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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
TRANSCRIPT OF PROCEEDINGS
Hearing
April 17, 2006
Jefferson City, Missouri
Volume 2

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

COLLEEN M. DALE, Presiding,
CHIEF REGULATORY LAW JUDGE
JEFF DAVIS, Chairman,
CONNIE MURRAY,
STEVE GAW,
ROBERT CLAYTON, III,
LINWARD "LIN" APPLING,
COMMISSIONERS.

REPORTED BY:

PAMELA FICK, RMR, RPR, CCR #447, CSR
MIDWEST LITIGATION SERVICES

1 APPEARANCES:

2 LEO J. BUB, Senior Counsel
3 AT&T Missouri
4 One AT&T Center, Suite 3518
5 St. Louis, MO 63101
6 (314)235-4300

7 FOR: AT&T Missouri, LP.

8 W.R. ENGLAND and SONDR A. MORGAN
9 Attorneys at Law
10 BRYDON, SWEARENGEN & ENGLAND
11 Post Office Box 456
12 Jefferson City, Missouri 65102
13 (573) 635-7166

14 FOR: Small Telephone Company Group.

15 CRAIG JOHNSON
16 Attorney at Law
17 1648 A East Elm
18 Jefferson City, Missouri 65101
19 (573) 632-1900

20 FOR: Missouri Independent Telephone
21 Company Group.

22 LARRY W. DORITY
23 Attorney at Law
24 FISCHER & DORITY, PC
25 101 Madison, Suite 400
Jefferson City, Missouri 65101
(573) 636-6758

FOR: CenturyTel of Missouri, LLC.

KEITH R. KRUEGER, Deputy General Counsel
P.O. Box 360
Jefferson City, Missouri 65102.
(573) 751-8705

FOR: Staff of the Missouri Public
Service Commission.

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

2 JUDGE DALE: We are here in the
3 Truman -- not Truman. We're here in the Governor's
4 Office Building on April 17th in the matter of the
5 Request of Southwestern Bell, L.P. d/b/a AT&T
6 Missouri for Waiver of Certain Requirements For
7 4 CSR 240-29.040(4), Case No. TE-2006-0053.

8 I am Colleen Dale, the regulatory law
9 judge presiding in this matter. At this time we will
10 take entries of appearance beginning with AT&T.

11 MR. BUB: Thank you, your Honor. Leo
12 Bub for AT&T Missouri. Our address is One AT&T
13 Center, St. Louis, Missouri 63101.

14 JUDGE DALE: Staff?

15 MR. KRUEGER: Keith R. Krueger for the
16 staff of the Missouri Public Service Commission. Our
17 address is P.O. Box 360, Jefferson City, Missouri
18 65102.

19 MR. ENGLAND: Thank you, your Honor.
20 Let the record reflect the appearance of W. R.
21 England and Sondra B. Morgan on behalf of The Small
22 Telephone Company Group, a group of approximately 30
23 small local exchange companies as more particularly
24 described in our written entry of appearance. Our
25 address here in town is Brydon, Swearngen & England,

1 Post Office Box 456, Jefferson City, Missouri 65102.

2 JUDGE DALE: Thank you.

3 MR. JOHNSON: Thank you, your Honor.

4 Craig Johnson here today on behalf of the Missouri
5 Independent Telephone Company Group, six companies.
6 My address is 1648 A East Elm, Jefferson City,
7 Missouri 65101.

8 MR. DORITY: Good morning, your Honor.
9 Appearing on behalf of CenturyTel of Missouri, LLC,
10 Larry W. DORITY. Our address is Fischer & DORITY,
11 PC, 101 Madison, Suite 400, Jefferson City, Missouri
12 65101.

13 JUDGE DALE: Thank you. As a
14 preliminary matter, let me just mention that I
15 understand there are pending motions concerning
16 striking portions of testimony. Those motions to
17 strike will be taken up as the witness is introduced.
18 Do the parties plan to make opening statements?

19 MR. BUB: Yes, your Honor.

20 MR. KRUEGER: I do.

21 JUDGE DALE: Yes. Well, then, please
22 proceed in the order in which you have agreed to
23 proceed. Thank you.

24 MR. BUB: Thank you, your Honor. Good
25 morning, and may it please the Commission. First

1 we'd like to thank the Commission for establishing
2 this case and giving us your time this morning. We
3 know that you have a lot on your plate, and we truly
4 appreciate this opportunity.

5 As you know, this case deals with
6 records for intercompany billing. It's one of the
7 most complex and computer-intensive areas in the
8 business. Just think of literally millions of
9 telephone calls that come through the network each
10 day, and not only does the network route those calls
11 to the appropriate place, but it also has to capture
12 information on those calls as they speed by the
13 network and then feed that information into large
14 computerized data processing systems to create a
15 usable billing record.

16 Now, we're all used to seeing itemized
17 telephone calls on our own personal bills, but what
18 we're talking about in this case is bills that a
19 telephone company would send to a wireless carrier
20 for that wireless carrier's use of a landline
21 telephone network, specifically for terminating one
22 of the cellular customer's cell phone calls on a
23 landline network. And this case focuses specifically
24 on the types of records that enables that billing.

25 The issue here is, does Rule 29.040(4)

1 require calling party number for wireless originating
2 calls to be included in the billing record? Our view
3 and that of staff and Century is that it does not.

4 The Commission's intention not to
5 require a calling party number, which we call CPN for
6 short, in the billing record is certainly clear from
7 the plain language of the proposed rule itself.

8 But here, a question's been raised as to
9 whether the Commission intended the rules to require
10 CPN just in the signaling that accompanies every call
11 through the network or both in the signaling and in
12 the intercompany billing record that comes to the
13 companies, you know, weeks later.

14 This confusion didn't come from the
15 proposed rule, which is where you need to look for to
16 determine the Commission's intent. Rule 29.040(4)
17 doesn't say anything about CPN, much less require it
18 to be included in a wireless intercompany billing
19 record.

20 And just for background, this is the
21 basis of our appeal on this part of the record, that
22 the statement requiring CPN that was in the order
23 adopting the rule went way beyond what was proposed
24 in the notice of proposed rulemaking.

25 But in contrast, when you look at the

1 proposed rule itself, you should note that the rule
2 does contain specific requirements about what's
3 supposed to be in these types of billing records. It
4 says that the first two digits of this record must be
5 11.

6 It says that the record must contain
7 what's called the carrier identification code, a CIC
8 code, CIC. And it also says what specific field that
9 CIC code needs to be in the record. These are in the
10 definition section for a category 11 record.

11 The rule also says that if there's not a
12 CIC, the record must contain an operating company
13 number or an OCN. And again, the record -- the rule
14 says what field that OCN has to be put in. But
15 again, it says nothing about CPN.

16 The best evidence here of the
17 Commission's intent in 29.040(4) is what the
18 Commission itself said in its brief to the Cole
19 County Circuit Court in our appeal. And here's what
20 the Commission said, and I'm quoting from the brief:

21 "The Commission concedes that the single
22 sentence of which SBC Missouri complains is an
23 incorrect statement of what Rule 4 CSR 240-29.040(4)
24 requires. That is so because the Commission now
25 believes that neither the category 1101 XX record nor

1 a Missouri-specific category 1101 XX record must
2 include CPN for wireless-originated calls."

3 The Commission here needs to be
4 consistent. It can't say one thing to the Court and
5 then reach a different result here. And the
6 Commission should have no concern about staying
7 consistent with what it represented to the Court
8 because that's absolutely the right answer.

9 Not only is the Commission's position
10 before the Court supported by the language of the
11 proposed rule itself, it's also supported by industry
12 standards on these types of records which you'd note
13 that the Commission's rule also references. That's
14 also supported by how the manufacturers and carriers
15 across the country have actually applied those
16 standards and practices.

17 Here the evidence shows that Lucent,
18 which is the leading American manufacturer of
19 switches, didn't build its tandems to capture CPN on
20 wireless calls and that it could cost over a million
21 dollars for Lucent to develop a new feature to add
22 that capability to its switch.

23 As you probably know, Lucent was this --
24 the old Western Electric division that was spun off
25 from AT&T years and years ago. They manufactured

1 switches and they provided to carriers all across the
2 country. Now, they don't make them special for AT&T
3 Missouri. They're just sold in the regular course of
4 business to all carriers across the country, and they
5 didn't put this capability into their switch.

6 The evidence also shows that most of the
7 other telephone companies across the country like
8 Bell South, Verizon and Century, they don't include
9 CPN in their wireless billing record either.

10 All of these facts, they corroborate our
11 interpretation of the industry standards that are
12 referenced in the Commission's rule. But more
13 importantly for the Commission, this evidence
14 supports its position, the Commission's position that
15 it took before the Cole County Circuit Court, and
16 that position is the CPN is not required on wireless
17 billing records.

18 Let's turn to those guidelines. With
19 respect to industry standards, you'll hear today
20 about the exchange message interface industry
21 guidelines that were created and are maintained by
22 the Ordering and Billing Forum. Now, you'll hear
23 parties talk about this as the OBF-EMI guidelines.
24 These are the guidelines that are referenced in the
25 Commission's definition of category 11 record.

1 AT&T Missouri's witness, Chris Read, has
2 demonstrated that our -- our records on wireless
3 traffic fully complies with these standards. But
4 more importantly for the issues here, he has
5 demonstrated the OBF-EMI guidelines do not require
6 CPN in the category 11 record for a wireless call,
7 which, again, supports the Commission's position
8 before the Court.

9 So if you have any questions at all
10 about these standards, I'd strongly encourage you to
11 ask Mr. Read about them. He truly is an expert on
12 the OBF-EMI guidelines. He's been an OBF member
13 personally since 1997, and he's personally
14 participated in the creation of the EMI guidelines
15 for wireless traffic and in their maintenance. And
16 on a day-to-day basis, about half of his time is
17 dedicated to working at the OBF.

18 Now, Mr. England and Mr. Schoonmaker are
19 going to tell you that if you look at those OBF-EMI
20 record layout, in the description you'll see a field
21 called the "from" number field. And that is a
22 required field in the record, and we agree with that.

23 They'll also tell you that the "from"
24 number field for a wireless call means the calling
25 party's number. Well, from a layman's perspective,

1 that might appear to be so, but it's not correct.
2 The guidelines are not to be read so strictly like
3 you would a statute.

4 As Mr. Read testifies, the "from" number
5 field is a generic field, and that means that it's
6 capable of holding a number of different values of
7 which CPN is only one in certain circumstances.

8 As Mr. Read testified, in applying these
9 guidelines and, in fact, in creating them, you always
10 need to keep in mind the purpose for those records,
11 which is for the use in billing another carrier. Not
12 an end user, another carrier.

13 For landline calls like a long distance
14 call, it would be appropriate to include CPN in a
15 category 11 record and ours does. But with a
16 wireless call, CPN is not appropriate for use in
17 billing wireless carriers.

18 And I think even the small companies
19 should readily admit that even if we gave CPN to them
20 in its record for wireless calls, they wouldn't use
21 it for intercompany billing. If they did, their
22 billing could be wrong possibly 30 percent of the
23 time, which would certainly be unacceptable.

24 As the Commission's own rule states, CPN
25 may not be used to jurisdictionalize wireless calls.

1 we filed in this case, that's not actually what the
2 rule says. What it does is prohibit the substitution
3 of the responsible end user's originating telephone
4 number with another originating telephone number.

5 And the staff points out in that
6 rulemaking, the purpose of that language was to
7 prevent the fraudulent practice of making a long
8 distance call look like a local call in order to
9 avoid the application of access charges.

10 What would happen is some unscrupulous
11 carriers, as staff indicates, would substitute a
12 local telephone number instead of the telephone
13 number from another exchange or another state.
14 And then on the terminating end, that call would look
15 like a local call and it would be entitled to a lower
16 reciprocal compensation rate instead of the higher
17 access rate.

18 Well, this rule has no application to
19 our putting BTN in the "from" number field in the
20 category 11 record. Let me tell you why. First,
21 we're not removing the responsible end user's
22 originating telephone number from the record and
23 substituting in BTN. That's because the originating
24 number never was in that record.

25 Second, BTN is not an originating

1 telephone number. Rather, it's a number that
2 identifies the trunk group over which that call came
3 into the LEC-to-LEC network. And it's not
4 jurisdictionally improper. Instead, it provides very
5 usable information that helps to correctly identify
6 the responsible wireless carrier.

7 Mr. Read explains that we do this
8 because industry practice has been to use what's
9 available in our switch recordings which you will
10 hear referred to as automatic message accounting or
11 AMA recordings.

12 With respect to AMA, or some people call
13 it AMA, what you need to know here is that for
14 different types of calls like a long distance call as
15 opposed to a wireless call, industry standards call
16 for different types of information to be included in
17 the AMA switch recording.

18 The telecoding technology's generic
19 requirements for service provider AMA, that's another
20 history document, tells us to put that trunk number
21 in the originating number field of the AMA.

22 Now, Mr. England and Mr. Schoonmaker
23 will dispute that this is what the telecoding generic
24 guidelines require. They'll point to another section
25 of that document that calls for CPN to be put in

1 something called module 164 of the AMA.

2 Well, we've agreed that that language is
3 in the generic requirement, but really it's
4 irrelevant. Industry practice here, as you'll hear
5 our witnesses testify, is to take what's in the
6 originating number field of AMA and use that to
7 populate the category 11 record.

8 Certainly, if CPN was something that
9 carriers needed, all switch vendors would have
10 manufactured their tandem switches with that
11 capability. But as I indicated earlier, they didn't.

12 Lucent, which is a leading American
13 manufacturer of telephone company switches, just
14 didn't build that feature into their tandem switches,
15 which shows that companies don't need it, don't use
16 it.

17 But to make sure there's no
18 understanding (sic), I want you to know that based on
19 our research of our own switches, because we have
20 another type of switch in our network called Nortel,
21 that switch does contain a feature that might be able
22 to capture CPN in our AMA recordings. But like most
23 other carriers, we've never activated it, we never
24 test it. It's just not used.

25 But you should note that both the Lucent

1 switch and the Nortel tandem switch, they were both
2 built to record BTN in the originating number field
3 of AMA, and that's what we used to populate our
4 category 11 record, which is industry practice.

5 Now, you might be asking yourself well,
6 is our category 11 record sufficient to bill wireless
7 carriers? Absolutely. The evidence will show that
8 the Small Companies are using it now to successfully
9 bill the wireless carriers. If you look at their
10 interconnection agreements with the wireless
11 carriers, they'll say that they agree to accept our
12 records as an accurate statement of the traffic
13 exchanged.

14 You'll also note that there have been
15 many complaints filed in the past about -- from the
16 Small Companies seeking compensation on wireless
17 traffic. But you need to note that in each one of
18 those cases, there was nothing in any of those cases
19 about the accuracy or the adequacy of the records
20 we've provided. In fact, the complainants themselves
21 used our own records to substantiate their claims.

22 Now, you also need to know that those
23 claims have all been resolved so they're -- they
24 don't exist anymore. But the point to remember is to
25 support their claims against the wireless carriers in

1 those cases, they used our records.

2 But does this mean that we're not making
3 CPN available to the Small Companies? Absolutely
4 not. Even though CPN is not contained in the
5 wireless billing record, we do send CPN in real time
6 with each call over the parallel signaling network
7 that you'll hear referred to as the signaling
8 system 7 or SS7 for short.

9 And we're all, as consumers, probably
10 most familiar with that, because that's what makes
11 caller ID work, makes the number appear on your
12 caller ID display on the calls you receive.

13 But what you need to know about CPN and
14 the signaling of CPN is that we think it's very
15 important and should be sent on all calls. We send
16 it on all of our calls. And when we receive it from
17 connected carriers, which really is most of the time,
18 we always pass it on. We absolutely do not strip
19 that information from a call.

20 The Commission's rules, and specifically
21 Rule 29.040(1) and (2), they require to be -- they
22 require CPN to be transmitted on the call, and we
23 support those requirements.

24 The only suggestion we have for those
25 rules was a simple clarification to acknowledge that

1 if the transmitting carrier like us didn't receive
2 it in the first instance from the originating
3 carrier, then we wouldn't have anything to pass on
4 to the carriers behind us. That's the only concern
5 that we had with the rule. Otherwise, we support --
6 you know, we support it nationally, we support the
7 FCC.

8 But with respect to the CPN, if a small
9 company has a business need for it, you need to know
10 that we make it available for signaling. And the
11 evidence shows that when they need it, it's there for
12 them and they can use it in that form.

13 They've used it for auditing, they've
14 used it to develop factors. And it wasn't in any
15 record that we sent. It came from the signaling.
16 And they're perfectly capable of using it in
17 signaling.

18 But sending CPN and signaling with the
19 call is entirely different than putting CPN in an
20 intercompany billing record which are exchanged many
21 weeks after a call is made. And that's clear to us
22 for the wire -- for wireless calls. The Commission
23 intended the proposed rule to require carriers to
24 provide CPN only in the signaling. It didn't require
25 CPN to be both in the signaling and in the record.

1 And as I mentioned earlier, that's clear
2 first, from the plain language of the proposed rule
3 itself.

4 Second, it's clear from what the
5 Commission itself represented to the Cole County
6 Circuit Court in its brief in our appeal there.

7 Third, it's supported fully by the
8 OBF-EMI guidelines. It's also supported by the top
9 40 generics for the AMA switch recordings and how
10 both the switch manufacturers and carriers across the
11 country have applied those standards.

