

00210

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
On-the-Record Presentation
June 17, 2004
Jefferson City, Missouri
Volume 3

12 In the Matter of the Petition of)
Mid-Missouri Telephone Company for)
13 Suspension of the Federal) Case No. TO-2004-0455
Communications Commission)
14 Requirement to Implement Number)
Portability)
15
16 In the Matter of the Petition of)
Chariton Valley Telephone)
Corporation for Modification of) Case No. IO-2004-0467
17 the Federal Communications)
Commission Requirement to Implement)
18 Number Portability)
19 In the Matter of the Petition of)
Northeast Missouri Rural Telephone)
20 Company for Modification of the) Case No. IO-2004-0468
Federal Communications Commission)
21 Requirement to Implement Number)
Portability)
22
23 In the Matter of the Petition of)
Chariton Valley Telecom)
Corporation for Modification of)
24 The Federal Communications) Case No. CO-2004-0469
Commission Requirement to)
25 Implement Number Portability)

00211

1	In the Matter of the Petition of	)	
	Citizens Telephone Company of	)	
2	Higginsville, Missouri, for	)	
	Suspension and Modification of the	)	Case No. TO-2004-0486
3	Federal Communications Commission	)	
	Requirement to Implement Number	)	
4	Portability	)	
5	In the Matter of the Petition of	)	
	Kingdom Telephone Company for	)	
6	Suspension and Modification of the	)	Case No. TO-2004-0487
	Federal Communications Commission	)	
7	Requirement to Implement Number	)	
	Portability	)	
8			
9	In the Matter of the Petition of	)	
	Fidelity Telephone Company for	)	
10	Suspension and Modification of the	)	Case No. TO-2004-0489
	Federal Communications Commission	)	
11	Requirement to Implement Number	)	
	Portability	)	
12			
	In the Matter of the Petition of	)	
13	Goodman Telephone Company, Ozark	)	
	Telephone Company and Seneca	)	
14	Telephone Company for Suspension	)	Case No. TO-2004-0490
	and Modification of the Federal	)	
15	Communications Commission	)	
	requirement to Implement Number	)	
16	Portability	)	
17	In the Matter of the Petition of	)	
	McDonald County Telephone Company	)	
18	For Suspension and Modification of	)	Case No. TO-2004-0491
	the Federal Communications	)	
19	Commission Requirement to	)	
	Implement Number Portability	)	
20			
	In the Matter of the Petition of	)	
21	Granby Telephone Company for	)	
	Modification of the Federal	)	Case No. TO-2004-0493
22	Communications Commission	)	
	Requirement to Implement Number	)	
23	Portability	)	
24			
25			

00212

1 In the Matter of the Petition of)
Le-Ru Telephone Company for)
2 Suspension and Modification of the) Case No. TO-2004-0494
Federal Communications Commission)
3 Requirement to Implement Number)
Portability)

4
In the Matter of the Petition of)
5 MoKan Dial, Inc. for Suspension)
And Modification of the Federal) Case No. TO-2004-0545
6 Communications Commission)
Requirement to Implement Number)
7 Portability)

8 In the Matter of the Petition of)
Choctaw Telephone Company for)
9 Suspension and Modification of the) Case No. IO-2004-0546
Federal Communications Commission)
10 Requirement to Implement Number)
Portability)

11

12

MORRIS L. WOODRUFF, Presiding,
13 SENIOR REGULATORY LAW JUDGE.
14 CONNIE MURRAY,
ROBERT M. CLAYTON III,
15 JEFF DAVIS,
COMMISSIONERS.

16

17

18 REPORTED BY:
19 KELLENE K. FEDDERSEN, CSR, RPR, CCR
MIDWEST LITIGATION SERVICES

20

21

22

23

24

25

00213

1 APPEARANCES:

2 W.R. ENGLAND III, Attorney at Law

BRIAN T. McCARTNEY, Attorney at Law

3 Brydon, Swearngen & England, P.C.

312 East Capitol

4 P.O. Box 456

Jefferson City, MO 65102-0456

5 (573) 635-7166

6 FOR: Citizens Telephone Company of
Higginsville

7 Kingdom Telephone Company.

Fidelity Telephone Company.

8 Goodman Telephone Company.

Ozark Telephone Company.

9 Seneca Telephone Company.

McDonald County Telephone Company.

10 Granby Telephone Company.

Le-Ru Telephone Company.

11

CRAIG JOHNSON, Attorney at Law

12 Andereck, Evans, Milne, Peace & Johnson

700 East Capitol

13 P.O. Box 1438

Jefferson City, MO 65102

14 (573) 634-3422

15 FOR: Northeast Missouri Rural Telephone
Company.

16 Choctaw Telephone Company.

MoKan Dial, Inc.

17 Chariton Valley Telephone Corporation

Chariton Valley Telecom.

18 Mid-Missouri Telephone Company.

19 MICHAEL DANDINO, Senior Public Counsel

P.O. Box 2230

20 200 Madison Street, Suite 650

Jefferson City, MO 65102-2230

21 (573) 751-4857

22 FOR: Office of the Public Counsel
and the Public.

23

24

25

00214

1 DAVID A. MEYER, Associate General Counsel
P.O. Box 360
2 200 Madison Street
Jefferson City, MO 65102
3 (573) 751-3234
4 FOR: Staff of the Missouri Public
Service Commission.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

1
2 JUDGE WOODRUFF: Good afternoon. We're
3 here in a number of local number portability cases. There
4 are, I believe, 13 separate cases. I will not read the
5 entire caption for each one, but I will read each case
6 number, beginning with Case No. TO-2004-0455,
7 IO-2004-0467, IO-2004-0468, CO-2004-0469, TO-2004-0486,
8 TO-2004-0587, TO-2004-0489, TO-2004-0490, TO-2004-0491,
9 TO-2004-0493, TO-2004-0494, IO-2004-0545, IO-2004-00546.
10 And we're here today because a Unanimous
11 Stipulation & Agreement has been filed in each of these
12 cases, and we're here today to take -- for the parties to
13 take questions from the Commissioners about that
14 Stipulation & Agreement.
15 We'll begin by taking entries of
16 appearance, beginning with Staff.
17 MR. MEYER: Good afternoon. David Meyer
18 for the Staff of the Missouri Public Service Commission.
19 Our address is P.O. Box 360, Jefferson City, Missouri
20 65102.
21 JUDGE WOODRUFF: Thank you. Public
22 Counsel?
23 MR. DANDINO: Michael Dandino, Office of
24 the Public Counsel, Post Office Box 2230, Jefferson City,
25 Missouri 65102, representing the Office of the Public

00216

1 Counsel and the Public.

2 JUDGE WOODRUFF: Okay. Then the other 13
3 companies are represented in different configurations by
4 two groups of attorneys. Mr. England, would you tell us
5 first who all you're representing?

