs expected that it meant with
23 regard to wireless portability.

24 It was our understanding that it would be in the
25 same geographic location, and -- and that the porting would

1 not have to go outside that -- that location, and that -- that
2 the porting would be related to NXX codes that were also
3 located within that -- that location.

4 And what the FCC clarified there was very different
5 than what we understood, in that they said -- and as it
6 applies, again, to the companies here, for example, that they
7 would have to port numbers, which would end up getting routed
8 through two num-- tandems and an end office switch to -- to go
9 to Western Wireless.

10 And since Western Wireless's area covered most
11 telephone companies' areas that they would have to port in
12 that direction, but Western Wireless would not be responsible
13 to -- to port in the reverse direction unless their numbers
14 were in the same rating center.

15 So that the -- the definition of what location
16 portability meant certainly changed for the -- the local
17 exchange companies on November 10th. And there's an appeal
18 before the federal courts that relate to whether the FCC -- in
19 fact, that was just a clarification or, in fact, was a rule
20 change and should have required a -- different procedures than
21 the FCC use.

22 Q. Now, do the current FCC rules prohibit what -- I
23 guess, you're -- what you've just now explained is at least
24 your understanding of location portability between wireline
25 carriers?

1 A. They do not specifically pre-- prohibit it; they do
2 not require it. They -- they would allow location portability
3 if -- if wireline carriers -- wireless -- a wireline carrier,
4 like a CLEC, for example, agreed to do it.

5 It's not prohibited by the FCC's rule, as I read
6 them. But they -- they certainly didn't require it. And in
7 their initial order where this was addressed, they pointed out
8 a number of concerns that location portability raised in terms
9 of billing and the rating and so forth.

10 Q. Is your perception -- and again, I presume your
11 perception would then be applied to Cass and Craw-Kan's actual
12 actions.

13 Is your perception that the current status from the
14 FCC is that loca-- location portability is required for rural
15 LNP when there's no direct connection between the rural ILEC
16 and the wireless provider?

17 Do you believe that that is what the FCC has
18 directed taking into --

19 A. I -- I -- I believe that they have directed -- I
20 mean, whether it's location portability or not I guess gets to
21 the FCC's definitions of location.

22 But I do believe that they require that the
23 companies port numbers from their rating center to a wireless
24 carrier whose coverage area covers that rating center to
25 anywhere within the MTA.

1 Q. Now, did the FCC --

2 A. Excuse me. Excuse me. It should be anywhere
3 within both the MTA and the LATA.

4 Q. Now, does -- is it correct to say that the FCC also
5 says that the call of that nature is to continue to be rated
6 the same as it was pre-porting, I guess, so to speak -- that
7 the rating is supposed to remain the same as it was --

8 A. Yes.

9 Q. -- before?

10 Is that a correct statement?

11 A. Yes.

12 Q. Is there a conflict with that and the idea that it
13 needs to be treated differently in any routing sense?

14 A. Well, it -- it -- it raises the legal issue that we
15 raise in our testimony about the State Commission's authority
16 to establish the local calling area for -- for a local
17 telephone company.

18 And -- and they're essentially saying that because
19 the number is the same and the rating center is the same, it's
20 local but you're really gonna carry it 10 or 50 or 100 miles
21 or 300 miles away to some location. And that gets to the
22 whole routing question and who's supposed to pay for it.

23 And the -- the FCC clearly didn't make that
24 decision, and -- and my thought left a -- a very big hole in
25 what companies were supposed to do.

1 Q. To your knowledge, are there multiple wireless
2 providers in Cass and Crow-Kan today?

3 A. Yes. In both companies there are several wireless
4 carriers that provide service. I think 4 to 6 in -- in each
5 companies' area, and customers have wireless service available
6 from -- from multiple carriers.

7 Q. Do you believe, as a result of that, there's
8 competitive entry in those exchanges?

9 A. Absolutely.

10 Q. Or at least -- and -- and do you believe -- it --
11 to your knowledge, is there -- is there a wireless provider
12 for every exchange? Is there some subset or do you have any
13 knowledge of that?