12 The Commission's intent here is also
13 clear from what didn't happen during the rulemaking.
14 If the Commission intended to impose a new
15 requirement on the industry, and this is a big one,
16 it would have wanted to know the full impact of
17 imposing such a new requirement.

18 It would have wanted to know things
19 like, you know, what are the industry standards here?
20 Is CPN being provided by carriers now in Missouri?
21 Is it being provided by carriers across the country?
22 Do carriers here have the technical capability of
23 providing it in the billing record, and if not, what
24 would it cost to develop that type of technology?

25 What's the fiscal impact of this new

1 requirement and whether inclusion of CPN in the
2 wireless billing record is actually needed for the
3 terminating companies to be able to bill the wireless
4 carriers?

5 But the Commission didn't gather any
6 evidence on these issues which shows that it had no
7 intent to impose such a requirement, nor do parties
8 to a Commission rulemaking hold back relevant
9 evidence when a rule that could have a significant
10 economic impact on them is being considered.

11 The parties here do not present such
12 evidence precisely because the rule as proposed
13 didn't indicate any intent to impose such a new
14 requirement.

15 In closing, I'd just ask the Commission
16 to remain consistent with its position before the
17 Cole County Circuit Court: That CPN is not required
18 in the wireless billing records because that's
19 absolutely the right answer here. Thank you.

20 MR. DORITY: Your Honor, CenturyTel
21 Missouri waives opening statement this morning.
22 Thank you.

23 JUDGE DALE: Thank you.

24 MR. KRUEGER: Good morning. May it
25 please the Commission. One of the advantages of not

1 being the first one to give the opening statement is
2 that maybe the first speaker has gotten rid of -- or
3 has introduced most of the acronyms and initialisms
4 and strange terms, and I appreciate Mr. Bub doing
5 that for me.

6 The issue in this case is, does
7 Commission Rule 4 CSR 240-29.04(0)(4) require the
8 originating tandem carrier to include the calling
9 party number as part of the category 1101 XX record
10 that it provides for wireless-originated calls that
11 transit the LEC-to-LEC network and terminate to other
12 LECs?

13 It seems like that should be a simple
14 question. It seems like all we should have to do is
15 just look at the rule and see whether it requires the
16 originating tandem carrier to include the CPN in its
17 billing records for wireless-originated calls. But
18 it's not simple. In fact, it's a very complex issue.

19 The expert witnesses for the disputing
20 parties in this case look at the very same document;
21 namely, the format for the category 1101 XX billing
22 record, and they come to exactly opposite conclusions
23 about what data must be placed into that record.

24 This is because they have to construe
25 multiple documents and multiple provisions within the

1 same document. One of the key documents is the EMI
2 document which governs the category 11 records. It
3 contains nearly 1500 pages of detailed information.
4 But it still does not explicitly say whether the
5 category 11 billing record for a wireless-originated
6 call must include the CPN.

7 The specific rule that the Commission is
8 asked to construe is Rule 4 CSR 240-29.04(0)(4). The
9 relevant part of that rule provides: "When
10 transiting traffic for any carrier other than an
11 incumbent local exchange carrier, originating tandem
12 carriers shall, for each compensable call, create and
13 make the following available upon request by
14 terminating carrier at no charge to the terminating
15 carrier: A category 1101 XX record or, if no carrier
16 identification code is available, a Missouri-specific
17 category 1101 XX record."

18 This section 4 of the rule does not
19 specifically mention CPN. Sections (1) and (2) of
20 the rule do require that CPN be transmitted in the
21 SS7 signaling stream for a call, but there's no place
22 in this rule or in any other part of Chapter 29
23 that -- that specifically requires that CPN be
24 provided as part of the billing record for a
25 wireless-originated call.

1 What is required, and the parties agree
2 on this, is a category 1101 XX record or a
3 Missouri-specific category 1101 XX record. The
4 question then, and I think that all parties agree on
5 this as well, is whether a category 1101 XX record
6 must include the CPN.

7 The rules in Chapter 29 define a
8 category 1101 XX record as a mechanized individual
9 call detail record that is developed in compliance
10 with the Ordering and Billing Forums exchange message
11 interface industry guidelines.

12 The rules also say that a
13 Missouri-specific category 1101 XX record is
14 identical to the category 1101 XX record except that
15 it contains an originating company number or OCN in
16 positions 167 through 170 instead of a carrier
17 identification code in positions 46 through 49.

18 Unfortunately, neither of these
19 definitions concerning category 11 records mentions
20 CPN either. And neither definition tells whether the
21 CPN must be included in the category 1101 XX records
22 or not. The term "industry standard" will be
23 important in the resolution of this case.
24 Unfortunately, that term is not defined in Chapter 29
25 rules either.

1 All parties do agree though, that the
2 AMA recordings are an industry standard. And they
3 also agree that the EMI billing records are an
4 industry standard.

5 The evidence will show that something
6 called an AMA recording is created at the switch of
7 the originating tandem carrier or originating end
8 office. These recordings are created in accordance
9 with the requirements of a -- of a document developed
10 by Telcordia Technologies and known as GR 1504.

11 These AMA recordings amount to a data
12 field -- or a data bank of information concerning
13 each call that passes through the switch.

14 The next step, then, is the creation of
15 the EMI billing records which utilizes the data that
16 is in this data bank known as the AMA recording.

17 These billing records are governed by
18 the provisions of the EMI document. That's the
19 1500-page document that I mentioned earlier.
20 Category 1101 XX records are one species of an EMI
21 billing record.

22 As applicable to this case, the record
23 that's created is a category 1101 01 record. The
24 category 11 record that is then created is then sent
25 downstream and ultimately to the terminating end

1 office for use in billing.

2 Two expert witnesses in this case
3 attached copies of the format for the category 11
4 billing record. The documents they attached are
5 identical. The two experts looked at the identical
6 document and yet they reached opposite conclusions
7 about whether the CPN must be provided.

8 The disagreement is over what
9 information must be included in the category 11
10 record for wireless-originated calls. The specific
11 question is what must be included in bit positions 15
12 through 24 of this category 11 record, and this --
13 these bit positions, these ten bit positions, are
14 called the "from" number field.

15 The Small Telephone Company Group and
16 the Missouri Independent Telephone Group say this
17 field must be populated by the CPN.

18 AT&T, on the other hand, says this must
19 be populated -- that it may be populated with a per
20 trunk billing number or BTN. AT&T claims that the
21 Telcordia document that I discussed a little earlier
22 requires -- requires the use of a per trunk billing
23 number here, whereas the STCG -- The Small Telephone
24 Company Group and Missouri Independent Telephone
25 Company Group insist that the EMI document requires

1 that the CPN be provided in this field.

2 This is the core of the dispute in this
3 case: What should go in the "from" number field, the
4 CPN which identifies the party that placed the call,
5 or the billing telephone number which identifies the
6 wireless carrier that placed the call on the
7 LEC-to-LEC network?

8 The stated purpose of Rule 29.040(4) is
9 to establish, "A proper means of identifying to
10 transiting and terminating carriers all carriers who
11 originate traffic that is transmitted over the
12 LEC-to-LEC network."

13 The evidence will show that requiring
14 the CPN to be included in the category 11 record
15 would not accomplish this purpose of identifying the
16 responsible carrier. The CPN pertains to the end
17 unit -- end user, it's the end user's number.

18 And the absence of CPN from the category
19 11 billing record does not prevent the terminating
20 carrier from knowing who the responsible carrier is
21 that placed the call on the network. This is not to
22 say that the per trunk billing number will provide
23 all of the information that's desired.

24 The evidence will show that it does not
25 provide any indication as to the proper jurisdiction

1 of the call, and it does not identify the carrier
2 upon whose network the call originated.

3 But the CPN does not provide a reliable
4 jurisdictional indicator for all wireless traffic
5 either. The evidence will show that the CPN has
6 never been a standard field in the category 11
7 billing records that are provided for
8 wireless-originated calls.

9 AT&T has never provided it in their
10 category 11 records for non-IXC calls, nor has
11 CenturyTel. And there's an open question about
12 whether -- how long Sprint has been providing it.

13 Requiring the CPN to be provided as part
14 of the category 11 billing record for non-IXC calls
15 would be a significant change from the present
16 practice. This change is not explicitly required by
17 the rule that we're addressing this morning, and the
18 evidence will show that it would do little to
19 accomplish the purpose of that rule.

20 The staff will therefore urge the
21 Commission to find that Rule 29.040 does not require
22 the tandem -- the tandem carriers to include the CPN
23 as part of the billing record that they provide for
24 wireless-originated calls.

25 Bill Voight will be testifying on behalf

1 of the staff and will be pleased to answer any of
2 your questions. Thank you.

3 JUDGE DALE: Thank you, Mr. Krueger.

4 MR. ENGLAND: Thank you, your Honor.
5 Good morning and may it please the Commission. My
6 name is Trip England. I represent The Small
7 Telephone Company Group and I, along with Craig
8 Johnson, representing the Missouri Independent
9 Telephone Company Group, have jointly sponsored
10 Mr. Schoonmaker as our witness in this case.

11 I won't restate the issue because it's
12 been accurately stated by both Mr. Bub and
13 Mr. Krueger, although I had it written down here in
14 my notes to say it one more time.

15 And I agree that there are a number of
16 issues on which we seem to have agreement. I think
17 all of the parties agree that tandem carriers like
18 AT&T -- and by the way, I apologize ahead of time if
19 I revert to calling AT&T SBC, Southwestern Bell or
20 something like that. Old habits die hard.

21 But I think we all agree that tandem
22 carriers like AT&T Missouri are required to create
23 industry standard 1101 records for traffic they
24 transit to other LECs. And I think that we will all
25 agree that industry standard records for various

1 types of traffic have been around for a number of
2 years.

3 For example, with the creation of the
4 exchange access compensation regime at the
5 divestiture of the former AT&T, carriers began
6 billing exchange access and needed records to do so.

7 Those records needed to tell you the
8 time of day, the duration of the call, the calling
9 party number or CPN as we've referred to it, the
10 called number in order to determine the jurisdiction
11 of the call, and other relevant evidence in order to
12 properly bill the carriers for that exchange access.
13 So the industry standard 1101 records have been
14 around for quite some time.

15 Industry standard 1101 records are also
16 now being used to capture CLEC traffic which has
17 arrived on the scene with the advent of the
18 Telecommunications Act of 1996. And again, those
19 industry standard records capture call detail
20 information regarding traffic that CLECs delivered
21 to -- that CLECs delivered to SBC at its tandem, such
22 as the time of day, the duration of the call, the
23 calling party number, the called number, et cetera.

24 Of particular interest to these IXC
25 records, CLEC records that Bell creates at its tandem

1 is the fact that CPN has always been part of that
2 record.

3 And of particular interest with respect
4 to an IXC record, when that IXC comes to Southwestern
5 Bell's tandem, delivers traffic and part of that
6 traffic is actually wireless traffic -- in other
7 words, interexchange carriers transit or transport
8 wireless traffic, believe it or not -- when they do
9 so and they deliver all of that traffic to Bell and
10 part of that traffic is wireless-originated, Bell
11 captures the CPN on that traffic and puts it in the
12 1101 record and transmits that record to the
13 terminating carriers, The Small Telephone Companies
14 in this case.

15 Interestingly enough, when Bell creates
16 a record of CLEC traffic, and let's say that CLEC is
17 providing traffic on voiceover internet which we now
18 know is Mobile from the generic docket that we've
19 had, Bell captures the CPN of that CLEC traffic even
20 if it's voiceover internet -- to the extent that it's
21 transmitted to them of course -- they put it in their
22 industry standard record and they transit that
23 record -- or excuse me, that's a wrong word to use
24 for passing records -- they pass that record to the
25 terminating carrier, and that CLEC record has the

1 originating number or the CPN in it.

2 It is only the wireless traffic that is
3 delivered to Bell's tandem by a wireless carrier that
4 does not have the CPN. And Bell tells you, "Well,
5 we've never done that." Well, what they don't tell
6 you is that we didn't start creating, or excuse me,
7 SBC did not start creating those records until the
8 summer of 2004, less than two years ago.

9 It's not like this has been a
10 longstanding industry practice. In fact, it was an
11 aberration given longstanding industry practice to
12 include CPN in 1101 records.

13 The Small Telephone Company Group and
14 the Missouri Independent Telephone Company Group did
15 not become aware of the fact that we weren't getting
16 true calling party number in wireless records like we
17 did with IXC records, like we did with CLEC records,
18 until the fall of 2004 when this Commission was
19 embarking upon its proposed order of rulemaking.

20 So again, Bell tells you, "Well, it was
21 never in the proposed rule." Admittedly, CPN is not
22 mentioned in the proposed rule as far as records are
23 concerned because it wasn't an issue until the very
24 end of the process. It wasn't discussed in the
25 workshops. The workshops had concluded by the fall

1 of 2004.

2 We raised the issue with Southwestern
3 Bell, we raised the issue with staff in the fall of
4 2004, we raised the issue with the Commission at an
5 agenda meeting in October of 2004 when we began
6 receiving these records and realizing we weren't
7 getting true calling party number on wireless
8 traffic.

9 Mr. Johnson put it in his written
10 comments on the rule and testified to it in the
11 rulemaking. We raised it at the earliest possible
12 time. This is not longstanding industry practice as
13 Bell would have you believe. This is something that
14 has occurred in the very, very recent future and is
15 an aberration, as I said. All other records have
16 CPN.

17 We agree that the industry standards are
18 established by Telcordia for switch records or what
19 the parties have referred to as automatic message
20 accounting or AMA. We agree that OBF or the Ordering
21 and Billing Forum establishes standards for the
22 billing records which have been discussed and
23 identified as exchange message interface or EMI.

24 And as both Mr. Bub and Mr. Krueger tell
25 you and I wholeheartedly agree, we distinctly

1 agree -- disagree over what those documents say, and
2 Mr. Schoonmaker will testify to that fact.

3 AT&T says that these documents create an
4 exception to the general rule for all other types of
5 traffic that we talked about, and that for wireless
6 traffic terminated to their tandem by a wireless
7 carrier, they don't need to capture CPN and they
8 don't need to include it in the EMI billing record.

9 Well, I challenge this Commission to
10 find in any of the OBF documentation that is attached
11 to the testimony of the AT&T witness -- witnesses,
12 any reference to this type of an exception.

13 Specifically, AT&T says that in lieu of
14 calling party number, AT&T may insert a billing
15 telephone number or BTN in these EMI records.

16 Again, I challenge you or anyone in this
17 room to find in the 100-plus pages of the OBF
18 documentation attached to AT&T's testimony, I believe
19 it's Mr. Read's, any mention or any reference of
20 billing telephone number, BTN, let alone an
21 acknowledgment a BTN may be inserted in an EMI 1101
22 billing record in lieu of the calling party number.

23 On the contrary, Mr. Schoonmaker has
24 reviewed this documentation and points out, as I
25 believe Mr. Bub and Mr. Krueger have acknowledged,

1 that the EMI document requires a "from" number field
2 to be populated. This "from" number, according to
3 Mr. Voight, and we wholeheartedly agree, is exactly
4 the same as CPN. And it is a field that Mr. Bub has
5 agreed needs to be populated in the EMI 1101 record.

6 Again, there is no exception that we can
7 find in any of this documentation that says the
8 "from" number field which is to contain this
9 originating number can be substituted with a billing
10 telephone number.

11 It is clear to us from the industry
12 standard documentation provided by AT&T's own
13 witnesses that there is no exception as they claim.
14 But let's say for the sake of argument that there is
15 some ambiguity, there's certainly some disagreement
16 on this issue. What was the Commission's intent when
17 it promulgated the rule? Well, that intent was
18 crystal clear.

19 In the Commission's order of rulemaking
20 published, or at least issued on May 12th of '05, the
21 Commission said as follows, and it's quoted in
22 Mr. Voight's direct testimony, page 12, lines 7
23 through 15.

24 The Commission said: "We find that SBC
25 has shown no credible evidence that the category

1 1101 XX billing records it creates for
2 wireless-originated calls traversing the LEC-to-LEC
3 network should be different from the category 1101 XX
4 billing records it creates for wireline and
5 wireless-originated calls traversing the
6 interexchange carrier network. We thus determine
7 that transiting carriers shall include the CPN as
8 part of the category 1101 XX records created for
9 wireless-originated traffic occurring over the
10 LEC-to-LEC network." Excuse me.

11 This Commission recognized at the time
12 it implemented these rules that CPN for
13 wireless-originated calls needed to be included in
14 the record that the tandem carrier was creating.
15 There is absolutely no question in my mind or should
16 there be in anyone's mind that that was the intent of
17 the Commission when it implemented the rules. And
18 you don't have to go any further than your own order
19 of rulemaking to -- to see that.

20 The Commission didn't stop there. It
21 also promulgated Rule 4 CSR 240-29.040(6) which
22 states: "The originating telephone number shall be
23 the telephone number of the end user responsible for
24 originating the telephone call. Under no
25 circumstances in Sections (1), (2), (3)" -- I

1 emphasize this one, "(4), and (5) above shall any
2 carrier substitute an originating telephone number
3 other than the telephone number of the end user
4 responsible for originating the telephone call."