6 MR. ENGLAND: I'll do my best, your Honor.
7 Let the record reflect the appearance of W.R. England and
8 Brian T. McCartney on behalf of, I believe, 9 of the 15
9 companies that are involved in these 13 cases. The
10 companies that we represent are Citizens Telephone
11 Company, Kingdom Telephone Company, Fidelity Telephone
12 Company, Goodman Telephone Company, Ozark Telephone
13 Company, Seneca Telephone Company, McDonald County
14 Telephone Company, Granby Telephone Company and Le-Ru
15 Telephone Company.

16 JUDGE WOODRUFF: Thank you. And
17 Mr. Johnson, if you'd tell us who you're representing.

18 MR. JOHNSON: Thank you, your Honor. Craig
19 Johnson, Andereck, Evans, Milne, Peace & Johnson, 700 East
20 Capitol, Jefferson City, Missouri 65102. I'm here today
21 representing Northeast Missouri Rural Telephone Company,
22 Choctaw Telephone Company, Mo-Kan Dial, Inc., Chariton
23 Valley Telephone Corporation, Mid-Missouri Telephone
24 Company and Chariton Valley Telecom.

25 JUDGE WOODRUFF: All right. Thank you. I

00217

1 believe that takes care of all the parties.

2 What we'll do, then, is at this point go to
3 questions from the Commissioners about the Unanimous
4 Stipulation & Agreement, and we'll begin with Commissioner
5 Murray.

6 COMMISSIONER MURRAY: Thank you. And I
7 would like to allow Commissioner Clayton to go first.

8 JUDGE WOODRUFF: Commissioner Clayton then.

9 COMMISSIONER CLAYTON: Thank you very much,
10 Commissioner Murray. Since I was the only one down here,
11 I thought I was going to be teed up first here and then
12 she walks in. But I appreciate that.

13 Really, I just wanted to see if we could
14 get a general overview from one of the parties exactly
15 what's in this. We've been away at the MARC meeting, and
16 we had a full agenda this morning.

17 And I don't want to go through every single
18 detail of the stipulation, and I know it includes a number
19 of definitions and other items, but as I recall the last
20 presentation that we had, there were various classes of
21 companies that were treated differently, and if we could
22 just have either Staff or counsel for one of the companies
23 give us just a general overview of how many classes there
24 are, how they're treated and then go from there, if that's
25 okay.

00218

1 MR. ENGLAND: Your Honor, I'll take a stab
2 at it.

3 The group of companies or petitions that
4 you have before you today is, as you correctly noted in
5 the opening, representing the Unanimous stipulation
6 between the three parties, Staff, Public Counsel and the
7 various petitioners. These petitioners are similar in
8 that they all have undertaken the necessary hardware,
9 software, whatever changes, upgrades need to be made to
10 implement LNP, local number portability.

11 Their only request is that they be -- that
12 their obligation to port numbers essentially be limited to
13 the porting of numbers and associated calls to wireless
14 carriers who have points of presence within their local
15 exchanges or who make arrangements to pick up, if you
16 will, and transport those ported numbers and calls within
17 the local exchange boundaries of the petitioning
18 companies.

19 We have generically, for right or for
20 wrong, better or for worse, referred to these companies as
21 petitioners who are seeking modification only. There will
22 be a second group that I believe will make a presentation
23 to the Commission on approximately July 7th that
24 represents a group of companies seeking suspension and
25 modification, and they will present a little bit --

00219

1 they'll present this issue that you're going to hear today
2 plus an additional issue or two.

3 But these, as I said, I believe are
4 Unanimous Stipulations & Agreements. No party disagrees
5 with the relief requested, although Public Counsel has a
6 little variation on the theme, and I'll let them explain
7 that, and they simply seek modification of the obligation
8 to port numbers and associated calls outside of their
9 local exchange boundary areas.

10 COMMISSIONER CLAYTON: Mr. England, so in
11 the presentation that we had before, there were two or
12 three, four different classes of companies. This
13 stipulation relates only to the companies that were
14 seeking a modification of the rating and routing of these
15 phone calls; is that correct?

16 MR. ENGLAND: I think that's a good
17 description.

18 COMMISSIONER CLAYTON: And as I recall the
19 presentation regarding this issue, it was whether or not
20 the local phone company would have to send that phone call
21 over some sort of long distance line to connect up with
22 that other wireless carrier; is that correct?

23 MR. ENGLAND: That's correct.

24 COMMISSIONER CLAYTON: Now, in these cases,
25 did these cases that are involved here today have the

00220

1 intervenors in them or no?

2 MR. ENGLAND: No, they did not.

3 COMMISSIONER CLAYTON: So and -- although
4 the issues will be the same in those cases in which there
5 are intervenors, those will -- are they set for hearing
6 or --

7 MR. ENGLAND: Because of the intervention,
8 they were set a little bit further down the road as far as
9 procedure is concerned, and there -- so there are
10 basically, then, three groups of companies, those that you
11 have before you today seeking modification only and no
12 intervention, a second group seeking suspension and
13 modification with no intervention, and then the third
14 group which is a mixed bag. Two of them seek modification
15 only. A third seeks suspension and modification, but
16 Western Wireless intervened, so we're in the process of
17 filing -- well, we have filed direct testimony. They'll
18 be filing rebuttal at the end of this month. There'll be
19 some surrebuttal and then a hearing even later in July, I
20 believe the 21st or 22nd.

21 COMMISSIONER CLAYTON: Simply put, this
22 stipulation allows for the porting of the phone numbers if
23 the wireless company has a point of presence in their
24 exchange?

25 MR. ENGLAND: Or -- yes, or otherwise, if

00221

1 they don't, they essentially make the necessary
2 arrangements to haul that ported number and call out of
3 the exchange to wherever they happen to be located within
4 the LATA.

5 COMMISSIONER CLAYTON: And that would be
6 the wireless company's burden?

7 MR. ENGLAND: That's correct.

8 COMMISSIONER CLAYTON: Okay. And just to
9 get everything started off, regarding Public Counsel's
10 position, it was stated that you-all had an added twist,
11 which I'm sure will be very exciting. So if you-all could
12 just give us your rationale for supporting this
13 stipulation and what your added twist was.

14 MR. DANDINO: Yes, Commissioner. Just our
15 added twist was really what we're saying is we do not
16 oppose the modifications for the parties, but if -- if we
17 had our way about it, we think that the best method is
18 just to suspend it because there's a lot of unanswered
19 questions, but we also realize that we don't want to be
20 obstructionist. If the Commission is not of the mind to
21 suspend the effect completely but allow the modification,
22 we want this to go forward and not further delay the
23 implementation.

