

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

In the Matter of the Request of)	
Southwestern Bell Telephone, L.P., d/b/a)	
SBC Missouri, for a Waiver of Certain)	Case No. TE-2006-0053
Requirements of 4 CSR 240-29.040(4).)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and, for its Staff Recommendation, states to the Missouri Public Service Commission as follows.

1. On July 28, 2005, the Commission issued an order in Case No. TX-2003-0301 directing the Staff to file, by no later than August 4, 2005, a "recommendation and memorandum regarding the requirement of 4 CSR 240-29.040(4) that the originating Calling Party Number (CPN) be included in the 11-01-XX billing records for wireless-originated calls." On August 4, the Staff filed a motion, in the same case, to extend the deadline for filing its recommendation and memorandum to August 10, 2005. The Commission opened this Case No. TE-2006-0053 on August 4, 2005. On August 10, the Commission ordered the Staff to file the abovementioned recommendation and memorandum in this case (instead of in Case No. TX-2003-0301) by no later than August 12, 2005.

2. Attached hereto as Appendix A is the Staff's Memorandum regarding the said rule's requirement that the originating CPN be included in the category 11-01-XX billing records for wireless-originated calls.

3. The Staff recommends that the Commission:

extend, until November 30, 2005, the temporary waiver that it granted to SBC Missouri, contingent upon SBC's commitment to explore with its switch vendor a workable solution to the _____

EXHIBIT AND 8
Date 11-18-06 Case No. TE-2006-0053
Reporter PF

technical problems and cooperate with the Staff and the industry in submitting progress reports to the Commission;

clarify that SBC's waiver extends only to subsection (A) of Rule 4 CSR 240-29.040 (4);

make Sprint and CenturyTel parties to this case or permit them to explain why they are not affected by the subject rule;

require SBC and all transiting carriers to append or otherwise include the CPN to all AMA recordings of wireless-originated calls and to make the CPN a part of the category 11-01-XX billing records that are generated for wireless-originated calls; and

order all parties to this case to support the Staff in attempting to resolve the issues in this case by unanimous stipulation or to submit a procedural schedule for the resumption of the contested case proceedings.

WHEREFORE, the Staff submits its recommendation and memorandum for the Commission's consideration.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Keith R. Krueger

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or e-mailed to all counsel of record on this 11th day of August 2005.

/s/ Keith R. Krueger

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TE-2006-0053

From: William Voight
Telecommunications Department

Subject: Staff Response to Commission Order

Date: August 11, 2005

Syllabus:

This memorandum concludes that, for technical reasons, Southwestern Bell Telephone Company (SBC) does not currently include the Calling Party Telephone Number (CPN) as a part of category 11-01-XX billing records for wireless-originated telephone calls traversing the LEC-to-LEC network. This memorandum also recommends the Commission make Sprint Missouri (Sprint) and Century Tel parties to this case or, alternatively, permit Sprint and Century Tel to explain why they would not be affected by events occurring in this case. This memorandum also recommends the Commission extend SBC's temporary waiver until November 30, 2005 and order all parties to this case to assist the Staff in working toward a stipulated settlement or, alternatively, to submit a proposed procedural schedule for the resumption of the contested case proceedings. Lastly, this memorandum recommends the Commission clarify that SBC's waiver request extends only to subsection (A) of 240-29.040(4) and not to subsections (B) or (C).

Introduction:

On July 28th the Commission issued an Order Denying Application for Rehearing and Granting a Temporary Waiver in Case NO. TX-2003-0301 (Order). In its Order, the Commission granted SBC a 60-day waiver of Commission rule 4 CSR 240-29.040(4). The waiver currently expires on September 30, 2005. In granting the 60-day temporary waiver, the Commission indicated that SBC's request was appropriate and further directed the Staff to file a recommendation and memorandum that more fully addressed SBC's request. The Commission subsequently, on August 10, 2005, ordered the Staff to file its recommendation and memorandum in this case, instead of in Case No. TX-2003-0301, by no later than August 12, 2005.