5 Why I emphasized section (4) in this
6 particular rule is that section (4) is the rule that
7 is at issue here. So what the Commission is
8 basically saying that for purposes of CPN records, or
9 excuse me, for purposes of industry standard billing
10 records that the tandem carrier must create as a
11 result of section (4) of your rules, you can't
12 substitute a fictitious number for the originating
13 telephone number.

14 Again, it's so obvious, it's like the
15 nose on the -- on your face that the Commission
16 intended for CPN associated with wireless calls to be
17 included in the EMI records that the tandem carrier
18 must create and pass to third-party LECs where that
19 traffic is terminated.

20 It's unimaginable to me that anyone
21 could argue that the PSC rule as promulgated doesn't
22 require CPN to be included in these records and that
23 it is somehow permissible to substitute a fictitious
24 number, a billing telephone number, for the original
25 and the correct calling party number.

1 A couple of other points I need to make
2 here. AT&T argues that what it is doing is no
3 different than what CenturyTel and Sprint are doing.
4 Well, AT&T overstates its case in this regard and to
5 some degree misleads this Commission because it fails
6 to acknowledge until just recently, certainly not in
7 its testimony, that Sprint has made the necessary
8 changes to its systems to capture and pass CPN on the
9 wireless records -- on the wireless traffic that it
10 transits and the wireless records that it creates.

11 AT&T also tells this Commission that the
12 CPN on wireless calls is unreliable and can never be
13 used to determine the jurisdiction of wireless
14 calls -- never be used, this is the testimony of
15 Mr. Read -- to determine the jurisdiction of wireless
16 calls. Again, AT&T overstates its case and to some
17 degree misleads you.

18 Clearly, we acknowledge, because of the
19 mobility involved in wireless calling, the CPN of a
20 wireless call may not always accurately reflect the
21 true originating point because that end user customer
22 may be roaming outside his local calling area. But
23 not all wireless callers are roaming when they place
24 their calls.

25 AT&T also fails to note that wireless

1 CPN is the only information that we're currently
2 getting in the network that would help to identify
3 the jurisdiction of these calls.

4 This Commission has recognized that and
5 has used calling party number to establish inter-MPA
6 factors, jurisdictional factors, if you will, in a
7 recent complaint case involving a number of small
8 telephone companies against T-Mobile as well as in
9 contested arbitrations that recently occurred between
10 Missouri Small Telephone Companies and T-Mobile.

11 But what's most telling here is AT&T's
12 comments to the FCC in support of its petition for a
13 declaratory ruling in a dispute it had with Global
14 Crossing. In that case the Commission -- or excuse
15 me, AT&T argued to the FCC that in the absence of
16 accurate and reliable information as to originating
17 caller location, SBC, now AT&T, could use the
18 telephone number of the wireless caller to ascertain
19 the jurisdiction of the call.

20 Specifically, AT&T told the FCC, and we
21 quote -- this is from Mr. Schoonmaker's rebuttal
22 testimony, page 13, lines 1 through 7, and of course,
23 a public document on file at the FCC: "Because long
24 distance carriers provide no other information to
25 local carriers as to the geographic location of

1 wireless subscribers who place or receive telephone
2 calls, it has been standard industry practice for
3 years to use calling and call party telephone numbers
4 to determine the jurisdiction of and thus appropriate
5 access charges for wireless-originated calls."

6 Think about it: In direct contradiction
7 to what AT&T is telling you in this case, they have
8 told the FCC that not only is CPN the only
9 information they have and therefore appropriate for
10 determining the jurisdiction of wireless calls,
11 they're also telling the FCC that it's been standard
12 industry practice for years.

13 I ask this Commission to keep this quote
14 in this case in mind when judging the credibility of
15 the AT&T testimony in this case and in light of
16 Mr. Bub's admonition to you for consistency. I would
17 ask that you hold AT&T to the same consistency that
18 they are asking you to adhere to when they tell the
19 FCC one thing and this Commission something entirely
20 different. Thank you.

21 JUDGE DALE: Thank you, Mr. England.

22 MR. JOHNSON: May it please the
23 Commission. Craig Johnson from the Missouri
24 Independent Telephone Company Group. I can't imagine
25 a topic that's more tiring to the Public Service

1 Commission than LEC-to-LEC networks and terminating
2 records.

3 In genesis, this case goes back to the
4 end of the PCC plan when then-SBC was ordered to give
5 us industry standard 1101 records for all this
6 traffic. Of course, AT&T or SBC at the time, it also
7 persuaded the Commission in an earlier docket to
8 supply us with a CTUSR or a summary report, not a
9 call-detailed record at all for wireless traffic.

10 The reason I mention that is I don't
11 want to go back and detail all the pain that we had
12 in arguing about business relationships. I want to
13 just focus on records for a moment.

14 As Mr. England just told you, the only
15 1101 that we get today that does not have the CPN is
16 the wireless-originated call that the wireless
17 carrier delivers to the AT&T tandem. If the wireless
18 carrier delivers that to an interexchange carrier or
19 an IXC, we do get the CPN on that 1101.

20 And so I want to ask you to remember
21 what is the name of this rule that we're talking
22 about today? It kind of got lost in the mix. Was it
23 the Enhanced Record Exchange Rule? If at the time
24 this rule was promulgated, you didn't intend to give
25 CPN in the 1101 for the wireless-originated traffic

1 delivered to Bell's tandem and going to the small
2 terminating rural ILECs, there's nothing enhanced
3 that that rule accomplished.

4 And I want to go back to what
5 Mr. England was telling you about the time line. We
6 first started getting these supposedly 1101 records
7 that were going to be a substitute for the paper
8 records, the CTUSRs, in the early summer of 2004.

9 It takes a while for those records to be
10 processed to get them through the billing systems.
11 We first found out that this BTN had been substituted
12 for what we expected to be in the CPN field in the
13 fall of 2004, right when we were coming up on the
14 hearing for the record for this rule that we're here
15 on today.

16 And it was clearly understood, in my
17 view, by everyone that we -- that this new record was
18 going to give us the CPN to fill the hole in the
19 Swiss cheese that we have been complaining about.

20 The Commission understood that. That's
21 why its order of rulemaking said what Mr. England
22 quoted it as saying, is that CPN will be required in
23 the 1101. We all understood that. That was -- that
24 was the intent of the rule.

25 The Commission's order adopting the rule

1 went ahead and specifically said that. SBC took it
2 to Cole County Circuit Court. They appealed that
3 rule on three grounds. One of the grounds was the
4 rule requires CPN in the 1101 record. They knew,
5 they interpreted it as requiring CPN in the record or
6 they wouldn't have filed that as part of their legal
7 grounds to take it to Cole County Circuit Court.

8 They filed this very proceeding that
9 we're here on today for an application for a waiver
10 from that requirement of the rule. If AT&T didn't
11 think the rule required CPN in the billing record,
12 why are we here? Are they asking you for a waiver
13 for a requirement that doesn't exist?

14 The real issue in this case, in my view,
15 is whether or not AT&T can justify getting a variance
16 from that rule. And what has happened is that after
17 this case was filed, after the Commission's order
18 said CPN is required, staff filed a recommendation in
19 this case that said yes, CPN is required.

20 Then staff changed its mind and they
21 filed a brief, not their brief, but they said it was
22 the Commission's brief, that said the rule didn't
23 require that. That's the reason we're here today.

24 Somewhere between September or October
25 of 2005 and the time they filed that brief in Circuit

1 Court, staff changed its mind. That's the only
2 reason we're here today.

3 A couple other comments I want to
4 mention to you, and I think it has to do with what's
5 going on, what's really going on.

6 AT&T wants to talk about providing the
7 OCN -- and Mr. Krueger slipped. He said that meant
8 the originating carrier's number. It's not
9 originating, it's the operating carrier's number.

10 And AT&T will tell you that this BTN we
11 sometimes refer to as a fictitious number, that
12 refers to the billing trunk number. Whichever one of
13 those two things you use, I want you to understand
14 that that number represents the carrier that brought
15 the call to Bell's tandem.

16 And as Mr. Krueger mentioned, and it's
17 in Mr. Voight's testimony and it's in AT&T's
18 testimony, they seem to acknowledge what this
19 Commission did with the Enhanced Record Exchange
20 Rule, and that is that the Commission adopted an
21 originating carrier responsibility concept where the
22 originating carrier is supposed to pay compensation,
23 and this was done over the Small Companies'
24 objection.

25 But that's not what's going on here.

1 When AT&T gives us that OCN or the BTN, they're not
2 giving you -- giving us the bill. The carrier that
3 originated the call, they're telling us to bill the
4 carrier that delivered the call to AT&T.

5 So if Cingular delivers a call that was
6 originated by Alltel Wireless, Bell does not bill
7 Alltel, they bill Cingular. And the record they're
8 giving us is trying to tell us to bill Cingular
9 whether or not Cingular is the originator. In fact,
10 they're telling us not to bill the originator in that
11 situation.

12 And the reason I bring -- bring this up
13 is it gets to me to be -- it gets to the motive of
14 this case. It's about business relationships again.
15 Bell wants the business relationship that we wanted
16 and they're wanting us to take a different business
17 relationship.

18 They don't want us billing the transient
19 carrier, that is AT&T. They want to be able to bill
20 the transient carrier in that situation I gave you
21 with Cingular, and that, I think, is at the heart of
22 this issue about records and stuff, is that Bell
23 wants to obtain a relationship whereby it decides not
24 only who it bills, but it's deciding who we're going
25 to bill.

1 And this billing -- this issue about the
2 records that we're getting is a subset of that bigger
3 struggle. So when you get a chance to ask questions,
4 ask the AT&T witnesses whether the record they're
5 giving us is telling us to bill the originator in
6 every instance and why. Thank you.

7 JUDGE DALE: Thank you, Mr. Johnson. I
8 believe that concludes the opening statements. We
9 will be beginning with witnesses. In the meantime
10 let's take a -- we have a couple Commissioner
11 questions.

12 COMMISSIONER CLAYTON: Can I ask a
13 couple of questions?

14 JUDGE DALE: Uh-huh.

15 COMMISSIONER CLAYTON: Thank you, Judge.
16 I just wanted to ask a couple of legal questions
17 before we -- before we let the attorneys off the
18 hook. First of all, I wanted to ask the parties, and
19 feel free to chime in, whoever wants to, and I'll
20 start with Mr. Bub since -- since AT&T is the -- the
21 applicant or the petitioner in this case. First of
22 all, I wanted to make sure that I am clear on what
23 relief is being requested here today.

24 MR. BUB: Today, your Honor, we're
25 asking that this Commission find that there's no

1 requirement in the Rule 29.040(4) to include CPN in
2 the billing record that we're trying -- I think the
3 examination is what the Commission intended in
4 opposing that rule.

5 As I understand it, the actual waiver
6 request and the request for a variance of the rule is
7 set off to a separate proceeding. So now we're
8 focusing on whether -- whether the Commission in
9 implementing the rules -- or proposing the rule
10 intend to include CPN in the record.

11 COMMISSIONER CLAYTON: Okay. To
12 simplify for me, it seems what you are saying is that
13 AT&T is requesting that we interpret the rule that --
14 that we passed through an order of rulemaking
15 whenever that occurred; is that correct?

16 MR. BUB: I think it's more than
17 interpret. I think we're asking that they find that
18 when they proposed it, it was never a requirement.

19 COMMISSIONER CLAYTON: Well, that would
20 be an interpretation. I mean --

21 MR. BUB: There's shades of grey on the
22 word interpretation, so I'm not really sure how you
23 define it. But we're -- our position is that the
24 rule as proposed never required it, the Commission
25 never required it. So if you want to say that, you

1 know, that's -- we're asking for an interpretation,
2 then I would agree with that.

3 COMMISSIONER CLAYTON: Okay. Do any of
4 the parties have any comment on that for the
5 proceeding that is before us today? Anybody have any
6 response to that?

7 MR. JOHNSON: Well, Commissioner, I
8 would say that the reason we're here today is because
9 Bell has requested a waiver from certain requirements
10 of this rule, and when you look at the petition, they
11 wanted a waiver from the requirement to provide CPN.

12 MR. BUB: Your Honor, we don't disagree
13 with that. We did ask for a waiver, we asked for a
14 variance. And, you know, all along when we were
15 working on a procedural schedule, we recommended that
16 the two issues be considered at the same time because
17 there's a lot of overlap between them, a lot of
18 overlap in the facts, a lot of overlap in -- in the
19 application of the different rules.

20 So, you know, it's our view that they
21 should take -- the Commission should take both
22 questions that we are presenting at the same time
23 because -- because of that overlap between the two.

24 COMMISSIONER CLAYTON: Please, if the
25 parties could just give me a second. I thought we

1 were doing a water rate case today and I'm -- no, I'm
2 just kidding. Hang on just a second.

3 Mr. Bub, can you answer this question?
4 Were your -- I don't have your petition here in front
5 of me. Did you -- did AT&T plead in the alternative?
6 Did it plead for a waiver unless we found that it
7 wasn't -- that -- I mean, how -- how was your
8 petition pled?

9 MR. BUB: Our petition -- I don't have
10 it in front of me and I'll have to look it up to give
11 you a specific answer.

12 COMMISSIONER CLAYTON: You should know
13 yours by heart.

14 MR. BUB: I do and what we were focusing
15 on wasn't the rule. There's nothing, absolutely
16 nothing in the rule that says we have to do it. The
17 only reason, and it was out of an abundance of
18 caution that we did this, was because in the
19 Commission's order adopting the rule, there was one
20 stray sentence that said we had to put CPN in this
21 record. It wasn't in the rule, it was --

22 COMMISSIONER CLAYTON: I never -- let's
23 focus on relief. I don't want to get into arguments
24 with the parties.

25 MR. BUB: Well, you were asking for

1 relief, for that provision in the order.

2 COMMISSIONER CLAYTON: Is it in the
3 alternative? Are you wanting us to find that the CPN
4 is not required to be delivered as part of the 1101
5 record, and in the alternative, if we do that, you're
6 asking for a waiver of that? Is that a fair
7 description of what you-all have requested?

8 MR. BUB: Give me a minute to look. Can
9 I have a minute to look?

10 COMMISSIONER CLAYTON: Certainly,
11 certainly. Forgive me, everyone. Mr. England, did
12 you find it there?

13 MR. ENGLAND: Yeah. I hate like heck to
14 have to bail Mr. Bub out on this one, but your order,
15 opening case, et cetera in this particular docket
16 references Bell's pleading, which was titled -- and
17 I'm assuming you correctly quoted from its title --
18 Application for Rehearing and Alternative Request for
19 Temporary Variance or Waiver in Case No. TX-2000 --

20 COMMISSIONER CLAYTON: Okay. So it was
21 pled in the alternative that basically you -- AT&T
22 argues that the CPN is not required to be a part of
23 the Chapter 1101 record, and in the alternative, that
24 if we do find that, that you're asking for a waiver.

25 And that's why we're here today and

1 we've got to decide the first part. Does everyone
2 agree with that assertion? Since I'm the only
3 Commissioner here, I'm taking the liberty to ask
4 these questions.

5 MR. ENGLAND: I think you're right.
6 Interestingly enough, the application for rehearing
7 was denied, so we assumed until recently, in light of
8 the Circuit Court brief, that we would be going to
9 the waiver issue.

10 COMMISSIONER CLAYTON: Okay. Okay.
11 Mr. Bub, AT&T provides 1101 records on other types of
12 calls aside from the wireless calls in this case,
13 correct?

14 MR. BUB: Yes.

15 COMMISSIONER CLAYTON: An example would
16 be a record from a CLEC provider?

17 MR. BUB: Yes.

18 COMMISSIONER CLAYTON: What would be
19 another example?

20 MR. BUB: A record from a wire -- from
21 a -- the long distance carrier from an IXC.

22 COMMISSIONER CLAYTON: Yeah. Yeah.

23 MR. BUB: And Mr. England was
24 referencing those records, way back in history since
25 the beginning, did include CPN.

1 COMMISSIONER CLAYTON: Don't -- don't
2 get past my question.

3 MR. BUB: Right.

4 COMMISSIONER CLAYTON: You're -- you're
5 moving faster than --

6 MR. BUB: IXC. IXC.

7 COMMISSIONER CLAYTON: So IXC, CLEC,
8 would there be circumstances of other ILECs where
9 a -- where a call is being transported? Would that
10 be at issue? I mean, would that be another instance
11 where an 1101 record would be --

12 MR. BUB: Here in Missouri for the ILEC
13 calls, what they'd give us are category 92 records.

14 COMMISSIONER CLAYTON: Okay. So --

15 MR. BUB: And then they convert those
16 themselves and they themselves -- say, like for
17 example, Century would convert their 92 record to an
18 1101 format. And then they themselves would send it
19 to the Small Companies. That wouldn't come from us.
20 But you're right that there is -- there is another
21 instance where a category 11, that's a
22 Missouri-specific 11.

23 COMMISSIONER CLAYTON: Okay. Now, what
24 mandates that a -- that an 1101 record has to be sent
25 for a CLEC call? Is there any part of our rule,

1 statute, anywhere that mandates a category 11, or is
2 it Chapter 11 -- category 11 record be sent? Or is
3 that just a business relationship? Is it in another
4 agreement somewhere? And if you don't know, you
5 don't know. Is it in the OBF?