24 Basically, we don't want to -- we want
25 to -- we would prefer the suspension, and -- but I would

00222

1 like to, if it please the Commissioners, that Barbara
2 Meisenheimer of our staff is much more familiar with the
3 LNP program and laws, and she basically handled the labor
4 and oar in this, and if I could turn over to her, I think
5 she could explain the rationale much better than I could.
6 COMMISSIONER CLAYTON: I don't know if that
7 will be necessary at this juncture. There are a number of
8 cases where that may be appropriate, but from my
9 perspective, I don't know if I'm going to need that today.
10 I can dig through perhaps at another time.
11 MR. DANDINO: Certainly. Thank you.
12 COMMISSIONER CLAYTON: For the attorneys
13 for the companies that are involved in this, do those
14 companies have local number portability surcharges in
15 place now or will there be plans to implement surcharges?
16 I'm not sure how that works, but is that part of this
17 stipulation at all?
18 MR. ENGLAND: No, sir. I can give you
19 information on our companies, and perhaps Mr. Johnson can
20 on his. Of the companies we represent, the only company
21 that currently has an LNP surcharge is Fidelity Telephone
22 Company. The remaining companies, with the exception of
23 Seneca, Goodman and Ozark Telephone Companies, have at
24 this time chosen not to implement a surcharge.
25 Seneca, Goodman, Ozark are still in the

00223

1 process of identifying the total cost to see what their
2 total cost is, and those numbers, I think, have been
3 transmitted to their consultant for them to work up a
4 per-line surcharge amount. So no decisions have been made
5 one way or the other there.

6 COMMISSIONER CLAYTON: Do you know what
7 Fidelity's surcharge is? If you don't, it's --

8 MR. ENGLAND: I do. It's 34 cents.

9 COMMISSIONER CLAYTON: Okay. Mr. Johnson?

10 MR. JOHNSON: Thank you, your Honor. Three
11 of my clients are coops, and they have decided that their
12 implementation costs will not be passed through to their
13 customers as direct surcharges. And it's my understanding
14 that the recovery mechanism the FCC has authorized is a
15 60 -- is a monthly surcharge over 60 months. Since
16 they're cooperatives, if they charge it, they would just
17 collect it and then if they make a margin they would pass
18 it back to the members in the form of capital credit.
19 They decided they won't do that.

20 Mo-Kan and Choctaw have -- or they do plan
21 to pass through the charges through their federal tariffs,
22 and I think it's correct to characterize the charges they
23 currently plan on passing through on the federal tariff or
24 the NECA tariff as being the nonrecurring implementation
25 charges of making sure you have the software, it's in your

00224

1 switch and that sort of thing.

2 For Choctaw, it's currently calculated at
3 95 cents per month per line. For Mo-Kan, it's 55 cents
4 per month per line. If they don't obtain a modification
5 and they have to pay for taking the traffic outside their
6 exchange to the wireless carrier, then it's anticipated
7 they would be significantly higher.

8 COMMISSIONER CLAYTON: If they had to haul
9 the call --

10 MR. JOHNSON: And be financially
11 responsible for that haul, yes, sir.

12 COMMISSIONER CLAYTON: I don't think I have
13 any other questions, unless Staff has anything to add to
14 the conversation. I think I've taken enough of the first
15 slot to allow for Commissioner Murray a chance.

16 Do you-all have anything you want to add?

17 MR. MEYER: I would just echo Mr. England's
18 comments regarding this, and I've heard no
19 misrepresentations of any positions or any perspectives
20 that Staff has.

21 COMMISSIONER CLAYTON: Okay. Thanks.
22 Thanks to you and thanks to Commissioner Murray.

23 JUDGE WOODRUFF: Ready for Commissioner
24 Murray, then.

25 COMMISSIONER MURRAY: I think Commissioner

00225

1 Clayton is trying to set a good example there on how long
2 one Commissioner should question. Anyway, I do have a few
3 questions.

4 The fact that there were no wireless
5 intervenors in this -- in these particular cases, does
6 anybody have a comment on why they think that is? Do you
7 think that the wireless carriers in these particular --
8 with these particular exchanges just don't think it's
9 worth the effort?

10 I mean, and I'll -- before somebody
11 attempts to answer the question, maybe I can state it a
12 little bit better. It seems like we're trying to settle
13 an issue here where the people that should really have a
14 dog in the fight aren't here, and I'd just like somebody
15 to comment on why wireless carriers aren't here.

16 MR. DANDINO: Commissioner, just make one
17 observation. The people that really have the dog in the
18 fight, the people who may end up paying for this is the
19 local wireline customers, and so that's -- that's one of
20 the concerns is it's not being shifted to the wireless
21 carriers or the wireless customers. And, you know, that's
22 the only point I'm looking at. I don't know what other
23 reasons they may have.

24 COMMISSIONER MURRAY: And just to follow up
25 on that, I'm curious why Office of Public Counsel would

00226

1 take the position that the best option here would be to
2 suspend rather than even to modify, because isn't the
3 whole purpose of this local number portability to give the
4 end use consumers better options, better calling scopes,
5 that kind of thing, better choices with carriers where
6 they can keep their same number.

7 MR. DANDINO: Could I have Ms. Meisenheimer
8 address that? I think she has a better background on it
9 than I do.

10 COMMISSIONER MURRAY: Can it be fairly
11 brief? I don't want to go into -- I mean, could your
12 answer --

13 MS. MEISENHEIMER: Sure.

14 JUDGE WOODRUFF: I will need to swear you
15 in. You can stay there at the table if you like.

16 (Witness sworn.)

17 JUDGE WOODRUFF: You can go ahead and
18 answer the question, then.

19 MS. MEISENHEIMER: Commissioner Murray, I
20 believe that you are absolutely correct. The primary goal
21 of local number portability is to provide for consumers
22 additional choice at better prices.

23 The issue for Public Counsel in this case
24 is that I don't think that the cake is done baking. There
25 are issues that are left unresolved that in my opinion

00227

1 will affect the potential reliability of service for
2 customers and affect intercarrier compensation, which
3 ultimately results in charges that will flow or could flow
4 to basic local customers in the state of Missouri.

5 And until some of those things are
6 resolved, our first choice would be that you suspend.
7 However, the modification that is proposed is a vast
8 improvement over what would occur without the
9 modification. And so that is why we came to the point
10 where we felt that we could sign onto a stipulation that
11 proposed modification in the event that you decide to move
12 forward.

13 COMMISSIONER MURRAY: The issues, though,
14 are not reliability, as I understand it, unless a
15 carrier's going to do -- physically do something that they
16 don't have to do. I thought this issue just solely
17 revolved around compensation. How does it concern
18 reliability?

19 MS. MEISENHEIMER: Within the Order that
20 the FCC issued in November of 2003, they relied upon in
21 approving wireline to wireless porting a working group
22 report that was produced by a portion of the North
23 American Numbering Council. It was a working group. I
24 actually served on that North American Numbering Council.
25 I did not serve on that specific subcommittee. And I

00228

1 served actually later than the initial work was done on
2 the porting issue.