In its July 14th Application for Rehearing and Alternative Request for Temporary Variance or Waiver of the requirements of 4 CSR 240-29.040 (4), which was filed in Case No. TX-2003-0301, (the July 14th Pleading), SBC raised a concern about the inclusion of CPN as part of Category 11-01-XX billing records for wireless-originated calls, and requested the Commission waive the requirement "for at least one year." The

Staff does not oppose SBC's request for a temporary waiver, but recommends that waiver extend only until November 30th, subject to the conditions set forth in this memorandum.

On August 4, 2005, the Commission made SBC, the Missouri Independent Telephone Company Group (MITG), and the Small Telephone Company Group (STCG) parties to this case. In addition to these parties, the Staff recommends the Commission make Sprint Missouri (Sprint) and Century Tel parties to this case or, alternatively, permit Sprint and Century Tel to explain why they are not affected by the events occurring in this case. At this time, the Staff is unsure of the extent to which Sprint and Century Tel may be affected by the events occurring in this case.

Discussion Item One: The STCG and the MITG question the need for further delay in implementing 4 CSR 240-29.040(4). The MITG states that "CPN is captured in AMA switch recordings, even for wireless records." The STCG did not oppose a brief variance of up to 60 days, but states that SBC has offered no adequate evidence or explanation that satisfies a good cause requirement for an additional one-year delay.

Staff Response: The Staff understands the concerns raised by the MITG and STCG. Although Staff has not had further discussions on these matters with the membership of the MITG and STCG, it is anticipated that this memorandum will provide some technical and procedural clarification. Staff anticipates that the parties to this case can work together to arrive at a mutual understanding of what the problem is, and how to solve it. In order to address the concerns of the MITG and STCG, the Staff recommends that the Commission extend SBC's waiver until November 30, 2005. Staff would prefer an opportunity to work with industry participants prior to setting this matter for hearing.

Discussion Item Two: Why is the CPN not included in the category 11-01-XX billing records generated for certain wireless-originated telephone calls?

Staff Response: SBC's category 11-01-XX billing records contain CPN for all compensable traffic traversing the LEC-to-LEC network, except for those calls originated by wireless service providers. In discussions between the Staff and SBC on July 20, 2005 and August 2, 2005, SBC explained its reliance on the Telcordia Technologies document titled Generic Requirements for Wireless Service Provider (WSP) Automatic Message Accounting (AMA) as the source for data required to create billing records for traffic traversing SBC's network. Specifically, Telcordia Generic Requirement Document 1504 includes Requirement Number R3-85, which holds that the Originating Number fields for Type 2A wireless-originated calls "shall contain the per-trunk group billing number of the WSP, as assigned by the LEC, to the interface directly connected to the WSP." A copy of selected pages from the relevant document, labeled Attachment 1, is made a Proprietary attachment to this memorandum. The absence of CPN in SBC's category 11-01-XX billing record is a result of SBC's adherence to the Automatic Message Accounting (AMA) practices as set forth in the Telcordia document.

Discussion Item Three: From what source are the standards for the creation of Exchange Message Interface (EMI) category 11-01-XX billing records derived?

Staff Response: For each compensable telephone call transited by SBC, the terminating carrier may request that SBC create, at no charge, a category 11-01-XX billing record. Category 11-01-XX billing records contain precise, detailed information about each compensable telephone call originated or terminated on a carrier's network. In the case at hand, the issue is with the billing of calls being terminated – not the billing of calls being originated. Category 11-01-XX billing records are provided to terminating carriers who use these category 11-01-XX billing records to generate billing invoices, which are then sent to originating carriers to ensure that adequate payment is received. To the Staff's knowledge, all small incumbent local exchange carriers who are connected to SBC's Missouri network request the category 11-01-XX billing records. As explained in footnote 13 of SBC's July 14th Pleading, standards for the creation of category 11-01-XX billing records are contained in the Access/Interconnection Records and related information in the Exchange Message Interface (EMI) document. This EMI document, along with other industry documents, is maintained by the Billing Committee of the Alliance for Telecommunications Industry Solutions ("ATIS") Ordering and Billing Forum ("OBF"). A discussion of the role of ATIS and OBF is set forth below. As will be further explained, the EMI bill-creation process is heavily dependent on source data contained within the Automatic Message Accounting (AMA) process.