14 A. I -- I haven't looked at all of the wireless
15 carriers' coverage areas to verify. I would be surprised if
16 there isn't at least one wireless carrier that covers all of
17 the operating area of both of those telephone companies.

18 Q. What addition would a resolution to the rating and
19 routing issues discussed here provide to competitive entry in
20 those exchanges, if any?

21 A. I'm sorry. Would you ask that again?

22 Q. What -- what addition would a resolution to the
23 rating and routing issues provide to competitive entry in
24 those exchanges?

25 A. Well, the only impact that -- that offering LNP has

1 is the opportunity for a customer to take their existing
2 number to a wir-- to a wireless phone, as opposed to having to
3 get a new number for that wireless phone.

4 Other than that, people can get wireless service
5 from mobile carriers, and there's plenty of competition and
6 there are multiple of rate plans available.

7 In my view, particularly as it relates to wireless,
8 that's a -- that's a minor competitive benefit that may cause
9 a few -- few people to change service.

10 My impression is that that's not a significant
11 impact on whether people subscribe to wireless service or not,
12 and would have relatively minor impact on the overall level of
13 competition.

14 Q. When you say minor competitive benefit, do you mean
15 the -- the implementation of the modification as proposed by
16 Cass and Craw-Kan? What -- what is --

17 A. Yeah. And, I mean, either the implementation of
18 LNP in general or the implementation of the modification would
19 have only minor impacts on the -- the competitive status. I
20 mean, it -- it may make a difference to a few customers.

21 I think we had testimony yesterday that the number
22 of wireless customers in the telephone companies' operating
23 areas was almost equal, and the number of wireline customers
24 that were there already.

25 That suggests that customers are buying wireless

1 phones with different numbers and being satisfied with the
2 service, and there's not -- not much impact on competition or
3 that would come from the ability to port the numbers, which is
4 essentially the issue that the modification relates to.

5 Q. In your testimony you have some discussion of the
6 MCA or metropolitan calling area; is that correct?

7 A. I do.

8 Q. Are you aware that the Commission has an open
9 working group-type docket to address the MCA and potential
10 changes in the MCA?

11 A. I'm aware that there's some ongoing proceedings in
12 that. I have not been involved directly in them. So I'm
13 tangentially aware of them and -- and aware that that's going
14 On.

15 Q. Would you agree that there are many interested
16 parties in MCA matters?

17 A. I am sure that there are.

18 Q. And that virtually none of those are present in
19 this matter today?

20 A. Yeah, just the --

21 Q. I would expect the three --

22 A. The -- the three --

23 Q. -- here are, but there are others, would you agree?

24 A. Oh, yes, many others.

25 Q. Do you think that the MCA modifications that you

1 discussed regarding bill and keep be likely to affect parties
2 that are not present here today?

3 A. I would think they would have rather far-reaching
4 impacts.

5 MR. MEYER: I have no further questions.

6 Thank you.

7 JUDGE JONES: Thank you, Mr. Meyer.

8 Now we'll have cross-examination from Western
9 Wireless.

10 MR. STEINMEIER: Your Honor, might it be possible
11 to take a quick break first?

12 JUDGE JONES: When you say quick, five, ten minutes
13 or what?

14 MR. STEINMEIER: If -- if that's a choice, ten.

15 JUDGE JONES: We'll break until ten o'clock then,
16 and resume.

17 MR. STEINMEIER: Thank you, Your Honor.

18 (A RECESS WAS TAKEN.)

19 JUDGE JONES: We can go back on the record now.

20 We are back on the record with
21 Case Nos. TO-2004-0504 and 505, and we are continuing with
22 cross-examination of Petitioners' Witness Mr. Schoonmaker by
23 Western Wireless.

24 You may proceed, Mr. Steinmeier.

25 MR. STEINMEIER: Thank you, Your Honor.

1 CROSS-EXAMINATION BY MR. STEINMEIER:

2 Q. Good morning, Mr. Schoonmaker.

3 A. Good morning, Mr. Steinmeier.

4 Q. Thanks to Staff Counsel my cross-examination will
5 be considerably shortened.

6 Did Craw-Kan file a petition for suspension or
7 modification of its LNP requirements in Kansas?

8 A. I don't know.

9 MR. STEINMEIER: Thank you very much.

10 No further questions.

11 JUDGE JONES: I don't have any questions.

12 Will there be redirect?

13 MR. ENGLAND: Yes, Your Honor.

14 REDIRECT EXAMINATION BY MR. ENGLAND:

15 Q. Mr. Schoonmaker, you were asked some questions
16 regarding your direct testimony and your suggestion that it
17 was possible to use the MCA network, if you will, to port
18 these calls.