3 But what the FCC actually adopted was
4 designed only to address the needs of wireline porting,
5 only in a wireline environment. Then later in this 2003
6 Order, I really feel that the FCC was eager to move
7 forward with something that they view is going to benefit
8 consumers and that all of the quirks were not worked out,
9 were not addressed, and there are numerous places in that
10 2003 Order that the FCC even concedes that there could be
11 issues with costs that are unresolved, how numbers are --
12 or how calls are going to be routed, could calls
13 ultimately be dropped. There are just a number of issues.

14 And I know that you wanted me to keep it
15 brief and so I will. At some point in another case you
16 will hear from me about what are each of those concerns
17 that I have with what is included in that November Order,
18 and I think you will also hear from a company witness in
19 another proceeding that relates to the same types of
20 issues.

21 COMMISSIONER MURRAY: Okay. Let me go back
22 to see if anybody else can comment on my first question.
23 Thank you.

24 JUDGE WOODRUFF: Mr. England?

25 MR. ENGLAND: I'll take a crack at it.

00229

1 First of all, I don't think that lack of participation by
2 wireless carriers is due to any inadequacy of publicity or
3 notice about the case. As you all know, we filed
4 initially motions for petitions for suspension or
5 modification in November, shortly after the November 10th
6 Order came out, for those companies that were within the
7 100 largest MSAs when it appeared that they might have to
8 implement by November 24th.

9 These cases were then refiled and more were
10 filed beginning in February. They're certainly public.
11 They've been on the website. Staff has filed
12 recommendations in it. We've already had one
13 on-the-record presentation. So I certainly think that
14 this proceeding is not secret to the wireless carriers.

15 I will not purport to speak for them, but I
16 will offer my thoughts as to why they may not find this of
17 that great an interest to them.

18 Statistics show since November 24th
19 wireline to wireless porting even in the metropolitan
20 areas is less than 1 percent of subscribers. We expect
21 that to be far less in rural areas, as you would imagine.
22 I think that would be intuitive. So I think the number of
23 people taking advantage of porting is far less than was
24 ever anticipated.

25 COMMISSIONER MURRAY: Mr. England, at what

00230

1 date could people take advantage of porting? You
2 mentioned since November, but then it was delayed, was it
3 not, even for the --

4 MR. ENGLAND: No. That was only for the
5 small companies or the rural companies in the 100 largest
6 MSAs. So since November 24th, in the 100 largest MSAs
7 involving nonrural companies, which would be the regional
8 Bell operating companies, the Sprints, the GTE -- well, I
9 guess it's Verizon, the larger companies there has been
10 full porting, and frankly before that there had been
11 porting for wireline to wireline.

12 But the wireline to wireless is less than
13 1 percent even as reported by the FCC in some of its news
14 releases.

15 COMMISSIONER MURRAY: When was that
16 figure -- when was that estimate made?

17 MR. ENGLAND: March or April.

18 COMMISSIONER MURRAY: Okay.

19 MR. ENGLAND: Of this year. Excuse me.
20 And then the other consideration that I think -- and you
21 heard a little bit from Mr. Williams with Western Wireless
22 when we had the on-the-record presentation a month or so
23 ago. A lot of the wireless carriers while they may have
24 coverage in rural areas may not have ubiquitous coverage,
25 and they don't want to offer or hold themselves out to

00231

1 offering a service, a porting, if you will, ability to
2 customers that may be located in a rural wireline area
3 that can't get their coverage. They may get their
4 coverage in parts of the area but not the total area.

5 So it may be a conscious decision on the
6 wireless carriers' part not to market this in the rural
7 areas knowing that their coverage is spotty or not
8 ubiquitous and don't want to create customer ill will.

9 COMMISSIONER MURRAY: And you're talking
10 about the actual ability to give them service?

11 MR. ENGLAND: Yes.

12 COMMISSIONER MURRAY: Okay. Anybody else?
13 Mr. Johnson?

14 MR. JOHNSON: Briefly. Briefly,
15 Commissioner. In terms of my speculation as to why the
16 wireless carriers aren't here, I think they recognize that
17 the customer benefit from porting only anears to those
18 people who request to port their numbers. We don't have
19 anybody that's requested porting, at least with respect to
20 my companies. And, of course, the cost to porting is the
21 fact that everyone else has to pick up the cost for
22 something no one wants.

23 The wireless carriers in Missouri have by
24 and large made the decision that they're not going to come
25 create a presence in our exchanges. They've chosen to use

00232

1 the toll network to deliver their traffic coming to us.
2 And I think they recognize that there's a big issue here,
3 that the FCC has said that technically porting only
4 involves the exchange of data that's necessary for the
5 companies to port a number, but that rating and routing is
6 outside the context of porting.

7 And that's an issue the Commission is going
8 to address somewhere down the road, the Federal
9 Communications Commission. And that's why we're
10 requesting that since no one has requested it, it's going
11 to cost everybody for something nobody wants. And the
12 modification is only until the FCC clarifies what the
13 rating and routing provisions are going to be, that we
14 think we're 100 percent justified in coming here and
15 requesting this, and I think ipso facto the wireless
16 carriers aren't here because they understand it's a
17 legitimate request.

18 COMMISSIONER MURRAY: And I have trouble
19 buying that argument that because nobody's requested it
20 nobody wants it. It's not been available, and there have
21 been a lot of proceedings just like this one to keep it
22 from happening. So the wireless carriers couldn't go out
23 and advertise that they had it available, so how can you
24 know that nobody wants it?

25 MR. JOHNSON: Well, they have advertised

00233

1 that it's available. There's been several TV ads out,
2 although I think they've slowed down recently.

3 COMMISSIONER MURRAY: In your exchanges?

4 MR. JOHNSON: Well, the TV coverage goes
5 everywhere.

6 COMMISSIONER MURRAY: What if a customer
7 had called a wireless carrier in response to one of those
8 ads that was in one of the exchanges here?

9 MR. JOHNSON: It's my understanding that
10 the rural companies outside the largest MSAs never had to
11 implement before May. These proceedings have been pending
12 more or less constantly since then. So I'm not exactly
13 sure what a wireless carrier who was aware of the Missouri
14 proceedings would have told the customer that requested to
15 port.

16 So I must confess that there's a chicken
17 and the egg problem here, and I don't totally disagree
18 with you, but I think the lack of intervention here may
19 suggest that the wireless carriers don't have much demand
20 for it either.