6 MR. BUB: Your Honor, I haven't studied
7 the CLEC calls. You know, we've focused on the
8 wireless here. I know our witnesses would be able to
9 answer that, but if you'll give me a minute, I'll --

10 COMMISSIONER CLAYTON: I'm trying to
11 frame the issues up. Is this something that AT&T
12 does out of the goodness of its heart? I mean, I
13 assume that there's a mandate for it somewhere.

14 MR. BUB: I'll tell you even with this
15 wireless record, even before this rule came out we
16 did it. And I don't know if you want to say out of
17 the goodness of our heart, we told carriers, you
18 know, through this long process that goes back years,
19 like Mr. England referenced, we're gonna try and fill
20 the holes in the Swiss cheese and provide individual
21 detailed records where there weren't any.

22 So our provision of this category 11
23 record for wireless was to fulfill a commitment that
24 we made to the industry that we would bring these.
25 So we did that without being required by the rule to

1 do it.

2 I know we do a CT -- a caller ID -- I'm
3 sorry, a category 11 record on the wireless, but I
4 don't know whether we started doing that before the
5 rule or after the rule. But that was part of our
6 commitment to the industry. I don't know.

7 COMMISSIONER CLAYTON: Okay. Well, I'm
8 not trying -- Mr. Bub, I'm not trying to put you on
9 the spot. I'll get to you in just a second. This
10 has just been going on -- there have been different
11 pieces of these cases that have come up in various
12 forms, and I want to make sure that I'm clear on what
13 we're deciding as part of this case.

14 Now, there were various types of calls
15 where -- where the traffic was not being identified.
16 CLEC traffic would have been one, and I'd say this
17 would have been going back two or three years where
18 traffic was supposedly not being identified. CLEC
19 traffic would be one, wireless traffic would be
20 another.

21 MR. BUB: I would disagree with the
22 second part. CLEC traffic I would agree with, and
23 the history on that is under the initial
24 interconnection agreements the -- they were treated
25 like another LEC. Like for example, Century, like I

1 just told you earlier, creates that in the Missouri
2 category 11. On their originating traffic that they
3 send to the rest of us, they create the record.

4 CLECs, we treated them like another LEC,
5 they were supposed to create the record. A lot of
6 them didn't, so that's where the gap was. But the
7 wireless traffic, it was never unidentified.

8 Now, I'm not gonna say there weren't a
9 couple of hiccups along the way or maybe an isolated
10 trunk group here or there and it wasn't recording,
11 but in all the cases that -- wireless traffic was
12 never unidentified.

13 COMMISSIONER CLAYTON: In the instances
14 where AT&T started sending the record that has
15 occurred over the last three years, whether it be
16 CLEC or wireless, whatever type of traffic, where
17 category 11 record is being sent where it had not
18 previously been sent, what -- what is an instance of
19 that? Is that CLEC traffic?

20 MR. BUB: CLEC traffic. There was a
21 hole.

22 COMMISSIONER CLAYTON: Okay.

23 MR. BUB: And we filled the hole.

24 COMMISSIONER CLAYTON: And is the CPN a
25 part of that category 11 record that is being sent on

1 that CLEC traffic?

2 MR. BUB: I believe so.

3 COMMISSIONER CLAYTON: All right. Did
4 that traffic start -- the identification of that
5 traffic occur before or after the rule -- the order
6 of rulemaking?

7 MR. BUB: That's the part I don't know,
8 your Honor. I don't know the timing that they came
9 out with that record.

10 COMMISSIONER CLAYTON: Does anyone know
11 that? Mr. Johnson?

12 MR. JOHNSON: Yes, Commissioner Clayton.
13 When the order that ended the PTC plan, we have been
14 fighting this issue and -- and that order directed
15 SBC to provide industry standard 1101s for this
16 traffic thereafter.

17 And that is the order that I see, I
18 think it was dated in 1999, April or May or June of
19 1999, that is the genesis of the order that directs
20 AT&T to provide industry standard 1101s for the
21 traffic that's terminating on the LEC-to-LEC network.

22 Prior to that time we didn't bill
23 terminating traffic, we just computed it up based
24 upon ratios which multiplied originating traffic
25 levels.

1 MR. BUB: Your Honor, if I may, I
2 vehemently disagree with the characterization of that
3 order. What that order and that whole case was about
4 was LEC-originated toll. And like I indicated
5 earlier, we were providing category 92 records. They
6 were wanting category 11 records for LEC-originated
7 toll.

8 The only application, the only
9 requirement in that order to provide a category 11
10 was on that LEC-originated toll, calls like from
11 Century through us to the small carriers or from us
12 to somebody else. It wasn't an across-the-board
13 order.

14 If you just back up, there's another
15 case that Mr. Johnson didn't tell you about, is the
16 case where the Commission, just about a year and a
17 half prior to that order, ordered us -- ordered all
18 carriers to provide something called the cellular
19 transiting usage summary report, the CTUSR that's
20 heard.

21 Awful curious if the Commission intended
22 in that order to countermand itself and order a new
23 type of record without even mentioning the CTUSR
24 which is itself --

25 COMMISSIONER CLAYTON: What year would

1 that have been, Mr. Bub?

2 MR. BUB: The CTUSR?

3 COMMISSIONER CLAYTON: Uh-huh.

4 MR. BUB: It would have been -- it was
5 97524 so it was probably --

6 COMMISSIONER CLAYTON: '97, '98. Okay.

7 MR. BUB: Yeah, but it was a year and a
8 half before they came out -- before the order
9 eliminated the PTC plan. So in that PTC plan order,
10 wireless was already being handled with the CTUSR.

11 If they wanted to do something
12 different, that order would have talked about
13 wireless. It didn't. It talked about the category
14 92 records. It talked about the problem they had in
15 converting them. It didn't say anything about
16 wireless.

17 COMMISSIONER CLAYTON: Okay. Does
18 Mr. England or Mr. Krueger, do either of you have
19 anything to offer in regard to this exchange?

20 MR. KRUEGER: (Shook head.)

21 MR. ENGLAND: I do, because I think your
22 original question was when did Southwestern Bell
23 start creating the 1101 records for CLEC traffic?
24 And that was prior to the order of rulemaking, and I
25 can't tell you whether it was two or three years ago.

1 I can't recall.

2 COMMISSIONER CLAYTON: But it's been a
3 fairly recent change --

4 MR. ENGLAND: Correct.

5 COMMISSIONER CLAYTON: -- and it has --

6 MR. ENGLAND: As a matter of fact,
7 they -- they did it twice, if you will. There was an
8 1101 record for facility-based CLECs, I believe. And
9 then there was an 1101 for UNE-P CLECs, one preceded
10 the other. It occurred in a two-step process.

11 COMMISSIONER CLAYTON: Well, as I
12 recall, with all the cases that have been before us
13 and as this rulemaking has progressed, there have
14 been discussions held either in agenda or on the
15 record regarding an evolution of the exchange of
16 these records.

17 And I appreciate you bringing up the
18 difference between UNE-P and the -- and the
19 difference between facilities-based and then the
20 wireless.

21 So on UNE-P, CLEC traffic and
22 facilities-based CLEC traffic, those -- that traffic
23 is being identified by a Missouri 1101 that includes
24 a CPN? I'm not entirely clear whether I'm using
25 these acronyms properly.

1 MR. ENGLAND: I don't know if it's a
2 Missouri 1101 or a regular 1101, if you will, but my
3 understanding is the CPN is being passed on those
4 records.

5 COMMISSIONER CLAYTON: What's the
6 difference between a Missouri 1101 and a regular 1101
7 that we all know, we go home and we talk about it,
8 everyone knows what an 1101 is?

9 MR. ENGLAND: This is my -- my opinion
10 and it may be subject to disagreement. I believe
11 it's the way in which the carrier is identified.
12 Primary toll carriers and other carriers don't have a
13 CIC code, carrier identification code, and therefore
14 the Missouri -- as a result, the Missouri 1101 was
15 created to finesse that, the fact that that CIC code
16 was not available.

17 COMMISSIONER CLAYTON: Okay.
18 Mr. Krueger, you want in on this?

19 MR. KRUEGER: Yeah. The rule -- Rule
20 29.020 defines category 1101 XX records and it says
21 that Missouri-specific --

22 COMMISSIONER CLAYTON: Rule 29 what?

23 MR. KRUEGER: Rule 29.020(5) --

24 COMMISSIONER CLAYTON: And what is this?
25 What is -- what rule? Is this our rule?

1 MR. KRUEGER: Yes.

2 COMMISSIONER CLAYTON: Two -- go ahead.

3 MR. KRUEGER: 29.020(5).

4 COMMISSIONER CLAYTON: Okay.

5 MR. KRUEGER: Talks about it defines
6 category 1101 XX records and it states that the
7 Missouri-specific 1101 XX is identical to a category
8 1101 XX except that it contains the originating
9 company number in positions 167 through 170 instead
10 of the CIC in positions 46 through 49. So the only
11 difference is the identification of the company.

12 COMMISSIONER CLAYTON: The only
13 difference is the identification of the company?

14 MR. KRUEGER: Yes.

15 COMMISSIONER CLAYTON: All that means
16 is -- okay. So there's no reference -- no reference
17 to the CPN in that?

18 MR. KRUEGER: No difference.

19 COMMISSIONER CLAYTON: Correct?

20 MR. KRUEGER: No, there's not.

21 COMMISSIONER CLAYTON: Okay. Okay. All
22 right. Yes. Now, Mr. Krueger, I want to ask -- I
23 want to verify staff's position is that the CPN is
24 not required to be sent as part of the category 11
25 record; is that correct?

1 MR. KRUEGER: For wireless-originated
2 calls, correct.

3 COMMISSIONER CLAYTON: For
4 wireless-originated calls. Okay. Now, there was
5 also a reference about staff having a change in its
6 position, and I wanted to be clear in the event that
7 other documents from other cases work their way into
8 this case since we -- it seems to happen all the
9 time. Is that a change in staff's position legally?

10 MR. KRUEGER: Yes, I think it is.

11 COMMISSIONER CLAYTON: Okay. When -- at
12 the time the rule was drafted, can you say what
13 staff's position was? Were you the attorney working
14 on the rule at that time?

15 MR. KRUEGER: I was. At the time it was
16 drafted, the staff did not understand that CPN was
17 not provided; is that correct, Bill?

18 MR. VOIGHT: (Nodded head.)

19 MR. KRUEGER: The staff did not
20 understand that CPN was not provided and with -- with
21 these category 11 records. And so the staff didn't
22 understand that this represented a change from the
23 prior practice.

24 COMMISSIONER CLAYTON: Change from what
25 prior practice?

1 period of time. The rule was -- the notice of
2 proposed rulemaking, I believe, was filed with the
3 Secretary of State or was published in the Missouri
4 Register on January 3rd of 2005. So the final
5 drafting of it occurred shortly before that.

6 At the time that the order of rulemaking
7 was issued and published in the Missouri Register,
8 which was several months later, I believe that was in
9 May of 2005. By that time we had begun to hear some
10 statements from Mr. Johnson that the -- that he filed
11 in his written comments on the notice of proposed
12 rulemaking and also in the comments that were made at
13 the hearing on the -- on the proposed rulemaking.

14 So the information about whether it was
15 provided or our knowledge of that was changing over a
16 period of time.

17 COMMISSIONER CLAYTON: Does -- in
18 staff's pleading of this case, if the Commission were
19 to find that the CPN was not to be required according
20 to this rule -- being included within the category 11
21 record, does staff take a position whether the
22 Commission should institute another rulemaking to
23 address the issue or not? Do they not take -- do you
24 not take a position?

25 MR. KRUEGER: I don't know that we have

1 discussed that.

2 COMMISSIONER CLAYTON: Okay. AT&T has
3 the burden in this case. Is there -- on burden of
4 proof is there anything else that anyone would want
5 to add on what the Commission must look to purely by
6 a preponderance of the evidence? Would anyone
7 disagree with that?

8 (NO RESPONSE.)

9 COMMISSIONER CLAYTON: Okay. Thank you
10 all for your patience.

11 JUDGE DALE: Before we --

12 MR. BUB: Your Honor, I do -- thinking
13 about your comments on the burden of proof, if you
14 don't mind. I'm sorry for the interruption. I think
15 everybody would have their own preponderance -- their
16 own burden in proving their own interpretation or
17 their own view of the rule.

18 So certainly, you know, our view is that
19 the rule was never intended. We would have the
20 burden there, but if somebody had a contrary, they
21 would have an opinion or an interpretation --

22 COMMISSIONER CLAYTON: Well, if we
23 deny -- let's say we denied your petition. Let's say
24 we deny this first part of the proceeding that --
25 that we just declined to adopt your position on this

1 interpretation, what happens? What's the status quo?

2 MR. BUB: We proceed to the waiver
3 request.

4 COMMISSIONER CLAYTON: So then the
5 waiver request.

6 MR. BUB: And -- but you --

7 COMMISSIONER CLAYTON: So you would
8 probably have a higher -- you would have a higher
9 court review for that certification, I'd assume.

10 MR. BUB: I agree. We would have an
11 opportunity to go to the Cole County Circuit Court
12 and appeal that ruling, and we would have the burden
13 there.

14 COMMISSIONER CLAYTON: Anyone disagree
15 with...

16 MR. ENGLAND: Your Honor, I don't
17 disagree with the second phase, if you will, of the
18 proceeding if we go to that. Clearly AT&T has the
19 burden of demonstrating that they're entitled to a
20 waiver.

21 I think even on the legal issue they
22 have the burden of proof in this case, particularly
23 since the Commission denied their application for
24 rehearing on this very issue nearly a year ago, I
25 guess July or so of '05.

1 MR. BUB: If I may add, if you look at
2 your order denying rehearing, it wasn't on a
3 substantive ground. It was on the basis that they
4 couldn't -- because of it was a rulemaking, they
5 couldn't give any effective relief.

6 Now, our view is since they want to
7 impose that new requirement, then they would have had
8 to come up with a new rulemaking, and that's what --
9 they basically said we can't give any rehearing
10 because that would have required us to do a
11 rulemaking. So there was more of a technical rather
12 than a substantive review by the Commission.

13 COMMISSIONER CLAYTON: This stuff is
14 gonna send me back to electricity. Thank you.

15 JUDGE DALE: Anything else? I won't
16 start my sentence again until I get the nod. We are
17 going to break for ten minutes. I know we've only
18 got half an hour to lunch, but we're probably not
19 gonna break right at noon.

20 (A RECESS WAS TAKEN.)

21 JUDGE DALE: So we will begin with
22 Mr. Read and if -- after he is introduced, we will
23 begin with a discussion of the striking of the parts
24 of the testimony. So if you'll come up here, please.

25 (WITNESS SWORN.)

1 JUDGE DALE: Thank you. Please be
2 seated. Mr. Bub?

3 MR. BUB: Your Honor, Mr. Read has
4 direct testimony and rebuttal testimony, and as you
5 know, both pieces have some proprietary material in
6 them. So if we wanted to take a minute to go off the
7 record and get those marked, can we do that.

8 JUDGE DALE: That would be fine.

9 (A DISCUSSION WAS HELD OFF THE RECORD.)

10 (EXHIBIT NOS. 1 NP, 1 P, 2 NP AND 2 P WERE
11 MARKED FOR IDENTIFICATION BY THE COURT REPORTER.)

12 JUDGE DALE: Thank you. We're back on
13 the record. Mr. England, if at this time you will
14 renew your motion?

15 MR. ENGLAND: Well, thank you, your
16 Honor. I, like you, don't have -- seem to have mine
17 in front of me, but I would like to renew my motion
18 to strike certain portions of the direct testimony of
19 AT&T witness Read as contained in my written motion.
20 I have additional objections with respect to his
21 rebuttal testimony.

22 JUDGE DALE: Go ahead and make such --
23 such objections as specifically as you can recall
24 going through it, and I will give Mr. Bub an
25 opportunity to respond.

1 MR. ENGLAND: Starting with direct or
2 the rebuttal?

3 JUDGE DALE: With -- let's go through
4 direct first.

5 MR. BUB: Okay. Do you want me to
6 respond line by line or -- I can if you want me to.

7 JUDGE DALE: Let's -- let's go through
8 and see how it works most smoothly.

9 MR. ENGLAND: In the direct testimony
10 the first objection is page 3, lines 10 through 33.

11 JUDGE DALE: And the reason for your
12 objection as I recall from your motion is that it
13 pertains to the costs of compliance with the rule
14 which we agreed would be retained for the second
15 phase of the proceeding; is that correct?

16 MR. ENGLAND: Well, Mr. Bub might
17 disagree whether we agreed because it was sort of a
18 contested issue whether we were gonna have two phases
19 or one. I think it's inconsistent with what the
20 Commission ultimately ordered, and that is that we
21 were going to deal with what the rule required and
22 leave the substantive issue of whether or not Bell
23 was entitled to a waiver based on cost, inability and
24 what have you to the second phase.

25 So yes, the gist of my motion is that

1 it's more -- this information or this testimony is
2 more pertinent -- more pertinent or more relevant to
3 the second phase, should we have that.

4 JUDGE DALE: Thank you. Mr. Bub?

5 MR. BUB: Thank you, your Honor. One of
6 the things we need to keep in mind here is what the
7 standard for relevance is. And if you look at the
8 Commission's order, they point back to a series of
9 court cases.

10 And in those court cases they say, and
11 the Commission's quoted, "The test for relevancy is
12 whether an offered fact tends to prove or disprove a
13 fact in issue or corroborate other relevant
14 evidence."