19 In light of the -- at least with specific
20 reference -- excuse me -- to Western Wireless and where they
21 would want Craw-Kan or Cass to port numbers, which I
22 understand is Butler, Missouri in the Kansas City LATA, would
23 that suggest -- would that MCA suggestion for -- excuse me --
24 for Cass be appropriate?

25 A. It -- it would not work for calls to Western

1 Wireless in Butler, because Butler is not in the MCA area.

2 Q. Okay. So that really wouldn't be an option, then,
3 as far as porting calls to Western Wireless?

4 A. Not as -- not as far as porting calls to Western
5 Wireless given their current configuration.

6 MR. ENGLAND: Okay. Thank you.

7 No other questions.

8 JUDGE JONES: We'll move on to Western Wireless's
9 witness.

10 I'm sorry. Mr. Schoonmaker, you may be seated.

11 Oh, I was --

12 THE WITNESS: Excused.

13 JUDGE JONES: Yeah, excused.

14 (Witness excused.)

15 JUDGE JONES: Mr. Steinmeier?

16 MR. STEINMEIER: We're -- we're discussing the --
17 the matter that we did earlier, Your Honor, and --

18 JUDGE JONES: Okay.

19 MR. STEINMEIER: -- and at --a t this point Western
20 Wireless has concluded that we would be willing to adopt
21 yesterday's cross-examin-- well, yesterday's cross-examination
22 into this record and waive Mr. Williams' appearance here
23 today.

24 That appears to be agreeable to Counsel for Cass
25 County and Craw-Kan, and I would offer Exhibits 21 and 22 into

1 evidence.

2 JUDGE JONES: And those are the testimonies of
3 Mr. Williams?

4 MR. STEINMEIER: Those are the rebuttal and
5 surrebuttal testimony of Mr. Williams in the -- in these
6 cases.

7 JUDGE JONES: The Commission will take notice of
8 the test-- of the cross-examination from yesterday's hearing.
9 Then we'll move on to Staff's witness.

10 MR. MEYER: I think in light of what just took
11 place -- and -- and I should add that I -- I don't have any
12 particular objection, but I would then suggest that perhaps
13 the same notice could be taken of the -- the testimony and
14 cross-examination of Ms. Dietrich as well.

15 JUDGE JONES: Okay. Well --

16 MR. STEINMEIER: May we have a few minutes to
17 ponder that moment, Your Honor?

18 JUDGE JONES: Yeah, why -- why don't we take a
19 15-minute break. I'm going to make sure that the
20 Commissioners don't have questions of any of the witnesses
21 here today before I excuse anyone.

22 MR. STEINMEIER: Excellent idea.

23 JUDGE JONES: So we'll take a 15-minute break and
24 then come back.

25 (A RECESS WAS TAKEN.)

1 JUDGE JONES: Okay. We are back on the record with
2 Case Nos. TO-2004-504 and 505.

3 At this time I'll have Staff call their witness.

4 MR. MEYER: Staff calls Natelle Dietrich.

5 JUDGE JONES: And, Ms. Dietrich, will you please
6 raise your right hand?

7 (Witness sworn.)

8 JUDGE JONES: Thank you. You may be seated.

9 You may proceed, Mr. Meyer.

10 NATELLE DIETRICH testified as follows:

11 DIRECT EXAMINATION BY MR. MEYER:

12 Q. Ms. Dietrich, could you state and spell your last
13 name and provide your address for the record?

14 A. My name is Natelle, N-A-T-E-L-L-E, Dietrich,
15 D-I-E-T-R-I-C-H. My address is P. O Box 360, Jefferson City,
16 Missouri 65102.

17 Q. And by whom are you employed and in what capacity?

18 A. I'm employed by the Missouri Public Service
19 Commission as an economist with the telecommunications
20 department.