21 COMMISSIONER MURRAY: Thank you.

22 Mr. Meyer?

23 MR. MEYER: Just a couple of points that
24 may help you.

25 We have a bit of, I guess, hard data

00234

1 regarding ports from a press release referencing the FCC
2 that approximately 49,000 customers took their landline
3 numbers to a wireless phone in April according to the FCC,
4 and we can look into that further to get a better
5 attribution if that would be helpful.
6 COMMISSIONER MURRAY: That was 49,000?
7 MR. MEYER: 49,000, and I believe that's on
8 a national basis.
9 COMMISSIONER MURRAY: Do you know what date
10 that Order was effective in November?
11 MR. MEYER: I think it was November 10th.
12 COMMISSIONER MURRAY: That was the date of
13 the Opinion and Order. I just wondered, do they have an
14 effective date?
15 MR. ENGLAND: Implementation was
16 November 24th, your Honor.
17 COMMISSIONER MURRAY: Thank you.
18 MR. MEYER: And also, with respect to the
19 wireless companies' interest, as Staff's attorney, without
20 turning myself into a witness, I did get a couple of phone
21 calls from counsel who customarily represent wireless
22 companies early on in this process just inquiring as the
23 list became longer what the case numbers were. I provided
24 the, I think, 30 or 40 case numbers to that attorney and
25 have never heard since. But I know at least from my

00235

1 personal experience there was at least an awareness.

2 COMMISSIONER MURRAY: Okay.

3 MR. MEYER: Beyond that, I could only
4 speculate what their motives are.

5 COMMISSIONER MURRAY: Then in terms of the
6 technical, there are no technical issues; is that correct?
7 There is no technical infeasibility to allowing number
8 portability wireline to wireless?

9 MR. MEYER: The calls will be completed. I
10 think from Staff's perspective the concern was raised more
11 about how they would be completed and what the customers
12 who were placing the calls would see on their bills.

13 COMMISSIONER MURRAY: And it's compensation
14 issues; is that not correct?

15 MR. MEYER: Yes. And hence our
16 recommendations in this case which have been implemented
17 through the stipulation.

18 MR. ENGLAND: Your Honor, for these
19 companies, I will agree, there is no technical
20 infeasibility to porting that number outside of their
21 local exchange area.

22 For the next group of companies that you're
23 going to hear from in early July who want suspension and
24 modification since they are not currently LNP capable,
25 they are technically infeasible at this point in time of

00236

1 implementing it.

2 COMMISSIONER MURRAY: And many if not all
3 those did not -- have not done anything to try to become
4 ready; is that right?

5 MR. ENGLAND: Correct. It wouldn't make
6 any sense to until they got a decision from the
7 Commission. It would render the request moot.

8 COMMISSIONER MURRAY: What made these
9 carriers go ahead and become ready?

10 MR. ENGLAND: I can -- a couple of them I'm
11 familiar with. For example, Citizens Telephone Company of
12 Higginsville has a direct connect with a wireless company
13 and is planning on porting numbers to that wireless
14 carrier if that's the -- if there's a request to do so.

15 Cass County, which is in the southern part
16 of the Kansas City metropolitan area, because of its
17 Kansas City metropolitan location, I think, closer to the
18 urban area is willing to do this.

19 Same with Fidelity. Fidelity is rather
20 large. At least it's the largest of the small companies
21 that we represent. As a matter of fact, they implemented
22 several years ago the surcharge that I identified to
23 Commissioner Clayton. That's been in place for almost
24 three or four years. So they've been LNP capable for
25 almost three or four years. I think they felt like they

00237

1 would get a request before now for LNP or at least
2 interconnection.

3 With respect to the others, you know, I
4 can't -- maybe the costs weren't as great. I just don't
5 know.

6 COMMISSIONER MURRAY: All right.

7 Mr. Johnson, you wanted to say something?

8 MR. JOHNSON: Thank you, Commissioner
9 Murray.

10 With respect to my companies that are here
11 requesting modification, they have Lucent switches,
12 Northern switches. They're switches that are currently
13 capable of doing LNP, and the vendors are supporting them
14 with the necessary software and upgrades to be able to
15 continue to provide local number portability.

16 Alma Telephone Company on the other hand
17 has a Mytel switch which has limited capability to do LNP,
18 and the vendor's announced that it's getting out of the
19 switch business and will no longer support the software
20 and provide upgrades that will be necessary to operate
21 that switch in the future.

22 So they may have a technical feasibility
23 problem with their current equipment. They're in here
24 requesting suspension until they can make the best
25 decision as to what type of a new switch to buy that will

00238

1 support LNP so that they can implement when that switch
2 gets put online, and hopefully the rating and routing
3 issues will have been decided by then.

4 So there may be a difference in technical
5 feasibility depending on what kind of hardware and
6 software you currently have, where it's depreciated, when
7 you're planning on replacing it.

8 COMMISSIONER MURRAY: I have a question
9 about paragraph No. 29 in the Stip & Agreement. The
10 parties agree that the Commission should enter an Order
11 authorizing petitioner to establish an intercept message
12 for 7-digit-dialed calls to ported members where the
13 facilities and/or the appropriate third-party arrangements
14 have not been established. The intercept message will
15 inform subscribers that the call cannot be completed as
16 dialed and, if possible, provide information about how to
17 complete the call.

18 So I'm reading that to mean that in some
19 instances there will just be a message, you can't complete
20 this call as dialed, with no instructions as to what to do
21 from there. And I'd like to know what would make it
22 impossible to have the message complete as to what it
23 would take to complete the call. And maybe
24 Ms. Meisenheimer would comment on why Public Counsel would
25 be content to live with this provision in the Stip &

00239

1 agreement.

2 MS. MEISENHEIMER: I'm content to accept
3 this as a condition of the Stipulation & Agreement
4 because, in my opinion, it alters one of the things that
5 the FCC has actually indicated that it believes should
6 happen that I don't agree with. And I can explain that
7 further if you'd like me to.

8 COMMISSIONER MURRAY: That may take a
9 little -- all right. Explain it just a bit further if you
10 would.

11 MS. MEISENHEIMER: The FCC has required
12 that carriers complete calls, and that is true whether or
13 not there is some type of interconnection agreement in
14 place or not. And so even if there isn't some proper
15 negotiated rate at which the traffic will be exchanged,
16 the FCC indicated you need to be completing calls except
17 in -- there are certain cases where it is not technically
18 feasible. I think one example would be if it were from
19 wireless to wireline. There are cases where it wouldn't
20 work in that case.

21 But anyway, that's what the FCC said. It
22 doesn't seem to make a lot of sense to me to -- I do agree
23 that calls should be completed, but I think there should
24 also be a reasonable guarantee to Missouri companies that
25 they're going to receive appropriate compensation and be

00240

1 able to negotiate reasonable terms when they're the --
2 when they're the carrier that is required to get it to the
3 wireless carrier, to get the traffic to the wireless
4 carrier.

5 So I view this as something that corrects
6 for what I see is a problem in the FCC's Order.

7 COMMISSIONER MURRAY: So if a person -- I'm
8 trying to really understand where this paragraph would
9 come into play. If a customer who is a current wireline
10 customer requests to port that number, that wireline
11 number to a wireless carrier, so then they have a wireless
12 phone and somebody calls them, dialing the same number,
13 say their mother-in-law calls them dialing the same number
14 that they've always had, they will get a -- they may get
15 a -- the mother-in-law may get a message, your call cannot
16 be completed as dialed, period; is that right?