15 And when the Commission has looked at
16 that standard, they allow things in -- into the
17 record unless wholly irrelevant. So if you look at
18 that standard, you know, it's not a way high standard
19 that has to be conclusive or it has to demonstrate
20 something by a preponderance. It just has to tend to
21 prove not to be wholly irrelevant. Because what
22 we're talking about is keeping evidence from the
23 Commission from, you know, being able to see it.

24 Once the Commission gets it, you know,
25 their job as a trier of fact is to weigh what type of

1 weight to give a particular piece of evidence. So
2 what we're talking about here is a very low
3 threshold, and then once it comes in, the Commission
4 is free to give it, you know, whatever weight it
5 deems appropriate.

6 So with that, you know, let's -- let's
7 look at this testimony that's meant to be -- that's
8 asked to be stricken.

9 First piece, you know, you have to ask
10 does this corroborate any other evidence in the --
11 that's relevant and that's been offered. Well, as
12 you've heard in the opening statements, one of the
13 biggest things that we're all debating here, we all
14 have our opinions, we all have our witnesses, is on
15 the industry standards.

16 You know, what does the Telcordia
17 document say, what does the EMI-OBF document say?
18 Those are all industry standards. Our testimony here
19 with respect to our instability to lose a switch to
20 record CPN and the wireless record and the cost that
21 Lucent accorded us to develop this new feature, that
22 all corroborates our interpretation of the GR
23 standards and of the Telcordia standards and the
24 OBF --

25 JUDGE DALE: Let me interrupt and ask.

1 Is there anyplace in this testimony that -- well, the
2 very proceeding at line 5, "The Lucent switch's
3 technical inability is already established." So the
4 second bullet point which begins at line 11 relates
5 solely, it appears, to the cost to AT&T.

6 MR. BUB: That second piece, the cost,
7 that's the bid -- that's the quote, if you have it,
8 that Lucent gave us, that one letter that says --

9 JUDGE DALE: Uh-huh.

10 MR. BUB: -- this is what it's gonna
11 cost to build this new feature. That corroborates
12 the fact that they didn't put it in the -- their
13 switch to begin with. So it corroborates -- it
14 corroborates that piece that you just read. It also
15 corroborates our interpretation. It may be
16 redundant, but that's not a way to get that stricken
17 from evidence.

18 It's relevant because it tends to prove
19 that Lucent didn't put it in there. You know, we
20 would just stand up and say Lucent -- our Lucent
21 switch can't do it. Well, why do we have to prove
22 that? Well, we have a letter here that shows from
23 Lucent that if we want that capability, we get to
24 pick how to build it. So that shows that it's not
25 there.

1 JUDGE DALE: All right. With respect to
2 these motions -- or this motion, in my opinion, lines
3 10 through 18 are not relevant to this phase of the
4 proceeding because they go to the burden that will be
5 placed on AT&T.

6 The second set, beginning lines 21
7 through 34 are relevant in that they attempt to
8 address the Commission's attempt to -- or intent, not
9 attempt, excuse me. So lines 10 through 18 will be
10 stricken. Mr. England?

11 MR. ENGLAND: The next portion of the
12 testimony was page 6, lines 6 through 16. In
13 addition to relevancy, we also object on the grounds
14 of speculation.

15 JUDGE DALE: I will interpret this
16 question to mean had AT&T suspected that the proposed
17 rule required the provision and allow it to be
18 contained.

19 MR. ENGLAND: The next was page 22, line
20 10, beginning with the words, "It is beyond" through
21 the remainder of that answer on line 15. Again,
22 relevancy.

23 MR. BUB: Your Honor --

24 JUDGE DALE: I have different line
25 numbers.

1 MR. ENGLAND: I noticed that when you
2 were --

3 JUDGE DALE: Yes.

4 MR. ENGLAND: We may be off only --
5 well, we may be off more than one. Earlier you were
6 off one from where I was referencing.

7 JUDGE DALE: Yes. Oh, okay.

8 MR. ENGLAND: So my line 10 on page 22
9 begins with the word "Standards" --

10 JUDGE DALE: Okay.

11 MR. ENGLAND: -- semicolon, and then it
12 is the phrase beginning, "It is beyond the technical
13 capability of AT&T Missouri's network", et cetera,
14 that I object.

15 JUDGE DALE: Throughout the end of the
16 answer or through...

17 MR. ENGLAND: Through line 15 which is
18 the end of the answer in my copy of the testimony.
19 The answer concludes with the phrase, "Would produce
20 little, if any, benefit to AT&T Missouri or any other
21 carrier -- carriers."

22 JUDGE DALE: Yes, Mr. Bub?

23 MR. BUB: Okay. Just a few types of --
24 pieces of evidence that are going in. The first
25 where it says, "It is the beyond the technical

1 capability of the AT&T Missouri's network", that
2 clearly fits into the category of the other material
3 that you allowed in and we can't do it.

4 The second would require us to pay
5 Lucent the one million or more to develop it and
6 burdens and changes to our internal processing system
7 to generate this record. That falls into the second.
8 But as you recall in one of the arguments that, you
9 know, I expressed in the opening statement, was that,
10 you know, the fact that this type of evidence wasn't
11 produced to the Commission, wasn't gathered by the
12 Commission, shows that there was no intent to include
13 that new requirement in -- in the rule.

14 JUDGE DALE: I will allow striking from
15 "It is beyond" through "intercompany billing records"
16 so that the sentence will read, "It is contrary to
17 industry standards and would produce little, if any,
18 benefit to AT&T Missouri or other carriers." And all
19 of those changes are, at least in my copy, contained
20 within lines 10 through 14 on page 22.

21 MR. ENGLAND: The next is page 23,
22 lines 7 beginning with the question, "Does AT&T have
23 the technical capability," et cetera through line 23
24 which is the end of the page, at least in my version.

25 And then I guess just to complete the

1 objection, because the testimony carries over to the
2 next page, page 25 -- excuse me, page 24, lines 1
3 through 22.

4 And we also noted that lines 16 through
5 22 on that page is, we believe, impermissible as pure
6 speculation.

7 And then page 25 in its entirety,
8 lines 1 through 23; page 26 in its entirety, lines 1
9 through 24; page 27 in its entirety, lines 1 through
10 43; page 28 in its entirety, lines 1 through 45; page
11 29, 1 through 35, concluding with right before the
12 section entitled "Summary" on my page 29.

13 MR. BUB: Thank you, your Honor.
14 Looking at this, it seems to me that this material
15 that's sought to be a strike falls into three
16 categories. The first category I would put in on
17 page 23, lines 7 through 16, and that would fall in
18 the category with --

19 JUDGE DALE: I'm sorry, which page?

20 MR. BUB: 23.

21 JUDGE DALE: Okay.

22 MR. BUB: Lines 7 through 16. And that
23 falls in the category, you know, what our switches
24 can't do, what our systems can't do.

25 Second bucket would be lines -- same

1 page 23, lines 18 to the end, going on to the next
2 page down to 9, that would be in the second bucket.
3 And that would be more what will we need to do, the
4 impact on us of adding it in. That first bucket is
5 what you would allow in, the second is what you'd
6 exclude.

7 And let me finish out this second bucket
8 before going to the third category. It would pick up
9 again on 25. That would be all of that on 25, all on
10 26, all 27, and all of 28 down to line 35 on 29.

11 That's all information that we provide
12 that -- what we would have to do to get CPN, you
13 know, captured by our network and then processed in a
14 billing record, the category 11 EMI record. So that
15 would be the second bucket.

16 And the third bucket would be on page 24
17 talking about us providing, you know, these records
18 to CLECs. And it's the tentative testimony that, you
19 know, the objection there was that it was speculative.
20 and our position here is, one, it's not speculative
21 because it's based on Mr. Read's personal involvement
22 at the OBF with other carriers including CLECs.

23 And, you know, this is another reason
24 showing, you know, our interpretation of the OBF-EMI
25 standards requiring us to provide a record. And the

1 key here is that we would need it to be provided
2 consistently. Not just here, but in other spots or
3 other areas of the country because CLECs are more
4 national in scope.

5 When you think of like an MCI or a
6 McLeod, you know, they interact with us not only here
7 in Missouri in exchange records, but other states as
8 well. And then they have their systems designed to
9 interact with ours to make a change here. They don't
10 want to handle things differently in different spots.

11 Mr. Read's point was that, you know,
12 they may use that BTN number that we give them and if
13 they do for some reporting purposes or whatever their
14 internal purposes is, if it's not here, that could
15 impose costs on them.

16 But the point is that it needs to be
17 consistent from, you know, as expressed by the CLECs,
18 and Mr. Read's testifying to that from his personal
19 knowledge of actually interacting with them at the
20 OBF. So that's our third bucket.

21 MR. ENGLAND: Your Honor, Mr. Read's
22 personal knowledge notwithstanding, he has
23 demonstrated absolutely no foundation or basis to
24 testify on behalf of CLECs. This is pure
25 speculation. It's not even hearsay. It's not even

1 what they tell them. It's just what he thinks may or
2 may not impact their operations.

3 JUDGE DALE: You were reading my mind.
4 But I'm going to allow him to be questioned on this
5 to determine whether or not sufficient foundation can
6 be determined and whether or not you can, on your
7 cross, discredit him in his knowledge on this, and
8 we'll not rule on this at this point.

9 MR. ENGLAND: You've put me in a very
10 difficult position because what I'm gonna have to ask
11 him is what CLECs have told him which he is then
12 going to tell me, and now I've got a hearsay problem.
13 I mean, whether it's speculation or hearsay, it's
14 inadmissible.

15 MR. BUB: Your Honor, I don't think
16 we're looking at specific statements of specific
17 CLECs. And what he's testifying here is that the
18 interaction of the OBF as a group which he's -- as a
19 member of, you know, one of their goals is to make
20 things consistent for all carriers. CLECs are one
21 group. They've participated and they've had input
22 into the OBF process, and that's what he's testifying
23 to.

24 JUDGE DALE: Well, I have to say that
25 unfortunately, the question is so inartfully worded

1 as to not ask for that information. I understand
2 your interpretation, but I'm going to allow the
3 question and answer that begins on page 24, line 16
4 through 23 to be stricken as either speculative or
5 hearsay, and then it can be if it's -- if it's
6 relevant in a waiver of proceedings considering the
7 consistency, et cetera, perhaps the structure can be
8 changed in such a way to make it comport with
9 evidentiary standards.

10 Beginning on page 23, lines 18 through
11 23 through the end of the question on page 24,
12 line 3, the question on lines 5 through 9, page 23
13 will be stricken.

14 MR. BUB: I'm sorry, your Honor, I'm not
15 following you.

16 JUDGE DALE: Begins with line 18 on
17 page 23 and goes all the way through line 9 on
18 page 24. It's two questions and answers.

19 MR. BUB: Okay. I'm with you now.
20 Sorry.

21 JUDGE DALE: All of page 25, 26, 27, 28
22 and through lines 35 on 29 will be stricken.

23 MR. BUB: So then all that stays in is
24 23, lines 7 through 16, that first bucket that I
25 described?

1 JUDGE DALE: Yes.

2 MR. BUB: Okay.

3 MR. ENGLAND: One final portion of the
4 testimony which is, I believe, in the summary,
5 page -- excuse me, page 30, lines 11 through 17.
6 Again, this is, I believe, consistent with testimony
7 you previously struck regarding the cost as
8 irrelevant.

9 MR. BUB: Your Honor, I would agree with
10 that up until the subpoint 3. You know, subpoint 3
11 was allowed to stay in earlier.

12 JUDGE DALE: Yes. So starting on line
13 11, after the word "would" through the close of "(3)"
14 so that the line -- so that the paragraph now reads,
15 "Adding a CPM requirement to Rule 29.040(4)
16 would produce little, if any, benefit." And that's
17 on page 30.

18 Does that conclude all the objections to
19 the direct testimony?

20 MR. ENGLAND: As far as direct testimony
21 is concerned, that's correct.

22 JUDGE DALE: Thank you. Proceed to the
23 rebuttal.

24 MR. ENGLAND: Rebuttal. And I'll try to
25 take this in chronological fashion, although my notes

1 aren't quite that organized.

2 Page 3, lines 21 to the end, carrying
3 over to page 4, line 2. Here, Mr. Read talks about
4 his firsthand experience and discussions with other
5 members of the OBF meeting. My objection would be
6 hearsay and/or best evidence rule. I believe the OBF
7 documents and the specific notes contained in those
8 documents are the best evidence, not his oral
9 description of those.

10 JUDGE DALE: Mr. Bub?

11 MR. BUB: Your Honor, there's no
12 testimony there as to what anybody said. He's
13 testifying as a member of the OBF. He's testifying
14 as to his opinion of what the OBF document means.

15 He participated personally in the
16 development of that document as a member of the
17 standard-setting body, and he's certainly qualified
18 to give an opinion on it. He's not testifying to
19 what one person or the other said, he's testifying as
20 to what his understanding of the intent of those
21 standards are.

22 And I think you'll find in his testimony
23 or in discussing it with him, the -- what happens is
24 the OBF, a lot of times as we've shown, is reduced to
25 writing, is reduced to meeting notes. But to the

1 interaction of the group, you know, doesn't always
2 make it into a -- meeting notes or into a particular
3 standard.

4 But I think he'll testify, you know,
5 that body meets on an ongoing basis, and from that he
6 was certainly able to reach his interpretation, his
7 conclusion of what the intent of the documents are.

8 MR. ENGLAND: With all due respect,
9 reading that first sentence, it does not indicate to
10 me or appear to me that he's talking about his
11 intent, but rather the committee's collective intent.

12 As I said earlier, what they intended or
13 what they didn't should be obvious from the written
14 document, not from his testimony. There are
15 literally hundreds of carriers who rely on these
16 documents for billing purposes that do not
17 participate in these meetings, and they have to rely
18 on the written notes and the documentation --
19 copious, rather, documentation that Mr. Read has
20 attached to his testimony. And I'm just saying
21 that's the best evidence, not his self-serving
22 statements of what he and his colleagues intended.

23 MR. BUB: Your Honor, if it would help,
24 you know, make it more clear, you know, we don't have
25 any objection to, you know, by interlineating that,

1 you know, phrase that it's his understanding of the
2 intent.

3 JUDGE DALE: I will allow the line 23,
4 "Make it clear that my understanding of the intent
5 was never to populate this field with CPN." The
6 following sentence beginning on line 23, page 3
7 through its conclusion on line 2 is stricken.

8 MR. ENGLAND: The next is page 4
9 beginning at line 19, continuing through the bottom
10 of that page over to the top of page 5, line 2.
11 Similarly, I don't believe that this is the best
12 evidence. The best evidence is the document --
13 written documentation produced by the OBF.

14 And secondly, while I find the question
15 objectionable, he never really answers it. So it's
16 not responsive either, but if it was responsive, I'd
17 object to it as not the best evidence.

18 MR. BUB: Your Honor, he's simply giving
19 his interpretation for the "from" number field,
20 meaning, you know, again, he's not quoting anybody
21 from the OBF. He's giving his understanding of what
22 that field means. And he's an expert in his area, he
23 deals with these records, the creation of the
24 standards and the maintenance of the standards, and
25 he's giving his interpretation of what that "from"

1 number field means.

2 You know, the "from" number field is
3 something that is documented in the OBF guidelines
4 and that's what we're talking about. We're talking
5 about how do you interpret that phrase that's in the
6 field, it's in the field description. He's giving
7 his interpretation. And I don't see any hearsay
8 here, I don't see any best evidence problem.

9 Certainly, Mr. England has a contrary
10 interpretation, but that's what we're arguing about
11 here is how it should be interpreted. This is his
12 interpretation. I feel it reflects how it's actually
13 used, what's done. So he's...

14 JUDGE DALE: I will allow it to be
15 included, although I do object to the form of the
16 question. But I guess it's too late for me now. But
17 I will allow it in that it discusses the generic
18 nature of the "from" field, the further examples of
19 the nine paragraphs in the "from" number definition.

20 MR. ENGLAND: At the very least, your
21 Honor, is it my understanding that this is Mr. Read's
22 understanding of the "from" number field, not the
23 OBF's understanding or intent of the "from" number
24 field?

25 JUDGE DALE: Are you willing to so

1 clarify, Mr. Bub?

2 MR. BUB: Your Honor, certainly it's his
3 opinion of it, but I think in weighing that opinion
4 you need to recognize that he is a member, that he is
5 experienced in handling these records, not only
6 from -- in creating and maintaining the standards,
7 but also seeing, you know, watching, seeing what
8 other carriers do. So, you know, certainly it is his
9 understanding, but I think the weight needs to be --
10 you know, his credentials need to be taken into
11 account.

12 JUDGE DALE: It will be taken as
13 understanding what he intended as a member and an
14 expert in this area.

15 MR. ENGLAND: Next is page 7, lines 14
16 beginning with the question, "Have other carriers
17 interpreted these OBF standards," et cetera through
18 the end of the answer on line 21 of that page.
19 Again, it's hearsay and/or not the best evidence.

20 JUDGE DALE: Have you included Bell
21 South and Verizon category 1101 records that so
22 indicate?

23 MR. BUB: I'm sorry, your Honor? Have
24 we attached those types of records?

25 JUDGE DALE: Yes.

1 MR. BUB: What you'll see is that
2 generic that we have attached is a format that all
3 use, and what he's saying here --

4 MR. JOHNSON: Objection, your Honor.
5 You said yes, no, I don't know or maybe.

6 JUDGE DALE: Let me ask my question
7 again. Have you attached to the testimony examples
8 in which Bell South and Verizon have populated the
9 "from" number field with something aside from the
10 CPN?