Discussion Item Four: From what source are the standards and generic requirements for the creation of Automatic Message Accounting (AMA) records derived?

Staff Response: Category 11-01-XX EMI billing records are heavily dependent on information contained within AMA call detail records. Unlike EMI billing records, which are generated and processed pursuant to a monthly billing cycle, AMA call detail records are generated at the time of call placement, i.e., in real time as the telephone call event occurs. Moreover, AMA call detail recording may in some respects be viewed as at least a quasi-network function, because AMA traffic recording occurs as a part of SBC's central office switching function, whereas the EMI record creation process occurs separate and distinct from the switching function, such as at an "offsite" billing computer location.

As explained in footnote 5 of SBC's July 14th Pleading, and as covered in discussion Item Two above, SBC relies on Telcordia Technologies documents for the creation of AMA switch recordings. Telcordia Generic Requirement Number R3-85 holds that for wireless-originated calls, the "Originating Number fields" shall contain a "per-trunk group billing number of the WSP" instead of the originating telephone number. In other words, the CPN is replaced by a uniquely assigned number that identifies the responsible wireless service provider instead of the originating caller. Succinctly stated, the EMI category 11-01-XX billing record does not contain the CPN because, pursuant to Telcordia documents, the AMA switch recording does not capture the CPN for wireless-originated calls.

Discussion Item Five: Is it proper for SBC to rely on the derivative standards that are contained in the Generic Requirements set forth by Telcordia Technologies?

Staff Response: SBC properly relies on the standards set forth by Telcordia Technologies. The Telcordia (formerly Bellcore) Generic Requirements are standards for features that are built by manufacturers of telecommunications equipment. The requirements describe for the manufacturers how a particular feature is supposed to work. A Generic Requirements document does not require switch manufacturers to build the feature, and it does not require telephone companies to purchase the feature. The purpose of Telcordia Generic Requirements is to delineate how a particular feature should work, if the feature is built. Generic Requirements are updated every few years as the industry determines that new features may be needed or old ones modified. In SBC's Missouri network, the switch manufacturing vendors involved are Lucent and Nortel, and the switching feature at issue involves the trunking and AMA recordings for terminating traffic which originate on a wireless carrier's network. As previously explained, this matter is covered by Telcordia Generic Requirement Document 1504.

Discussion Item Six: Is it proper for SBC to rely on the standards that are set forth by the Billing Committee of the Alliance for Telecommunications Industry Solutions ("ATIS") and the ATIS-sponsored Ordering and Billing Forum (OBF)?

Staff Response: SBC properly relies on the standards set forth by the ATIS and the OBF. ATIS is a United States-based body that is committed to rapidly developing and promoting technical and operations standards for the communications and related information technologies industry worldwide. The specific committee that handles any issue having to do with intercompany settlements is the Billing Committee. ATIS creates solutions that support the rollout of new products and services into the communications marketplace. Its standardization activities for wireless and wireline networks include interconnection standards, number portability, improved data transmission, Internet telephony, toll-free access, telecom fraud, and ordering and billing issues, among others. ATIS is accredited by the American National Standards Institute (ANSI).

The ATIS-sponsored Ordering and Billing Forum (OBF) provides a forum for customers and providers in the telecommunications industry to identify, discuss and resolve national issues that affect ordering, billing, provisioning and exchange of information about access services, other connectivity, and related matters. The OBF has 11 standing committees including the Billing Committee. The Billing Committee provides a forum for representatives from the communications industry to identify, discuss and resolve issues that affect inter-entity billing-related issues. The Billing Committee is responsible for maintaining the following documents: Multiple Exchange Carrier Access Billing (MECAB) Document; Small Exchange Carrier Access Billing (SECAB) Document; CABS Auxiliary Report Specifications (CARS) Document; CABS PICC Dispute File Specifications Document; Dispute File Specifications Document; and, Access/Interconnection Records and Related Information in the Exchange Message Interface (EMI) Document.