17 MS. MEISENHEIMER: I think I need to add
18 one more piece to your example and that gets us to where
19 that could occur, and that is let's say that this person
20 that had the landline and then subscribed to wireless and
21 ported their number then decided that they wanted some
22 other wireless carrier that was also serving.

23 Then their number could be ported to the
24 new wireless carrier, but there's no compensation
25 arrangement between that third carrier, which is wireless,

00241

1 and the original LEC, the local exchange carrier. And, I
2 mean, I think that the companies might be the best to
3 answer if that's the kind of situation that they would
4 envision as being an example, but that's the one that I'm
5 thinking of.

6 COMMISSIONER MURRAY: Okay. What's
7 concerning me here is that it seems like the customer's
8 not being considered. It seems like you're wanting to
9 protect the carrier to be compensated.

10 And I'm concerned about the end use
11 customer who thinks that he or she can take his or her
12 landline telephone number and transfer it to another
13 carrier, unbeknownst to them that they're not going to
14 receive the calls they've been receiving. People aren't
15 going to be able to reach them anymore. How are they
16 going to know that?

17 MR. MEYER: Commissioner, I think at least
18 Staff's interpretation of this -- and this was a
19 negotiated term as we worked this out -- was that, as you
20 said, the customer would receive a message saying the call
21 cannot be completed as dialed, and then it would go on to
22 say, however, that call can be completed if you dial one
23 plus the old number, and that would trigger some knowledge
24 in the customer that, oh, there might be an additional
25 charge now.

00242

1 COMMISSIONER MURRAY: It says if possible
2 they will go ahead and provide information about how to
3 complete the call. There's a big potential out there.

4 MR. ENGLAND: Your Honor, that's because,
5 as I understand, some switches are not capable of going
6 beyond telling the customer that the call cannot be
7 completed as dialed.

8 COMMISSIONER MURRAY: So many of them will
9 just get a message, I'm sorry, you can't complete this
10 call as dialed?

11 MR. ENGLAND: That's true. That's my
12 understanding. And again, getting back to what
13 Mr. Johnson was saying, I think it depends on the switch
14 and the switch software as to what you can do with
15 intercepts, how much information you can give in an
16 intercept.

17 COMMISSIONER MURRAY: So how vulnerable are
18 the customers to being -- to changing their telephone
19 service, keeping their same number and not knowing why all
20 of a sudden their friends and family aren't reaching them?

21 MR. ENGLAND: Well, we obviously -- the
22 small rural companies will probably do a fairly good job
23 of explaining to them why they aren't able to complete
24 those calls. We have local offices where we live, we have
25 local offices where we serve, and people know how to get

00243

1 ahold of us, and we'll be more than happy to explain to
2 them what the problem is.

3 The interesting thing about this is that it
4 will only be the customers within that local exchange that
5 can't complete the call under this scenario. Everybody
6 else in the LATA in all the other exchanges will be able
7 to contact that ported number by dialing 1, area code,
8 plus the number.

9 And this gets back to another question I
10 think you asked earlier, and that's why isn't there a
11 great demand for this in rural areas? Well, because the
12 calling scopes are so small, the exchanges are so small,
13 people I don't think are as interested in keeping their
14 landline number in a rural exchange because of the limited
15 toll-free calling they can receive versus in a
16 metropolitan area where there are hundreds of thousands if
17 not millions of people who can call you on a toll-free
18 basis.

19 It's another reason why porting is
20 obviously more beneficial to the customer, more popular,
21 more cost effective in an urban area as opposed to a rural
22 area.

23 COMMISSIONER MURRAY: Why wouldn't there
24 always be an available explanation as to why they can't
25 complete the call as dialed?

00244

1 MR. ENGLAND: Has something to do with the
2 software and intercept provision itself, and beyond that
3 I'm way out of my league talking about the technical
4 abilities of switches.

5 COMMISSIONER MURRAY: So you don't know
6 that it always requires a 1-plus or you can't just use
7 that as --

8 MR. ENGLAND: I can't even tell you that a
9 customer within the same exchange will be able to dial
10 1-plus and get that number.

11 COMMISSIONER MURRAY: Mr. Johnson, you're
12 shaking your head. Do you have --

13 MR. JOHNSON: Well, in a perfect world, if
14 this intercept message technology was the equivalent of
15 voicemail or things that we're more familiar with and you
16 could put any recorded message you wanted on there, I
17 think the preferred message would be, we're sorry, that
18 call can't be completed because the customer has taken his
19 number to another service provider who's not located
20 within your calling area. You're going to have to dial 1.
21 It just may not be physically possible to put that
22 recorded message on there.

23 I was also going to mention what
24 Mr. England just mentioned, was that in those exchanges,
25 when someone tries to dial, if the exchange phone number

00245

1 is 634-3422 and somebody gets a message and then tries to
2 dial 1-573-634-3422, because of the way the intraLATA PIC
3 software and stuff, usually you get a message when you try
4 to do that that says it's not necessary to dial 1 to
5 complete that call.

6 So there's going to have to be some
7 translation work that separates those out so that you only
8 tell people who are trying to call a ported number they
9 have to dial 1, and then you have to make the translation
10 so LEC calls to that ported number go through with the 1
11 as opposed to being blocked saying it's not necessary to
12 dial 1. So it's a very complex arrangement from all
13 sides.

14 COMMISSIONER MURRAY: But it would be
15 possible in every instance to put the message on that it
16 can't be completed as dialed; is that right?

17 MR. JOHNSON: If the intercept technology
18 allows you to put an extended message on, yes. If it just
19 says -- if it only allows you to say, I'm sorry, that
20 can't be completed, and you can't reprogram anything else,
21 it may not be technically feasible.

22 COMMISSIONER MURRAY: But they're all
23 programmed to the point that they would allow that length
24 of a message that says it can't be completed, is that
25 right, because that's what's agreed to here in the stip,

00246

1 that it will -- the intercept message -- well, I guess --
2 I'm sorry. This only authorizes it. It doesn't even --
3 it doesn't even require it in this stip. It asks the
4 Commission to enter an Order authorizing petitioner. So
5 we're not even requiring.

6 MR. JOHNSON: I think if you said requiring
7 it wouldn't offend us. It may be a semantical thing.

8 MR. ENGLAND: And in answer to your earlier
9 question, yes, it's my understanding at the very least we
10 can put the minimum message on that says that number can't
11 be completed as dialed. It's the extra wording that some
12 switches aren't capable of.