11 MR. BUB: We haven't attached a Bell
12 South or a Verizon record. What we have attached is
13 a format that all the carriers commonly use. And
14 what he's talking about here is his observation of
15 their records, not hearsay, that they use the same or
16 similar -- that they interpreted that field like we
17 did based on what he saw them use in their records.

18 The second part consulting with Bell
19 South regarding what Bell South was producing. Well,
20 we produced our record, and our view, our
21 interpretation, and this -- and to make sure it was
22 right, we went to Bell South and asked, you know,
23 what do you hear, how do you do yours. And we got
24 that information and that's part of the basis for
25 ours to make sure that our interpretation was

1 consistent with the entry, and that's what we're
2 talking about.

3 JUDGE DALE: Is there an e-mail from
4 them or...

5 MR. BUB: No.

6 MR. ENGLAND: Your Honor, there was
7 other testimony in Mr. Read's rebuttal that said Bell
8 South and Verizon do not do it this way, and I have
9 not moved to strike that. This witness can testify
10 to his knowledge that they don't do it. I don't
11 think he can testify as to how those carriers
12 interpreted OBF.

13 As I said, he has to obtain that from
14 them and that's hearsay. And it's not necessarily
15 the best evidence as those carriers also participate
16 in the OBF, and that interpretation or understanding
17 should be clear from the written document.

18 MR. BUB: Your Honor, he's certainly
19 capable of observing other carrier's records and
20 rendering an opinion. If you want, we can modify
21 this based on your observation of other carrier's
22 records. How do you see these carriers, you know,
23 what's your opinion on how --

24 JUDGE DALE: If -- if he can testify
25 firsthand based on his personal knowledge of whether

1 or not he has seen records that do or do not comport
2 with what he has asserted, then I will allow that.
3 But as the question and answer are framed presently,
4 no.

5 But -- so it's stricken, but I will
6 allow you the opportunity to ask him this in the
7 nature of direct before you release him for cross.
8 Mr. England?

9 MR. ENGLAND: Your Honor, just without
10 belaboring it, I believe as I said, and I think it's
11 in his direct testimony, page 20, line 6 through 7,
12 he has already testified that neither of these two
13 entities pass CPN in their billing records. So I
14 mean, that -- that evidence, if you will, is already
15 in the record. It's not been subject to a motion to
16 strike or stricken.

17 MR. BUB: We're okay to move on, your
18 Honor.

19 JUDGE DALE: Thank you.

20 MR. ENGLAND: I'm sorry?

21 MR. BUB: We're okay to move on.

22 MR. ENGLAND: Okay. Finally page 8 --
23 we're back in rebuttal testimony, I'm sorry, lines 1
24 through 19, carrying over -- which is one full
25 question and answer in my testimony and beginning of

1 page 9, lines 1 through 10 which is a second full
2 question and answer. Again, hearsay, not best
3 evidence and relevance in this particular regard, or
4 irrelevance.

5 JUDGE DALE: The sentence that begins
6 "And"?

7 MR. BUB: I'm sorry, your Honor, did I
8 get a chance?

9 JUDGE DALE: Oh. Do you really want it?

10 MR. BUB: Yes, your Honor.

11 JUDGE DALE: Oh, all right.

12 MR. BUB: This question is asking
13 specifically for a fact: Have there been any
14 complaints. He's not asking for what did so and so
15 say. He's not asking for hearsay. He's a member of
16 the OBF.

17 The fact of whether or not the complaint
18 in this area has been brought is a fact, and he's
19 certainly able to testify to that from his personal
20 knowledge and participation at the OBF.

21 He's also saying the only complaints
22 concern the inadequacy of use. He's not saying, you
23 know, what people said. He's just characterizing
24 what the discussions were, and on that point he does
25 provide documentation. It's that 2692 which is

1 attached. So what he's doing here is describing
2 his -- that particular issue.

3 JUDGE DALE: Okay. On line 10, the
4 sentence beginning with "and," concluding with
5 "calls" will be stricken in that it makes a
6 conclusion that I don't believe can necessarily be
7 made. The document, as you know, which is attached,
8 speaks for itself.

9 MR. BUB: Okay.

10 JUDGE DALE: On line 16 the sentence
11 right after "and" beginning with "The," concluding on
12 line 19 through "calls" will be also stricken.

13 MR. BUB: I missed that, your Honor.

14 JUDGE DALE: The very last sentence.

15 MR. BUB: Are we on page 8 still?

16 JUDGE DALE: Yes. 16 through 19, "The
17 consensus of the full billing committee shows..."

18 MR. BUB: Uh-huh. So you have stricken
19 line 10 beginning with the word "and" basically all
20 the way through the end of the page?

21 JUDGE DALE: Oh, my, no. No, no. I'm
22 sorry.

23 MR. BUB: Okay.

24 JUDGE DALE: Line 10, that sentence
25 beginning with "and" and ending with -- oh, oh, my

1 goodness, "originated calls" appears twice. The next
2 on line 11, see where it says "originating calls"?

3 MR. BUB: Uh-huh.

4 JUDGE DALE: That sentence is stricken.

5 MR. BUB: Okay. So the next sentence
6 beginning "there."

7 JUDGE DALE: Yes, remains.

8 MR. BUB: Okay.

9 JUDGE DALE: And then "The" through the
10 end -- or that last sentence.

11 MR. BUB: Okay. I got it. I'm sorry.

12 JUDGE DALE: That's okay. I didn't
13 realize that "originated calls" was also at the end
14 of the whole thing.

15 MR. BUB: Okay.

16 JUDGE DALE: Mr. England, you said
17 "finally."

18 MR. ENGLAND: Well, I also -- and maybe
19 it was assumed in your answer, I just didn't quite
20 get it. Page 9, lines 1 through 10.

21 JUDGE DALE: Oh.

22 MR. BUB: Your Honor, these companies
23 are listed actually on document 2349 that we've
24 attached. I think it was attached to his direct
25 testimony, and that's where that information came

1 from.

2 MR. ENGLAND: And if that's the case,
3 then the documentation speaks for itself.

4 JUDGE DALE: Will you be willing to
5 change the wording agreeing to this to "concerning"?

6 MR. BUB: Yes.

7 JUDGE DALE: Now it's really finally?

8 MR. ENGLAND: That was it.

9 JUDGE DALE: All right. And just in a
10 crazy dream that this will all be briefed, let's go
11 ahead and examine the witness and see how quickly it
12 can be done.

13 MR. BUB: You've sworn him; is that
14 correct, your Honor?

15 JUDGE DALE: Yes.

16 CHRIS READ, testified as follows:

17 DIRECT EXAMINATION BY MR. BUB:

18 Q. Mr. Read, could you please state your
19 full name for the record?

20 A. Chris Read.

21 Q. Thank you. Are you the same Chris Read
22 that filed direct testimony that's been prefiled in
23 this case marked as Exhibit 1 NP and 2 P -- I'm
24 sorry, 1 NP and 1 P?

25 A. Yes.

1 Q. And that would be your direct testimony.

2 And then you also caused to be filed rebuttal

3 testimony that's been marked as 2 NP and 2 P?

4 A. Yes.

5 Q. Okay. Are there any corrections that

6 you need to make to either piece of testimony?

7 A. There is one in my direct testimony on

8 page -- I believe that's page 17 on line 22.

9 Q. Okay.

10 A. I put the wrong page number after -- on

11 line 22. It should be page 29 instead of page 27.

12 Q. Okay. Thank you. Any other corrections

13 you need to make?

14 A. No.

15 Q. With that correction and the deletions

16 from your testimony that were just made as a result

17 of the motion to strike, if I were to ask you today

18 the same questions contained in Exhibits 1 NP, 1 P,

19 2 NP and 2 P, would your answers be the same today?

20 A. Yes, they would.

21 Q. Are those answers true and correct to

22 the best of your knowledge?

23 A. Yes.

24 MR. BUB: With that, your Honor, I'd

25 like to move for the admission of 1 NP and 1 P, 2 NP

1 and 2 P.

2 JUDGE DALE: Are there any objections?

3 MR. ENGLAND: It's my understanding that
4 you have granted, in part but not in all, my motion
5 to strike portions of the direct and rebuttal
6 testimony, and I believe the offer is exclusive of
7 those pieces that have been struck?

8 JUDGE DALE: Yes. And there was a
9 retained --

10 MR. BUB: There was one piece where
11 Mr. England pointed out that he didn't move -- or he
12 didn't move to strike some evidence in the direct
13 testimony, and since it's there we don't need it here.

14 JUDGE DALE: Okay.

15 MR. BUB: So if that's the reservation
16 you're concerned about --

17 MR. ENGLAND: I just want your offer of
18 the exhibits.

19 MR. BUB: Without the material that's
20 been struck.

21 MR. ENGLAND: Okay. And then I'd just
22 like the record to reflect my motion, and I don't
23 need to argue it any more for those portions that
24 weren't struck. Thank you.

25 JUDGE DALE: Okay. Proceed.

1 MR. BUB: We can tender for
2 cross-examination, your Honor.

3 JUDGE DALE: You were going to see if
4 you could reconstruct that question or have you given
5 up on that?

6 MR. BUB: That was the one I was talking
7 about --

8 JUDGE DALE: Oh.

9 MR. BUB: -- where we pointed out it was
10 already in our direct testimony --

11 JUDGE DALE: Oh, all right. Okay.

12 MR. BUB: -- and not objected to, so
13 rather than, you know, argue --

14 JUDGE DALE: I see.

15 MR. BUB: -- about being duplicitous,
16 we're willing to move on. It's already in evidence.

17 JUDGE DALE: Okay. All right. Thank
18 you.

19 MR. BUB: We've made our point and these
20 have all been admitted?

21 JUDGE DALE: Yes.

22 (EXHIBIT NOS. 1 NP, 1 P, 2 NP AND 2 P WERE
23 RECEIVED INTO EVIDENCE AND MADE A PART OF THE RECORD.)

24 MR. BUB: Thank you.

25 JUDGE DALE: If everyone is willing to

1 use their microphones with assiduity, you need not
2 cross from the podium.

3 MR. DORITY: Your Honor, I have no
4 questions for Mr. Read. Thank you.

5 JUDGE DALE: Oh, wow. Who's next?
6 Staff?

7 MR. KRUEGER: Thank you, your Honor.

8 CROSS-EXAMINATION BY MR. KRUEGER:

9 Q. Good afternoon, Mr. Read.

10 A. Good afternoon.

11 Q. Is the "from" number a required field in
12 the category 1101 records?

13 A. Yes.

14 Q. Does AT&T populate the "from" number
15 field in the category 1101 XX billing records that it
16 sends?

17 A. Yes, it does.

18 Q. You state that the billing telephone
19 number or BTN is placed in the category 1101 XX
20 records, correct?

21 A. For wireless-originated traffic, that's
22 true.

23 Q. And where does this appear?

24 A. In the positions 15 to 24 in the 1101 XX
25 record.

1 Q. And that's what's known as the "from"
2 number field?

3 A. Yes.

4 Q. What is the BTN?

5 A. Billing telephone number. It's the
6 number that represents the purchaser of the trunk
7 group.

8 Q. All right. Is -- how is that number
9 assigned?

10 A. That number I -- I really don't know. I
11 know that it identifies that trunk group. I don't
12 know if it is determined by the owner of that trunk
13 group or if it's assigned by the owner of the trunk
14 group. I -- I mean, the company that was purchased
15 from.

16 Q. Does the BTN assist in identifying the
17 responsible party to pay for a wireless-originated
18 call if you already have the OCN or the CIC?

19 A. You would have the OCN in this case, so
20 it would not help identify the originating carrier,
21 no.

22 Q. What information does it provide that's
23 not already available since you have the OCN?

24 A. What it -- what it provides is some
25 number that identifies that trunk group where all the

1 traffic that came across that trunk group would all
2 be assigned to that same -- that same number. I
3 don't mean that to sound like double-talk, but there
4 is -- there is an opportunity to do some tracking and
5 trending from that number for any traffic that came
6 across that number.

7 Q. Is this a benefit to the terminating
8 carriers or to AT&T?

9 A. For whoever would be looking at tracking
10 and trending any traffic that came to them, whether
11 it was a terminating company -- it could be AT&T, it
12 could be anyone else.

13 Q. You refer in your testimony, I think in
14 more than one place, to the originating wireless
15 carrier. Do you recall using that term?

16 A. Yes.

17 Q. To whom do you refer when you use that
18 phrase "originating wireless carrier"?

19 A. Well, the -- depends on where it's being
20 used, of course. But the originating wireless
21 carrier would be whoever had the customer that held
22 that handset. Or it could be -- and I'm not sure
23 where you're referring to my testimony -- but it is,
24 when I say "originating wireless carrier," it should
25 be referring to the company that held the handset.

1 Q. The place that I was -- one place that I
2 was thinking about was page 7 of your direct
3 testimony, line 20 through 23. In the answer to that
4 question you refer to the originating wireless
5 carrier.

6 A. Yes, and in that instance it's talking
7 about the originating wireless carrier that has
8 purchased the trunk group to which the terminating
9 company would bill.

10 Q. So it's the company that purchased the
11 trunk group rather than the company that the end user
12 is a customer of?

13 A. Could be, yes. Could be one and the
14 same, but we don't know that.

15 Q. But what it specifically intended to
16 identify is the company that interconnects with AT&T;
17 is that correct?

18 A. Yes, that's the intent of supplying that
19 number, is to give the proper number of the company
20 that is the one to bill.

21 Q. So would that be the carrier responsible
22 for paying intercarrier compensation charges?

23 A. Yes.

24 Q. In all cases?

25 A. Yes.

1 Q. Is CPN captured in IXC category 1101 AMA
2 recordings?

3 A. To my knowledge, yes.

4 Q. At page 9 of your direct testimony, you
5 quote from Commission Rule 29.020(5)(A), that's, I
6 believe, on lines 20 through 23 of page 9.

7 The rule states, "This type of call
8 record," meaning the Missouri-specific category 1101
9 XX record, "This type of call record is identical to
10 a category 1101 XX record except that it contains an
11 originating company -- originating operating company
12 number OCN in positions 167 through 170 instead of a
13 CIC in positions 46 through 49." Do you see that?

14 A. Yes.

15 Q. Is that an accurate statement in your
16 view?

17 A. It is accurate. It's probably -- the
18 rule, when it was -- was made, at the time it was
19 made, yes, it's accurate. And it's still accurate
20 that the OCN is populated in the category 11 record.

21 MR. KRUEGER: That's all the questions I
22 have, your Honor.

23 JUDGE DALE: Thank you. Mr. England?

24 MR. ENGLAND: Thank you, your Honor.

25 Since I don't know the meaning of the word that I

1 can't pronounce --

2 JUDGE DALE: Assiduously?

3 MR. ENGLAND: Is that the word? I
4 thought it was acuity. I'm gonna use the podium if I
5 may.

6 JUDGE DALE: You'll have fun with that.

7 CROSS-EXAMINATION BY MR. ENGLAND:

8 Q. I was about to say good morning,
9 Mr. Read, but I see now we're into the afternoon, so
10 good afternoon.

11 A. Good afternoon.

12 Q. You indicated in response to a question
13 from Mr. Krueger -- excuse me a second, that the
14 category 1101 record for interexchange traffic
15 includes the CPN, did you not?

16 A. Yes.

17 Q. Would you also agree with me that to the
18 extent the interexchange carrier delivers
19 wireless-originated traffic to the AT&T tandem, that
20 that 1101 record will also capture and contain the
21 CPN of the wireless call?

22 A. Well, it's not accurate that it's
23 delivered to the tandem. It's delivered to a trunk
24 group and it's delivered to a Feature Group D trunk
25 group, and in that case, yes, anything delivered to

1 that trunk group will have CPN.

2 Q. Okay. So just to be clear, if the IXC
3 traffic that comes over that trunk group contains
4 wireless-originated traffic as well as
5 landline-originated traffic and to the extent CPN is
6 sent through the system with those calls, AT&T will
7 capture that for both wireless and wireline and
8 include it in the 1101 record?

9 A. That's my understanding. Mr. Constable
10 is really a network witness, but that is -- that is
11 my understanding as long as it comes across that
12 trunk group.

13 Q. I want to ask sort of the same series of
14 questions with respect to CLEC records. Again, it's
15 my understanding you create an 1101 industry standard
16 record for CLEC traffic that's -- and I apologize for
17 being inartful, I say delivered to the tandem, you
18 say delivered to a trunk at the tandem; is that
19 right?

20 A. Well, and it's good to make that
21 distinction, but yes. Yes, we do receive CLEC
22 traffic.

23 Q. Okay. And you also include CPN in the
24 1101 industry standard record for CLEC traffic,
25 correct?

1 A. Well, the industry standard record that
2 is delivered from a wireline CLEC customer, that,
3 yes, I know that we do that.

4 JUDGE DALE: Excuse me.

5 MR. ENGLAND: Certainly.

6 JUDGE DALE: I would like to remind
7 everybody of my five alternative answers to yes/no
8 questions, since I'm not getting any objections.