ATIS membership is required to participate at the OBF. There is a funding fee, which is based on each company's total yearly telecommunications revenues. Membership

entitles a company to attend certain meetings, and to have access to information and status of all standards development activities within OBF committees. Any company attending the OBF can introduce an issue for discussion by the appropriate committee. The Ordering and Billing Forum (OBF) is an open forum; anyone can become a participant.

Discussion Item Seven: SBC states that it had no need to file comments opposing a requirement that the Category 11-01-XX billing records contain a CPN requirement, because the Commission's rules do not contain such a specific requirement for wireless-originated calls.

Staff Response: SBC is correct. Nothing in the rules specifically requires that CPN be placed in the billing record of wireless-originated calls. Rather, 4 CSR 240-29.040(4)(A) merely requires that "a category 11-01-XX billing record" be created. In its July 14th Pleading, SBC notes that the Commission's Order of Rulemaking interpreted subsection (4) (A) as requiring that the CPN be included in the billing record; however, the rule itself contains no such specific requirement. The Staff concurs in SBC's assessment.

In the Comments that it filed in the Enhanced Records Exchange (ERE) rulemaking case on February 1, 2005, the MITG first brought attention to the lack of CPN for wireless-originated calls. It said:

In the summer of 2004 SBC announced the end of the CTUSR [Carrier Transiting Usage Summary Report] in favor of an "IXC" record that SBC claimed would provide the small companies with the missing billing information. That was not the case. Instead of providing the caller's number, the new record simply puts in an assigned number representing the CMRS provider. Thus, when the new "IXC" record is retrieved and assimilated, it provides no more information with respect to traffic jurisdiction than did the CTUSR. This record deficiency means the terminating LEC cannot reconcile traffic, and therefore cannot identify what carriers are failing to record and pay for traffic.

The Staff believes that this matter was not discussed in the technical workshops that led to development of the ERE rule; rather, the matter did not surface until after the Missouri Secretary of State published the Notice of Proposed Rulemaking.

As can be seen from Telcordia Requirement R3-85, the information placed into the billing record in lieu of CPN for Type 2A wireless connections is the "per-trunk group billing number" (Type I wireless connections use the nomenclature "billing account number") of the wireless carrier interconnected directly to SBC's network. Thus, according to SBC, terminating carriers may use this information to bill the responsible party. According to SBC, use of "trunk group billing numbers" is especially important because some wireless carriers contract with other wireless carriers to deliver traffic onto the LEC-to-LEC network. It is SBC's view that the use of "trunk-group billing numbers" instead of CPN reduces possible instances of improper billing. Stated differently, the

wireless carrier directly interconnected with SBC may be delivering traffic that originated on another wireless carrier's network, and use of the "trunk group billing number" instead of CPN will assure that the interconnected wireless carrier is billed for the call, and not the wireless carrier who may have originated the call.

Based on SBC's verified pleadings and Staff discussions with SBC, as well as the material contained in the above-referenced Telcordia document, the Staff does not object to an extension of SBC's waiver of 4 CSR 240-29.040(4) (A) until November 30, 2005. Staff wishes to note that in a scrivener's error, SBC failed to limit its waiver request to subsection (A) of 4 CSR 240-29.040(4), as it should have. Therefore, the Staff recommends the Commission not waive the entirety of 4 CSR 240-29.040(4), which also includes subsections (B) and (C).

Discussion Item Eight: SBC states that, while 4 CSR 240-29.040(4) does not specifically state that CPN is to be made a part of the category 11-01-XX billing records, the Commission has "interpreted" such a requirement.