13 COMMISSIONER MURRAY: Otherwise, what would
14 happen if there were no message?

15 MR. ENGLAND: Then you'd get --

16 COMMISSIONER MURRAY: What would the
17 customer get?

18 MR. ENGLAND: I guess you'd get dead air.

19 COMMISSIONER MURRAY: A busy signal or what
20 would you get?

21 MR. JOHNSON: Either endless ringing or a
22 busy signal. That would be my guess, but I'm not --
23 you're getting a little beyond my confidence level here.

24 MR. ENGLAND: This was a requirement that
25 Staff recommended or a proposal that Staff had and we

00247

1 agreed to it, and I think it is appropriate. I think it's
2 better than just getting nothing, as you indicate, or a
3 busy signal or nothing at all. At least it informs the
4 person that they need to do something.

5 As I say, in most of these exchanges that
6 our companies serve, the people know enough they'll call
7 the local office and say, why the heck can't I complete
8 that local call that I could yesterday?

9 COMMISSIONER MURRAY: I'd like to ask the
10 Staff, wouldn't it be better to require that they have an
11 intercept message?

12 MR. MEYER: The ideal would be that that
13 would be the case. However, with technical infeasibility,
14 we were willing to take that into account. What was
15 happening here was basically sort of what's the worst case
16 scenario? Would it be better to allow customers to not
17 realize they were being charged and have calls just go
18 through or have it done this way and then have some kind
19 of trigger indicating to the customer that there's going
20 to be something happening here on your phone bill and you
21 need to be aware of that?

22 And this was the cost/benefit analysis that
23 we went through and came up with this methodology. But
24 certainly in an ideal world full information for the
25 customer would be the best.

00248

1 COMMISSIONER MURRAY: Okay. I apologize
2 because it's been a few days since I read this Stip &
3 Agreement and I'm trying to remember. Are we requiring
4 anything in regard to what the customer, what happens when
5 the customer dials the number if we approve this?

6 MR. ENGLAND: If this would help, your
7 Honor, I like Mr. Johnson have no objection if you want to
8 read the word requiring as opposed to authorizing in that
9 stipulation.

10 COMMISSIONER MURRAY: I'm assuming Public
11 Counsel and Staff wouldn't object to that.

12 MS. MEISENHEIMER: We wouldn't object.

13 COMMISSIONER MURRAY: Okay. I'll pass for
14 right now. I might have something later. Thank you.

15 JUDGE WOODRUFF: Commissioner Davis, do you
16 have any questions?

17 COMMISSIONER DAVIS: Not at this time.

18 JUDGE WOODRUFF: I do have one question,
19 and that concerns the Public Counsel's proposal for
20 suspension rather than modification. The question's for
21 the companies. If the Commission were to do -- to do what
22 Public Counsel asked, would you object? Mr. England?

23 MR. ENGLAND: I haven't polled my clients
24 specifically on that question. My gut feel is, no, they
25 would not object.

00249

1 JUDGE WOODRUFF: Mr. Johnson?

2 MR. JOHNSON: I guess I would have to say
3 the same thing, your Honor, but I want you to recognize
4 that some of the companies that are here seeking
5 modification already have some of the capability to do
6 intermodal porting.

7 MR. MEYER: Your Honor, this may be an
8 appropriate time for us to just sort of mention some
9 concerns on a legal authority level regarding the motion
10 to suspend or however it's being phrased, about OPC's
11 suggestion that suspension is appropriate.

12 At least my read of the federal statutes
13 and regulations may not permit that. It appears as though
14 the Commission may only -- the Public Service Commission
15 of Missouri may only have the authority to grant what is
16 in a petitioner's petition. It may not extend to
17 something recommended or suggested or put forth by another
18 party. I can elaborate if you wish.

19 JUDGE WOODRUFF: Mr. Dandino, do you have
20 any response to that?

21 MR. DANDINO: Well, I believe -- well, I
22 believe, first of all, I think it was in their original
23 petition, it mentions suspension.

24 But even so, I think by -- even though a
25 company may request it, I think that at least Public

00250

1 Counsel has standing under the Missouri statutes as a
2 party to participate and to suggest any type of relief to
3 the Commission. And I think the Commission has an
4 opportunity to make a decision whatever's in the best
5 interest of the public, as long as it falls within the
6 remedies that are available under the federal law.

7 JUDGE WOODRUFF: Okay. Commissioner
8 Murray, do you have any other questions?

9 COMMISSIONER MURRAY: Yes, I do. Thank
10 you.

11 On paragraph -- in paragraph 25, the last
12 sentence in that paragraph says, this would also apply to
13 a situation where a wireless carrier that has established
14 facilities and/or arrangements with third-party carriers
15 to transport calls to a point outside of a petitioner's
16 local serving area is requested to port numbers to another
17 wireless carrier who has not established such facilities
18 or arrangements.

19 This is an agreement between parties not
20 including wireless parties. So how are we -- it seems to
21 me like the last sentence in there applies to a situation
22 between two wireless companies that aren't a party to this
23 agreement. Maybe I'm misunderstanding what that --

24 MR. ENGLAND: That's not our intent,
25 Commissioner, and this gets to the example, I think,

00251

1 Ms. Meisenheimer mentioned just a minute ago. In the
2 Citizens case where they have a direct connect with Mid-Mo
3 Cellular and say you grant this modification, that would
4 not cover ported calls. In other words, Citizens landline
5 customers who choose to port their number to Mid-Missouri
6 Cellular, we would go ahead and do that.

7 But then let's say that Mid-Missouri
8 Cellular company -- or customer decides they want to take
9 service from Verizon Wireless who has no facilities or
10 interconnection with Citizens in Higginsville, and the
11 customer wants his number to -- now it's a Citizens
12 landline number ported once more to Verizon Wireless. And
13 this is the example or the situation we're trying to
14 address there.

15 COMMISSIONER MURRAY: But is the wireline
16 carrier involved in it at that point?

17 MR. ENGLAND: It is in that in that second
18 port we would be required without the modification to port
19 the number to Kansas City or wherever Verizon Wireless has
20 its point of presence.

21 This is a really good example, in my
22 opinion, where the FCC has not thought through all of the
23 ramifications and issues associated with porting.

24 COMMISSIONER MURRAY: But again it's a
25 compensation issue that we're talking about? It's

00252

1 possible to do it, it's just --

2 MR. ENGLAND: That's correct.

3 COMMISSIONER MURRAY: -- you want to know
4 how you're going to be paid for it?

5 MR. ENGLAND: Well, yes, and the other
6 question that I have that I don't know, maybe somebody
7 else does, is who notifies Citizens that that second port
8 has occurred if at all? And is it Citizens' obligation to
9 transport the call to Verizon Wireless or does Citizens'
10 obligation just simply mean it continues to port that call
11 to Mid-Missouri Cellular, then Mid-Missouri Cellular's
12 obligation is to port the call?

13 That's a technical issue that I don't
14 believe has been addressed yet in any of the literature or
15 the rulings of the rules, and obviously you can see how
16 that gets more difficult as that number gets ported on
17 down the line.