9 MR. ENGLAND: So reminded, your Honor.

10 BY MR. ENGLAND:

11 Q. Mr. Read, what other types of traffic
12 other than IXC, CLEC and wireless that you know of
13 comes to the AT&T tandem and for which you create
14 1101 records?

15 A. To my knowledge, that's it. There may
16 be other carriers, but to my knowledge, that
17 encompasses what we do.

18 Q. Is it fair to say, then, that it is the
19 wireless -- it is only the wireless-originated
20 traffic that is brought to your tandem by a wireless
21 carrier where the 1101 record does not include CPN
22 information?

23 A. Yes, that's true.

24 Q. At page 4 of your direct testimony, I
25 believe, it begins at the very bottom of that page on

1 line 34 and carries over to page 5 through line 5.
2 I'm going to summarize, but I believe you testified
3 that AT&T began notifying carriers in approximately
4 March of 2004 that it was going to start providing
5 individual detail category 1101 XX records on
6 wireless-originated traffic, correct?

7 A. Yes.

8 Q. And you, in fact, provide three copies
9 of the correspondence that you sent beginning in
10 March of '04 through the summer and early fall, I
11 believe, of that year?

12 A. Yes.

13 Q. That's schedules 2, 3 and 4 to your
14 testimony?

15 A. Right.

16 Q. Would you agree with me that at no place
17 in any of those three pieces of correspondence was
18 stated that the "from" number field in the 1101
19 record would be populated with a BTN or billing
20 telephone number?

21 A. That's true.

22 Q. So I think you agree with me that
23 inserting a billing telephone number in the "from"
24 number field is unique to the wireless category 1101
25 record, correct, as opposed to the IXC and CLEC

1 record?

2 A. As opposed to the IXC and CLEC record,
3 yes.

4 Q. Okay. Yet for whatever reason, AT&T
5 chose not to highlight that change in its
6 correspondence to the terminating carriers in the
7 spring, summer and fall of '04, correct?

8 A. That's a poor characterization, but if I
9 have to say yes or no, I guess I'd say correct.

10 JUDGE DALE: Well, you could say maybe
11 or sometimes and I don't know.

12 THE WITNESS: I do know, I just don't
13 know if I can elaborate. If I have the freedom, I'd
14 like to tell you why it's there.

15 JUDGE DALE: Mr. Bub's job is to ask you
16 to elaborate on that.

17 THE WITNESS: Okay. All right.

18 BY MR. ENGLAND:

19 Q. At direct, page 10, lines 5 through 6,
20 you say CPN -- I'm sorry, I'm moving rather fast for
21 you. On direct, page 10, 5 through 6.

22 A. Yes.

23 Q. You say CPN has never been included in
24 industry standard category 1101 XX EMI billing
25 records for wireless-originated traffic. Do you see

1 that?

2 A. Yes.

3 Q. But as I understand, you do include CPN
4 in industry standard 1101 EMI billing records for
5 wireless-originated traffic that is delivered via an
6 IXC trunk, correct?

7 A. No. You're mischaracterizing the
8 situation by your question.

9 Q. All I'm trying to understand is this
10 rather definitive statement on page 10 that CPN has
11 never been included in the industry standard record
12 for wireless-originated traffic, yet as you testified
13 earlier, wireless-originated traffic terminating to
14 you over an IXC trunk, CPN is included in the
15 industry standard record?

16 A. All that traffic is characterized that
17 comes across a Feature Group D trunk as Feature Group
18 D traffic.

19 Q. I understand. But it's still
20 wireless-originated, is it not, sir?

21 A. Not considered that, no. Is it?

22 Q. Well, in your comments to the FCC you
23 refer to it as wireless-originated traffic, do you
24 not, sir?

25 MR. BUB: Your Honor, I need to object.

1 If Mr. England is wanting to point to something in
2 that particular document, he can show him and then he
3 can cross-examine him on it.

4 MR. ENGLAND: Your Honor, unfortunately,
5 I only have one copy of the SBC's petition for
6 declaratory ruling which is referenced in
7 Mr. Schoonmaker's testimony.

8 JUDGE DALE: Mr. Schoonmaker seems to
9 have a copy that he could hand to the witness.

10 MR. ENGLAND: Thank you.

11 JUDGE DALE: And I can do without.
12 I'm -- I'm fine.

13 MR. ENGLAND: And if I may, I'd like to
14 give the witness a copy of it, and I can give the
15 other copy I have, for the time being, to Mr. Bub so
16 he can make sure that I've got an accurate copy here.
17 I've also taken the liberty of highlighting several
18 portions.

19 JUDGE DALE: Can you tell me where it is
20 in Mr. Schoonmaker's testimony?

21 MR. ENGLAND: The quote in
22 Mr. Schoonmaker's testimony is page 13, at the top of
23 the page, and that's just one quote from a
24 12-plus-page question. The case number is cited in
25 the footnote at the bottom of his testimony.

1 JUDGE DALE: Thank you.

2 MR. BUB: Your Honor, I've got a
3 question, more of an initial clarification. Is that
4 the same document of Mr. England that was attached to
5 his testimony, or is this a new document?

6 MR. ENGLAND: No. This is a different
7 document, it's not new. It's been on file since --

8 MR. BUB: Different document, so it's
9 not attached?

10 MR. ENGLAND: No, it's not.

11 MR. BUB: Can we have some time to look
12 at it?

13 MR. ENGLAND: Absolutely. And my
14 question is that the witness was arguing with --
15 well, that's my characterization, pardon me -- was
16 disputing the fact that he -- that this traffic was
17 wireless-originated, and I believe throughout this
18 document that SBC authored and filed with the FCC,
19 you will see that they referred to this traffic as
20 wireless-originated traffic.

21 JUDGE DALE: Mr. Read, have you had
22 sufficient time?

23 THE WITNESS: Yes, that's fine.

24 BY MR. ENGLAND:

25 Q. Mr. Read, would you agree with me that

1 while you may not characterize IXC traffic as
2 containing wireless-originated traffic, that the
3 company you work for does in its pleading before the
4 FCC?

5 A. Could you point to a particular place
6 that you're referring to in this document?

7 Q. Certainly. The first would be page
8 Roman Numeral four, small Roman Numeral four.

9 A. Okay.

10 Q. Top of the page, first full sentence
11 begins, "Because long distance carriers provide no
12 other information to local carriers as to the
13 geographic location of wireless subscribers who place
14 or receive telephone calls, it has been standard
15 industry practice for years to use calling and called
16 party telephone numbers to determine the jurisdiction
17 of and thus the appropriate access charges for" --
18 and here's my emphasis -- "wireless-originated
19 calls."

20 A. Yes, I see that.

21 Q. Page Roman Numeral six, vi.

22 A. Okay.

23 Q. Roughly middle of the typed page, "Second,
24 the use of telephone numbers is consistent with and
25 wholly supported by not only the language of SWBT's

1 tariffs, but also longstanding and predominant industry
2 practice -- supported by Commission policy and
3 precedent -- of using telephone numbers to determine
4 the applicable intercarrier compensation rates
5 for" -- again, my emphasis -- "wireless-originated
6 calls."

7 A. Okay.

8 Q. There are several others, but my point
9 is that at least the company you work for recognizes
10 that IXCs deliver in the traffic that comes over
11 their trunk wireless-originated calls, correct?

12 A. I -- I -- yes, I see that here.

13 Q. And we also have established that for
14 those wireless-originated calls coming over an IXC
15 trunk AT&T, formally SBC, captures and -- captures
16 CPN and populates it in the "from" number field in
17 the 1101 record, correct?

18 A. Apparently we do. I -- I don't...

19 Q. Would you agree with me that the
20 wireless 1101 records that we're talking about and
21 that you were talking about here, I think at page 10,
22 lines 5 through 6, deal with wireless traffic
23 delivered to the tandem by a wireless carrier?

24 A. Yes.

25 Q. And that the records that you created,

1 the 1101 records that you created for that traffic
2 were first created by AT&T in approximately the
3 summer of 2004?

4 A. I don't know the start time, but
5 according to the accessible letters, I would say
6 that's accurate.

7 Q. On, again, direct, page 17 --

8 A. Direct, page 17. Okay.

9 Q. -- you reference documentation from the
10 OBF and attach comments or documentation as schedules
11 8 P and 9 P for two issues considered by the OBF; is
12 that right?

13 A. Yes, I do.

14 Q. And you state at lines 20 and 21, again
15 on page 17 of your direct testimony, that at no place
16 in the OBF documentation is it even suggested that
17 wireless-originated CPN is needed for wireless
18 identification; do you see that?

19 A. Yes.

20 Q. Would you agree with me that at no place
21 in these two documents referenced by schedules 8 and
22 9 is there any reference to billing telephone number
23 or BTN?

24 A. Right.

25 Q. And would you also agree with me that

1 there is no statement in either of these issue
2 statements, schedules 8 and 9 attached to your
3 testimony, that acknowledge or state that BTN will be
4 used to populate the "from" number field in the 1101
5 EXX-EMI billing record?

6 A. Yes.

7 Q. Thanks. Your direct testimony on
8 page 18, the question and answer on lines 6 through 9
9 when read together, you testify that CPN is, quote,
10 my quote, never, end quote -- excuse me, your
11 quote -- never a reliable source for determination of
12 proper jurisdiction of wireless originating traffic.
13 Do you see that?

14 A. Yes.

15 Q. Apparently, we've learned with respect
16 to your company's petition before the FCC, that it
17 is, in fact, a reliable source when you lack other
18 information for purposes of determining proper
19 jurisdiction, correct?

20 A. No.

21 Q. Okay. You dispute the statements
22 contained in your company's petition with the FCC?

23 A. If you're asking me as a witness do I
24 believe that it's proper -- that it allows proper
25 jurisdiction, I'd say no.

1 Q. Okay. And that would be inconsistent
2 with your company's statement to the FCC?

3 MR. BUB: Your Honor, I object. I think
4 we're talking about two different types of traffic.
5 What Mr. Read's testifying to is wireless traffic
6 that comes directly to us over a specific tandem
7 trunk group that's recorded as a wireless call. What
8 Mr. England is trying to confuse is other traffic
9 that comes through an interexchange carrier that's
10 reported differently.

11 So I think he's trying to confuse two
12 things when, in fact, they're different. And that's
13 why Mr. -- what the answer is, if he wants to be
14 specific, you know, we can go forward that way. But
15 I think Mr. England's question is confusing the two
16 things. That's an unfair question.

17 JUDGE DALE: Whether -- whether he's
18 confusing them, you can reconstruct on redirect. At
19 this point Mr. Read has testified his opinion as an
20 expert which is why we have him here.

21 BY MR. ENGLAND:

22 Q. Mr. Read, what is the difference between
23 a wireless-originated call that's delivered via an
24 IXC trunk versus a wireless-originated call delivered
25 via a wireless trunk insofar as the calling party is

1 concerned, the calling party number and the location
2 of that calling party?

3 A. As far as jurisdiction, there is none.

4 Q. And the calling party number would be
5 the same, correct?

6 A. Yes.

7 Q. The location of the individual making
8 that wireless-originated call is gonna be the same?

9 A. Yes.

10 Q. Correct?

11 A. Uh-huh.

12 Q. The only difference is that that call is
13 delivered to you via an IXC trunk versus a wireless
14 trunk as I understand?

15 A. Yes, that's my understanding too.

16 Q. Okay. And yet when it's delivered via
17 an IXC trunk, as I understand your company's petition
18 with the FCC, your company believes that it's
19 appropriate to use wireless CPN to jurisdictionalize
20 that call between interstate and intrastate, correct?

21 A. Yes.

22 Q. Okay. But you're telling this
23 Commission that it's never appropriate to use that
24 wireless CPN when it's delivered over a wireless
25 trunk for purposes of determining jurisdiction to

1 that call?

2 A. When is it a reliable source is the
3 question, and never is the answer.

4 Q. What other information is there in the
5 network, Mr. Read, to determine the jurisdiction of
6 wireless-originated calls?

7 A. I'd -- I'd have to defer to
8 Mr. Constable on any network information.

9 MR. ENGLAND: Did you take my pen?
10 Excuse me, your Honor. Let me write a note.

11 MR. BUB: Your Honor, let the record
12 reflect another unfounded accusation.

13 JUDGE DALE: That you stole his pen?

14 MR. BUB: Yes.

15 JUDGE DALE: Would you wish to retract?

16 MR. ENGLAND: Well, first of all, it
17 wasn't Mr. Bub I was accusing.

18 MR. BUB: Still unfounded, your Honor.

19 JUDGE DALE: Well, in that case, undue
20 paranoia noted.

21 MR. ENGLAND: Thank you.

22 BY MR. ENGLAND:

23 Q. I understand that you've dished this off
24 to Mr. Constable, but at least from your perspective,
25 you know of no other information in the network that

1 would allow you to determine the jurisdiction of
2 wireless-originated calls; would that be a fair
3 statement?

4 A. In the network, yes, that's true.

5 Q. Or in the billing records, correct?

6 A. That's true.

7 Q. If a wireless customer is placing a call
8 with his wireless phone but not roaming, his CPN
9 would be a correct indicator of the location of the
10 origination of that call, would it not?

11 A. Yes.

12 Q. Thank you, sir. Do you have any idea
13 what percentage of wireless calls that are delivered
14 to you -- I say delivered to you, that come through
15 the SBC or AT&T tandem are roaming as opposed to
16 nonroaming?

17 A. We have no way to know.

18 Q. Okay.

19 JUDGE DALE: Excuse me. I have a
20 clarifying question. When you mean roaming, do you
21 mean calling anywhere away from home?

22 MR. ENGLAND: Away from their local
23 exchange area where the originator of the call is
24 roaming beyond the boundaries of its local exchange,
25 if you will.

1 JUDGE DALE: Its wireline local
2 exchange?

3 MR. ENGLAND: Correct.

4 JUDGE DALE: Okay. Thank you.

5 BY MR. ENGLAND:

6 Q. At page 20, lines 11 through 12, you
7 state that you understand from recent workshops in
8 Missouri that Sprint Missouri and CenturyTel also
9 currently create the same type of billing record as
10 AT&T. Do you see that?

11 A. Yes.

12 Q. And what is that understanding based
13 upon, Mr. Read?

14 A. Well, the discussions that we had during
15 those workshops.

16 Q. Were you on those --

17 A. Yes.

18 Q. -- conference calls?

19 A. Yes.

20 Q. Okay. Then you also heard Sprint
21 Missouri tell the group that it was taking the
22 necessary steps to change their billing records so as
23 to be able to include wireless CPN as well as the
24 OCN, correct?

25 A. Yes. I don't know the date. I don't

1 have knowledge of when they're doing that.

2 Q. Okay. Why didn't you feel it was
3 important to let the Commission know that Sprint
4 Missouri was taking affirmative steps to change their
5 billing records, sir, since you were aware of that or
6 that was your understanding as well?

7 A. The point that we were making was that
8 at the time the rule was written, the interpretation
9 was clear -- or the other companies in Missouri also
10 did not follow the same practice.

11 Q. But you now know that Sprint at least is
12 making the changes, correct?

13 A. That's what I've heard, yes.

14 Q. And then on page 20, lines 6 through 7,
15 you note that Bell South and Verizon provide the same
16 information as AT&T in their wireless records. Do
17 you see that?

18 A. I'm sorry, what page again?

19 Q. I believe the same page. It's just up
20 above it, line 6 and 7.

21 A. Yes.

22 Q. Okay. What about Qwest?

23 A. I don't know what Qwest is doing. I
24 haven't seen any record in the -- in the OBF
25 documents where they've taken a position. I know

1 that Verizon and Bell South have.

2 Q. Does Qwest regularly attend OBF
3 meetings?

4 A. Yes, they do, and they've not opposed
5 this discussion which meant they -- well, I'll let
6 you interpret that. I won't.

7 JUDGE DALE: Mr. England, if I may
8 interrupt, we're right at one o'clock. How much more
9 do you have?

10 MR. ENGLAND: I've got -- I've just
11 really got two pages of handwritten notes. Some of
12 the questions, I believe, were asked by Mr. Krueger,
13 at least one or two, so ten or 15 minutes, perhaps.

14 JUDGE DALE: Ten? Okay.

15 MR. ENGLAND: I get your drift.

16 JUDGE DALE: Thank you. On the other
17 hand, if it's gonna be more than that, we can break
18 for lunch and you can come back. I don't want to
19 shorten your time inordinately, but --

20 MR. JOHNSON: Are you gonna restrict my
21 time too, Judge?

22 JUDGE DALE: Yes.

23 MR. JOHNSON: Good luck.

24 BY MR. ENGLAND:

25 Q. So you have not discussed what -- the

1 type of records that they create for
2 wireless-originated traffic?

3 A. I've not seen where they -- if they were
4 in the meetings, I've not seen where they took a
5 position.

6 Q. That's not my question. You have not
7 discussed with them what types of records they
8 create, what types of information they pass?

9 A. When you say "discussed," that's what we
10 do at OBF, is discuss, so all of our meetings are
11 discussions, and during those discussions I've not
12 seen them take a position on what they do. So I
13 couldn't attest to what they do.

14 Q. Okay. I want to ask some questions
15 about this billing telephone number, BTN, if I may?

16 A. Okay.

17 Q. And I believe you've testified in
18 response to Mr. Krueger that that was the number of
19 the financially responsible carrier; is that right?

20 A. Yes.

21 Q. Okay. And it's a ten-digit number that
22 sort of looks like a telephone number. It's got an
23 NPA, an NXS and then four digits that follow that?