Staff Response: SBC is correct. It is the Staff's opinion that such interpretation probably occurred because of the frequent use of the term "industry standard" to describe category 11-01-XX billing records. In the Staff's view, such references frequently and erroneously led the reader to believe that there exists only one type of category 11-01-XX billing record when, in fact, the specific contents of such records vary, depending on the circumstances. Moreover, all other category 11-01-XX records do contain location indicators for the CPN, except for wireless-originated calls.

Staff wishes to state its view that, absent compelling reasons otherwise, the Commission should require SBC and other transiting carriers to include the CPN in all category 11-01-XX billing records, including those generated for wireless-originated traffic. Staff notes that the very caption of Case No. TX-2003-0301 implies an intention for the *origin* of all intraLATA telephone calls to be identified in billing records. The Staff submits that including CPN in the category 11-01-XX billing record is an appropriate means to identify originating carriers and glean information concerning the carrier responsible for placing traffic on the LEC-to-LEC network.

Requiring the inclusion of CPN as a part of AMA records will aid in establishing general auditing guidelines for all LEC-to-LEC network traffic. The Staff also notes SBC's acknowledgement that its Northern Telecom tandem switches are currently configured with the necessary feature to permit CPN to be "appended" to the AMA record for wireless-originated calls. According to SBC, further inquiries are necessary to determine if a similar feature can be made available in its Lucent tandem switches.

The Staff believes a waiver extension of 4 CSR 240-20-040(4)(A) until November 30th will permit affected parties an opportunity to work together to mutually resolve this issue. A waiver extension will also permit time for SBC time to pursue this AMA switch recording matter with Lucent.

Discussion Item Nine: SBC states that the Commission should refrain from attempting to dictate the content of intercarrier billing records, and characterizes those records as a function handled at the national level by ATIS and the OBF. SBC also states that its billing practices conform to current industry standards and provide all necessary information needed by terminating carriers to accurately bill the responsible wireless carrier.

Staff Response: The Staff disagrees with SBC's contention that the Commission's actions are an attempt to dictate ATIS and OBF industry standards. As the records in this case and Case No. TO-99-593 show, reliance on industry standards for interstate delivery of traffic is often insufficient to accommodate the needs of the LEC-to-LEC network. For example, at one time the participants in these cases believed that reliance on OBF issue 2056 would suffice to resolve the traffic recording problems associated with delivery of intraLATA traffic. Such was not the case. The LEC-to-LEC network is simply a different network with different billing relationships and signaling protocols than those of the interLATA IXC network. It is not reasonable to believe that the federal standards will in all cases accommodate the needs of local conditions inherent to the state's network. As the attached Telcordia document itself acknowledges, state-specific and local regulatory conditions may give rise to additional modifications. Moreover, such conditions may contain unknown variables beyond the knowledge and control of Telcordia.

Although SBC understandably and quite properly relies on Telcordia documents to program its switches, the Staff believes such documents also acknowledge that there are differences in local circumstances. While SBC may in fact adhere to all OBF industry practices, there are instances where such practices are not diverse enough to accommodate the needs of the LEC-to-LEC network. Staff acknowledges that the current guidelines are sufficient to provide the terminating carriers with the necessary information to bill the proper carrier. However, it is the Staff's opinion that CPN should be a necessary part of all category 11-01-XX billing records because inclusion of such information assists the terminating carriers to ascertain the carrier responsible for originating the traffic, even though that carrier may not be the carrier responsible for terminating compensation.

Discussion Item Ten: SBC states that the Commission has "completely misunderstood" the level of detail SBC Missouri is currently providing in category 11-01-XX billing records for wireless-originated calls.

Staff Response: The Staff concurs that SBC's mechanized billing records for wireless-originated calls contain a great deal more detail than the CTUSR records previously generated by SBC. Based on the verified application of SBC witness Marlon J. Hines, Staff accepts the facts and analysis that SBC presented in its July 14th Pleading. Specifically, Staff concurs that SBC's category 11-01-XX billing records for wireless-originated calls contain time and date stamps, call duration, total minutes, called party telephone number, the responsible wireless carrier's operating carrier number (OCN) and other information customarily found in similar category 11-01-XX billing records. The Staff acknowledges that such information was not found in the CTUSR summary records.