18 COMMISSIONER MURRAY: Okay. Anybody else?
19 Ms. Meisenheimer?

20 MS. MEISENHEIMER: I would love to give you
21 an example having to do with what the impact could be on
22 consumers, because it's certainly not my intent to be here
23 on behalf of companies. So I'd like to give you that
24 example if I could.

25 COMMISSIONER MURRAY: All right. Go ahead.

00253

1 MS. MEISENHEIMER: Let's say that you have
2 a customer that is a local customer that switches to a
3 wireless carrier and then potentially switches to another
4 wireless carrier. What happens if that second wireless
5 carrier goes out of business? Who's responsible for
6 getting that customer's local number back to them? The
7 state commission does not regulate wireless carriers.

8 The FCC has not in my -- to my knowledge,
9 established any process by which customers can reasonably
10 know where to call to start the process of getting their
11 telephone number back. Would it be now the local
12 company's responsibility to go through this double switch
13 of numbers to try and get back the customer's original
14 telephone number for them? What kind of legal issues
15 would there be between the release of that telephone
16 number between telephone companies?

17 This is extremely complicated arrangements
18 when you involve multiple carriers. And so I also have
19 that as a concern, that ultimately, for all practical
20 purposes, the customer could ultimately lose their
21 telephone number when the primary goal was to be able to
22 let them take it with them in the first place.

23 COMMISSIONER MURRAY: Just a little
24 follow-up on that. Right now if -- say pre-number
25 portability, if a telephone carrier went out of business,

00254

1 whether it was wireless or landline or whatever, what
2 happens to that customer's number? They lose it at that
3 point anyway, right?

4 MS. MEISENHEIMER: You as the Commission
5 have approved a snap-back rule which guarantees that the
6 customer's number should go back to the original carrier.

7 COMMISSIONER MURRAY: Number or just the
8 customer goes back?

9 MS. MEISENHEIMER: The customer's service,
10 which would take their number with them.

11 COMMISSIONER MURRAY: Are you sure?

12 MS. MEISENHEIMER: The process is in
13 place. Yeah, I think the customer would -- their number
14 would come, too, with them. Their service and their
15 number would be treated again as a LEC customer under
16 certain conditions and for a certain period of time where
17 the customer had a choice of which carrier to choose next.

18 You might verify that with a local company
19 just to be sure that they agree that the number would come
20 back as well as the service, but I think it would.

21 COMMISSIONER MURRAY: We're talking
22 pre-number portability?

23 MS. MEISENHEIMER: Yes. I'm talking about
24 the case where there's a local exchange customer that
25 switches to a CLEC, because that's porting but in a

00255

1 landline environment only, only a wireline environment.

2 COMMISSIONER MURRAY: But I'm talking about
3 pre-number portability, so that they had to switch numbers
4 when they went to the CLEC. They wouldn't keep their same
5 number if the CLEC went out of business, would they?

6 MS. MEISENHEIMER: If the -- if it was a
7 customer that switched to a CLEC before there was any
8 number porting, then the customer would have given up
9 their number in exchange for going to an alternative
10 carrier, and that was viewed as a barrier, just as this
11 issue of porting is viewed as a barrier to getting
12 customers, you know, full transparent exchange of carriers
13 and better choices. The issue is just a matter of, you
14 know, is it fully developed, is it fully dependable.

15 COMMISSIONER MURRAY: But if the CLEC had
16 gone out of business, then the customer would have the
17 snap back to the original carrier but not with the same
18 number that the customer had with the CLEC; isn't that
19 right?

20 MS. MEISENHEIMER: The customer would have
21 originally had to take a different number to go to the
22 CLEC.

23 COMMISSIONER MURRAY: And I'm just asking
24 you that second part, after the CLEC went out of business.

25 MS. MEISENHEIMER: The customer could

00256

1 actually -- the numbers would be associated with that rate
2 center. So a couple of things could happen in my opinion,
3 based on my knowledge of the old numbering system. The
4 customer could go back and request the original number
5 they had, and there was a longer aging period for numbers.
6 So that number could likely still be available because
7 they used to age for a very long time before they would
8 put them back up for availability to new customers.

9 The CLEC's number, if the CLEC went
10 entirely out of business, it doesn't seem entirely
11 unreasonable that perhaps the code could literally be
12 changed to one associated with the incumbent.

13 Now, that -- you know, I think that the
14 state commission if it felt it was in the consumer's
15 interest that they be able to take their number once the
16 CLEC went out of business and the CLEC didn't object,
17 because the numbers aren't identified as a CLEC number,
18 it's the customer's number. It gets real complicated. I
19 probably just ought to stop there.

20 COMMISSIONER MURRAY: That's all right.
21 We've done enough on that.

22 MR. MEYER: Actually, I think I may need to
23 clarify a little bit, very, very, very briefly.

24 As I understand it, the snap-back rule only
25 applies to resale situations and then for 30 days. If

00257

1 it's a UNE-P, the other entity may have trouble finding
2 customers to even notify. And if it's facilities-based,
3 there's nobody to switch to because it's facilities-based.
4 I'm not sure if that clarifies or unclarifies, but at
5 least it's another layer.

6 COMMISSIONER MURRAY: It was a little
7 beyond what we're talking about here to get into that at
8 all, but thank you. Anybody have anything else to add?
9 Thank you, Judge.

10 JUDGE WOODRUFF: Thank you, Commissioner.

11 All right. With that, then, we are --

12 well, before I adjourn, I do want to give some
13 instructions to the court reporter about the transcript.

14 Let me ask the parties, from the parties'
15 perspective, is there a deadline by which you need to have
16 this approved?

17 MR. ENGLAND: My recollection is that you
18 granted a temporary suspension for all of these companies
19 until August 7th, but I could be corrected.

20 JUDGE WOODRUFF: That is correct. Is there
21 a hurry sooner than that?

22 MR. ENGLAND: Depends on what you're going
23 to say in your Order. I don't think so.

24 JUDGE WOODRUFF: All right. Well, I'm
25 going to go ahead and ask the court reporter to expedite

00258

1 the transcript so that we can get this onto agenda as soon
2 as possible. I'm going to ask her to do it within three
3 days, which I believe means the transcript would be due
4 next Tuesday.

5 With that, then, we are adjourned. I'm
6 sorry. Go ahead, Mr. England.

7 MR. ENGLAND: I just wanted to point out
8 that in paragraph 8 of the Stipulation, and I believe it's
9 the same for all of them, the parties have agreed to
10 incorporate by reference, whether you need to accept it by
11 notice or whatever, the verified petition that was filed
12 in the case as well as Staff's earlier recommendation to
13 complete the record.

14 JUDGE WOODRUFF: Anything else anyone wants
15 to bring up? All right. With that, then, we are
16 adjourned. Thank you.

17 WHEREUPON, the on-the-record presentation
18 was concluded.

19
20
21
22
23
24
25