21 Q. Did you prepare the pre-filed testimony in this
22 case previously marked for identification as Exhibit 11, the
23 testimony -- I believe rebuttal testimony of Natelle Dietrich?

24 A. Yes, I did.

25 Q. And do you have any corrections or additions that

1 you would wish to make to that pre-filed testimony at this
2 time?

3 A. No, I do not.

4 Q. Are the answers you provided in that testimony true
5 and accurate, to the best of your knowledge and belief?

6 A. Yes, they are.

7 Q. So if I were to ask you those same questions today,
8 would your answers still be the same?

9 A. Yes, they would.

10 MR. MEYER: I would offer Exhibit 11 into the
11 record.

12 JUDGE JONES: Is that Ms. Dietrich's direct tes--
13 direct testimony?

14 MR. MEYER: I think it's rebuttal testimony.

15 JUDGE JONES: Rebuttal testimony?

16 MR. MEYER: Yes.

17 JUDGE JONES: Okay. Exhibit 11 is admitted into
18 the record.

19 (EXHIBIT NO. 11 WAS RECEIVED INTO EVIDENCE.)

20 JUDGE JONES: We'll now move to cross-examination,
21 beginning with Cass and Craw-Kan.

22 MR. ENGLAND: No questions, Your Honor.

23 JUDGE JONES: Okay. We'll move on to
24 cross-examination from Western Wireless.

25 MR. STEINMEIER: No questions, Your Honor.

1 JUDGE JONES: I don't have any questions.

2 With that, then, Ms. Dietrich, you may step down.

3 MR. STEINMEIER: Wait. But Mr. Meyer has redirect.

4 JUDGE JONES: I'm sorry.

5 MR. MEYER: I think we've now cleaned up the
6 record.

7 JUDGE JONES: Do you have redirect?

8 MR. MEYER: I do not.

9 JUDGE JONES: No cross.

10 All right. We will -- you all have agreed that
11 Mr. Williams' testimony from wire-- Western Wireless is --
12 from yesterday is applicable to this case, also in that we can
13 replace the questions and answers from yesterday into today's
14 hearing. That is amenable to the Commission, and that's what
15 we'll do.

16 It doesn't sound like there are any other
17 witnesses. And as you all know, the briefing schedule will be
18 as is in the Code of State Regulations, meaning initial briefs
19 will be 20 days after the -- the transcript is filed, and
20 reply briefs will be 10 days thereafter.

21 The briefing will be simultaneous; in other words,
22 all parties will file initial briefs and all parties will file
23 reply briefs.

24 Are there any other matters that we need to discuss
25 prior to adjourning?

1 MR. STEINMEIER: Did you receive Mr. Williams'
2 pre-filed testimony in these cases into evidence?

3 JUDGE JONES: Oh, let's see. What are they?

4 MR. STEINMEIER: Exhibits 21 and 22, Your Honor.

5 JUDGE JONES: Exhibits 21 and 22. Is that how
6 they're marked today and yesterday or just yesterday? I'm
7 sorry.

8 MR. STEINMEIER: Yesterday is slightly more
9 complicated, because of some confidential exhibits.

10 JUDGE JONES: Okay.

11 MR. STEINMEIER: And they're -- but they're --

12 JUDGE JONES: This is his rebuttal and surrebuttal?

13 MR. STEINMEIER: Yes, sir. 21 is Mr. Williams'
14 rebuttal testimony in Cass and Craw-Kan filed July 2nd;
15 Exhibit 22 is Mr. Williams' surrebuttal testimony filed in
16 Cass and Craw-Kan on July 16.

17 JUDGE JONES: Oh, I -- I did admit those earlier.
18 But, just for the record, we'll admit them again.

19 (EXHIBIT NOS. 21 AND 22 WERE RECEIVED INTO
20 EVIDENCE.)

21 JUDGE JONES: All right. Are there any other
22 concerns we need to discuss prior to adjourning?

23 (No response.)

24 JUDGE JONES: Hearing none, then, we are adjourned.
25 You all have a good afternoon.

1 MR. ENGLAND: Thank you, Your Honor.

2 WHEREUPON, the hearing of this case was concluded.

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