However, the Staff notes that, unlike category 11-01-XX billing records for landline callers, current category 11-01-XX information does not include CPN for wireless-originated calls.

Discussion Item Eleven: SBC states that “no stripping [of CPN] occurs” because Telcordia documents direct local exchange carriers on the specific information to be captured in an AMA record. Hence, according to SBC, the Commission has misinterpreted the Telcordia document that sets out the existing industry standards for the creation of AMA records and confused the passing of CPN through the network.

Staff response: The Staff does not agree that the Commission has confused the passing of CPN through the network with the recording and use of CPN in inter-carrier billing records. However, SBC is correct that no “stripping” of CPN occurs. As pointed out by SBC in its July 14th Pleading, CPN is one piece of call-related information that is passed in real time with the call, via the SS7 signaling system. As also pointed out, SBC does pass through its SS7 network in real time the CPN of wireless-originated calls. In this manner, terminating carriers are able to provide Caller ID-type services to their customers. The process of passing CPN to end users is separate from the process of capturing CPN and making it a part of AMA billing records. The Staff concurs with SBC’s assessment that it does not “strip off” CPN when recording wireless-originated AMA calls.

Discussion Item Twelve: SBC describes situations in which some wireless carriers originate traffic and pass the traffic to other wireless carriers, who then pass the call to SBC for delivery to the LEC-to-LEC network. According to SBC, some wireless carriers have the excess and spare capacity on their networks to contract with other wireless carriers for transport of traffic in this manner. In these situations, SBC opines that “the CPN of the originating carrier does not indicate the carrier that is financially responsible for termination charges on the call.” SBC states that the identity of the financially responsible carrier is determined from the specific trunk over which the financially responsible wireless carrier delivers the call to the LEC-to-LEC network. According to SBC, basing intercompany billing on originating CPN for wireless-originated calls would result in erroneous billing.

Staff Response: SBC is correct. Billing account numbers and other parameters, such as the operating company number (OCN), should be used to bill the responsible wireless provider. However, it is the Staff’s opinion that CPN should be appended to or included as part of the AMA record and further made a part of the category 11-01-XX billing record so that terminating carriers can verify the caller’s originating carrier. Staff suggests that SBC investigate discontinuing use of the Trunk Group Billing Number for wireless calls and insert the CPN instead. Terminating carriers could then rely on the OCN to bill the responsible wireless carrier who is interconnected with SBC’s network.

Conclusion: The Staff makes the following recommendations to the Commission:

(1) Staff recommends the Commission extend SBC's request for a waiver of 4 CSR 240-29.040(4)(A) until November 30, 2005, subject to SBC's commitment to explore a workable solution with its switch vendor, and to work with Staff and the industry in making progress reports to the Commission.

(2) Staff recommends the Commission clarify that SBC's waiver extends only to subsection (A) of 240-29.040(4) and not to subsections (B) or (C).

(3) Staff recommends the Commission make Sprint and Century Tel parties to this case or, alternatively, permit Sprint and Century Tel to explain why they are not affected by the events occurring in this case.

(4) Staff recommends, absent compelling reasons to the contrary, that SBC and all transiting carriers be required to append or otherwise include the CPN to all AMA recordings of wireless-originated calls, and that the CPN be made a part of the category 11-01-XX billing records generated for wireless-originated calls.

(5) Staff recommends the Commission order all parties to this case to support the Staff in attempting to resolve this matter by unanimous stipulation or, alternatively, to submit a procedural schedule for the resumption of the contested case proceedings.

The Staff is unaware of any other matter currently pending before the Commission that affects, or that would be affected by, this matter.

**Attachment 1
has been
deemed
Proprietary
in its
entirety.**