24 A. It's in the proper format. That's what
25 you're describing, yes.

1 Q. And I think Mr. Krueger asked how was it
2 assigned and you said you didn't know?

3 A. I couldn't tell you from firsthand
4 knowledge, no.

5 Q. Do you know if it changes from tandem to
6 tandem or company to company? And when I say that,
7 if a wireless carrier has an interconnection with
8 your tandem in St. Louis, that same wireless carrier
9 has an interconnection with your tandem in Kansas
10 City, do they receive the same BTN, billing telephone
11 number, or a different one?

12 A. It would be related to that trunk group
13 that they purchased.

14 Q. I'm not sure I got an answer to my
15 question.

16 A. Okay.

17 Q. Would it be the same or different?

18 A. I'm sorry. The trunk group is attached
19 to that tandem, so if there are different tandems,
20 there would be different BTNs.

21 Q. Okay. And maybe you answered this or
22 maybe I'm -- well, I am inferring, but I want you to
23 confirm this for me. If that wireless carrier then
24 also connects to the tandem of say, CenturyTel, they
25 would, in all likelihood, attach a different BTN to

1 that wireless carrier, right?

2 A. Yes.

3 Q. Okay. And how are downstream carriers
4 like The Small Telephone Companies that we represent
5 supposed to know who the BTN is assigned to in those
6 situations?

7 A. The OCN and the record identifies the
8 company that will match that BTN.

9 Q. It's really the OCN that we need in
10 order to bill a financially responsible carrier,
11 right?

12 A. Absolutely.

13 Q. And it's already in the record?

14 A. Yes, it is.

15 Q. Okay. Why do we need a BTN, then, if we
16 have an OCN?

17 A. It identifies the company as -- well, as
18 the OCN does, but if you wanted to track and trend
19 what traffic is coming through that particular trunk
20 group, then it gives you some information to be able
21 to do that versus a CPN.

22 Q. But if the only reason we need a -- if
23 the only thing we need to know is which carrier to
24 bill, the OCN tells you that, correct?

25 A. The OCN gives you that, yes.

1 Q. Okay. And it's your testimony that the
2 BTN will give us some ability to track and trend
3 traffic, and I'm gonna take a leap of faith, which is
4 more important than giving us the CPN, which would
5 tell us in some instances where that traffic is
6 coming from; is that right?

7 A. It's my testimony that the BTN gives you
8 a more appropriate number than a CPN. Because CPN is
9 unreliable in all cases, you don't know when that
10 person is roaming. BTN -- it is my testimony that
11 BTN gives you the industry standard applicable number
12 because it is the number that is associated with the
13 interconnected company.

14 Q. But it doesn't --

15 A. CPN may not.

16 Q. -- but it does -- BTN doesn't tell us
17 the jurisdiction of the call, does it?

18 A. No.

19 Q. CPN may tell us the jurisdiction of the
20 call?

21 A. No.

22 Q. Even when that mobile subscriber is not
23 roaming?

24 A. Can you tell when they're not roaming?

25 Q. That's not my question, sir.

1 A. I'm answering it.

2 Q. My assumption is a hypothetical. When
3 that customer is not roaming, that CPN is an accurate
4 indicator of where that call originated, is it not?

5 A. No, it's not accurate.

6 Q. And again, you're inconsistent with your
7 own company's pleading with the FCC on that, right?

8 A. No. Not to my knowledge.

9 Q. By the way, what's the definition for
10 BTN in the OBF documentation?

11 A. I'm not sure that BTN is listed in the
12 OBF documentation.

13 Q. Well, let me show you a page from the
14 ATIS document and ask you to take a look at it and
15 see if that isn't an accurate description of a
16 definition page. And on that definition page, the BTN.

17 MR. ENGLAND: Your Honor, excuse me.
18 May I have an exhibit marked?

19 JUDGE DALE: Yes, please.

20 MR. ENGLAND: I believe it's proprietary
21 unless -- okay. So I apologize.

22 JUDGE DALE: Okay.

23 MR. BUB: What number are you assigning,
24 your Honor?

25 JUDGE DALE: This would be 3 P.

1 MR. BUB: 3?

2 JUDGE DALE: Yes. And what is it?

3 MR. ENGLAND: It is a page from the ATIS
4 document that purports to define BTN.

5 (EXHIBIT NO. 3 P WAS MARKED FOR
6 IDENTIFICATION BY THE COURT REPORTER.)

7 BY MR. ENGLAND:

8 Q. Have you had a chance to look at that?

9 A. Yes.

10 Q. Does that refresh your memory that the
11 ATIS documentation does, in fact, define BTN?

12 A. It does define a BTN.

13 Q. Okay. Are you aware of any other
14 definition than that contained in Exhibit 3 P?

15 A. I can't say that this definition is the
16 BTN we're talking about.

17 Q. That's not my question. Are you aware
18 of any other definition of BTN in the ATIS document?

19 A. In the ATIS document, no.

20 Q. Okay. And because it's proprietary, I'm
21 not going to have the witness read. I'm trying to
22 get around reading any of this into the record so we
23 have to go in-camera.

24 Would you agree with me, Mr. Read, that
25 the definition, at least as it appears on Exhibit 3 P,

1 when it talks about BTN, makes no reference whatsoever
2 to wireless calls, does it, sir?

3 A. No, it doesn't.

4 MR. ENGLAND: Okay. Your Honor, I'm
5 going to withhold offering this because I'm going
6 to need to lay a foundation with Mr. Schoonmaker.

7 JUDGE DALE: That will be fine. Why
8 don't we break for lunch.

9 MR. ENGLAND: Yes, I am about done, I
10 think.

11 JUDGE DALE: Okay.

12 MR. ENGLAND: I think I am. Thank you.
13 Thank you, Mr. Read.

14 JUDGE DALE: We will then break for
15 lunch until 2:10 and resume with Mr. Johnson, I
16 think, is next up.

17 (THE NOON RECESS WAS TAKEN.)

18 JUDGE DALE: Mr. Johnson, you may begin
19 your questioning.

20 MR. JOHNSON: Thank you, your Honor.

21 CROSS-EXAMINATION BY MR. JOHNSON:

22 Q. Good afternoon, Mr. Read.

23 A. Good afternoon.

24 Q. Did you participate in discussions
25 between AT&T and staff in July and August of 2005

1 regarding the Telcordia documents?

2 A. Yes.

3 Q. Okay. As I understood, the purpose of
4 those discussions was to discuss the documents and
5 what they provided?

6 A. Right.

7 Q. Okay. And is it correct that the
8 Telcordia GR-1504-CORE document is the document that
9 you guys discussed?

10 A. I wouldn't have been the one discussing
11 that document, but I believe it was mentioned, yes.

12 Q. Okay. Is the 1504 document, is that the
13 industry standard that has been suggested to the
14 Commission that controls in this case?

15 A. I don't -- I really couldn't answer
16 that.

17 Q. Are you familiar with it?

18 A. Yes, but Mr. Constable talks about that.
19 I know that those are the requirements for switch
20 recordings, but he's really our network witness.

21 Q. So when you defer something to
22 Mr. Constable because he's a network witness, am I
23 correct in ascertaining that he knows more about the
24 network and you know more about the records?

25 A. Yes.

1 Q. Okay. Would you agree with me that the
2 records piece of the Telcordia 1504-CORE requirement
3 is a standard that can be superseded or improved upon
4 by the Missouri Commission?

5 A. I guess anything could be superseded by
6 the Commission. I don't know.

7 Q. Do you know whether or not the document
8 itself anticipates that there may be local conditions
9 and State Commissions may -- may impose requirements
10 that are additional to or different than the
11 Telcordia document?

12 A. Now, are you talking about the GR
13 document?

14 Q. Yes, sir.

15 A. I couldn't --

16 Q. Okay.

17 A. I couldn't speak to the GR document.

18 Q. Okay. Mr. Read, I want to turn to
19 page 9 of your direct testimony. I believe that's
20 Exhibit No. 1.

21 A. Okay.

22 Q. And on lines 15 through 23, it appears
23 to me that you're quoting an excerpt from the
24 Commission's Enhanced Record Exchange Rule?

25 A. Yes.

1 Q. Okay. Is that an exact quotation from
2 the rule?

3 A. Yes, to my understanding it is.

4 Q. Go down to the last sentence of that
5 quotation, if you're with me.

6 MR. JOHNSON: I think it starts on
7 line 20 in my copy, Judge Dale.

8 JUDGE DALE: I'm still lost on what
9 page.

10 MR. JOHNSON: Page 9.

11 JUDGE DALE: I have 15 on mine, but...

12 BY MR. JOHNSON:

13 Q. Well, are you with me, Mr. Read?

14 A. Yes.

15 Q. Let me see if I can -- let me read the
16 last sentence for everybody and maybe I can orient
17 everyone. "This type of call record is identical to
18 the category 1101 XX record"; do you see that?

19 A. Yes.

20 Q. Okay. Later on in that sentence it
21 talks about the OCEN (sic) in positions 167 through
22 170 --

23 A. Yes.

24 Q. -- instead of a CIC --

25 A. Yes.

1 Q. -- in positions 46 through 49?

2 A. Right.

3 Q. And this is a -- this is a topic that
4 you would be knowledgeable about, what position
5 numbers, different parameters exist in?

6 A. Right.

7 Q. And again, I'm talking about the record
8 that AT&T is providing today.

9 A. Okay.

10 Q. The OCN, do you put that in positions
11 167 through 170?

12 A. Yes, I believe we did.

13 Q. And is it correct that OCN stands for
14 operating company number?

15 A. Yes, it does.

16 Q. And so in those three positions of the
17 field, you would assign the OCN of the wireless
18 carrier that's responsible for ordering the trunk to
19 your tandem?

20 A. Yes, the company that purchased that --
21 that trunk group, yes.

22 Q. Now, do you agree with me that in some
23 situations a wireless carrier may lease its capacity
24 to another wireless -- to another wireless carrier?

25 A. Yes.

1 Q. As I understand it, that does happen and
2 AT&T is aware of that?

3 A. I'm sure that it happens, yes.

4 Q. In that situation, I'll just use a
5 hypothetical, where Cingular may have a lot of fiber
6 throughout the state and they will have Alltel
7 Wireless place some of its traffic on the Cingular
8 network, then it goes to the AT&T tandem in Kansas
9 City?

10 A. Okay.

11 Q. Then the record -- in that case where
12 it's all an Alltel wireless-originated call
13 transported by Cingular to AT&T and then terminated
14 to a rural ILEC, in the records you're currently
15 providing you would give the OCN of Cingular?

16 A. Yes.

17 Q. And that tells the rural ILEC that it is
18 supposed to bill Cingular --

19 A. Yes.

20 Q. -- for that call?

21 A. Yes.

22 Q. Can you tell me why you don't put in the
23 OCN of the wireless carrier that actually originated
24 the call?

25 A. The purpose of the -- you have to look

1 at the purpose of the record, and the purpose of the
2 record is to bill interconnection services. If you
3 look at, then -- it's in my testimony, but if you
4 look at the second use of the 1101 record, it states
5 that it is to be used for interconnection services.
6 So the BTN that's being provided is the BTN of -- and
7 the OCN is related to the company that is providing
8 the interconnection services.

9 Q. If you go back to page 9 of your
10 testimony in that excerpt from the Enhanced Record
11 Exchange Rule --

12 A. Yes.

13 Q. -- that sentence I was reading, it says,
14 "This type of a call record is identical to the
15 category 1101 record, except that it contains" -- and
16 I want to focus on the next three words --
17 "originating operating company." In the situation I
18 just described, would you agree with me that Alltel
19 Wireless also has an operating company number?

20 A. Yes.

21 Q. Would you agree with me that that
22 excerpt from the Missouri rule seems to indicate that
23 the 1101 is supposed to identify the originating
24 operating company as opposed to the delivering one?

25 A. No. It -- and that's where you have to

1 understand the way the standard is being applied.
2 The intent of the record is to identify the company
3 to bill. The company to bill is the company that has
4 contracted for interconnection services. If the --
5 if Alltel in your case were provided and were billed,
6 they would be the incorrect company to bill.

7 Q. So you're saying that AT&T, as an
8 incumbent local exchange company, bills for
9 interconnection services?

10 A. Yes.

11 Q. And the wireless -- the carrier that
12 interconnects with AT&T is who AT&T bills regardless
13 of what carrier originated the call?

14 A. Yes.

15 Q. When that traffic is passed down to a
16 rural local exchange company, who interconnects with
17 that rural local exchange company?

18 A. I'm sorry. I didn't quite get that.

19 If --

20 Q. If the -- if you take the call at the
21 Kansas City -- at the McGee tandem and you hand it
22 off to Mid-Missouri Telephone Company at Pilot Grove
23 where AT&T interconnects with Mid-Missouri Telephone
24 Company, who is Mid-Missouri Telephone Company's
25 interconnecting carrier?

1 A. The -- and I don't want to be confused
2 by -- by where the call went, but you -- you bill --
3 the terminating companies downstream bill the company
4 that interconnected with the PSTN, the public switch
5 telephone network.

6 Q. The public telephone switch network,
7 what do you mean?

8 A. If a wireless company is delivering,
9 they're not the public switch telephone network.
10 They are not the traditional switched network that
11 we've known for many years. They are a different
12 network. They are interconnecting with the PSTN.
13 That first point of switching is that trunk group
14 that they have purchased at the tandem if it's our
15 tandem or someone else's tandem. That is the point
16 that downstream carriers bill.

17 Q. So when you say public switch telephone
18 network, you don't mean that it's publicly-owned?

19 A. No.

20 Q. You mean that it's AT&T's network and
21 you devote it to a public use?

22 A. It's a generic term that's used
23 throughout the -- you know, it doesn't matter who.
24 Public switch telephone network is just a generic
25 term used in the industry. It could be AT&T, it

1 could be anyone else that owns the tandem.

2 Q. Well, if Cingular connects with AT&T in
3 Dallas, you don't allow them to take that traffic --
4 you don't take that traffic all the way to Missouri,
5 do you?

6 A. If they interconnected into Dallas, then
7 the billing would be back to that number that -- and
8 Dallas.

9 Q. Do you require them to separately
10 interconnect in order to terminate traffic in
11 Missouri?

12 A. I really couldn't talk about -- that's
13 really the network, but I believe that -- well, I
14 need to defer to Mr. Constable on that.

15 Q. Okay. In that situation I described,
16 Mid-Missouri Telephone Company owns its own network,
17 does it not?

18 A. I believe they do, yes.

19 Q. And would you agree with me in that
20 situation that Cingular does not interconnect with
21 Mid-Missouri Telephone Company's network?

22 A. They -- in that scenario, no.

23 Q. In that scenario I mentioned, AT&T does
24 not bill Cingular who transited the Alltel call to
25 AT&T; is that correct?

1 A. The terminating companies downstream
2 that are part of that call stream are billing back to
3 that interconnected company.

4 Q. But AT&T does not bill a carrier that
5 transits the call -- you bill the carrier that
6 transits the call to you?

7 A. I'm not sure.

8 MR. BUB: Your Honor, I think I need to
9 object to the form of the question. I think he's
10 testified that we bill the one that's connected.
11 He's asking -- he's introducing a new term,
12 "transiting."

13 I don't think Mr. Read talked about
14 transiting. I think he talked about connected
15 carrier. If he wants to ask about the connected
16 carrier, I think we'll be talking about the same
17 thing. So it's the form of the question that I have
18 a problem with.

19 BY MR. JOHNSON:

20 Q. Let me see if I can go at it this way,
21 Mr. Read.

22 A. Okay.

23 Q. I'll withdraw the question.

24 JUDGE DALE: Thank you.

25 BY MR. JOHNSON:

1 Q. When Cingular connects with you, you
2 bill Cingular for traffic it originates, correct?

3 A. We bill them for interconnection
4 services, yes.

5 Q. And if they bring to you traffic that
6 someone else originated, you still bill Cingular,
7 correct?

8 A. Yes. Yes, we do.

9 Q. And if someone else originated a call
10 that Cingular transported to you but Cingular did not
11 originate, you would be billing them for transiting
12 that call to you, correct?

13 A. I wouldn't call it transiting. They
14 have an interconnection agreement with us. That's
15 who is billed.

16 Q. Would you also agree with me that the
17 records that you're currently giving Mid-Missouri
18 Telephone Company tells them to bill the carrier that
19 brought it to you as opposed to the carrier that
20 interconnected with Mid-Missouri Telephone Company?

21 A. No. In that scenario the company is
22 interconnected to our tandem, not to Mid-Missouri.
23 You're -- Mid-Missouri is subtending our tandem.
24 They're downstream from us.

25 Q. In those situations you bill the carrier

1 that connects to you?

2 A. Yes.

3 Q. And in both situations you're telling
4 Mid-Missouri to bill somebody other than the carrier
5 that connects to Mid-Missouri?

6 A. In that scenario and as in our scenario,
7 you bill the company that interconnected.

8 Q. But you would agree with me that in the
9 situation for the Alltel call, you are not billing
10 the originating carrier. AT&T is billing Cingular?

11 A. Yes.

12 Q. And do you believe that that's a
13 violation of the sentence that I just read you that
14 requires 1101 to contain the originating OCN --
15 originating operating company number?

16 A. No. Because I feel like the use of that
17 phrase is talking about the company that originated
18 it on the PSTN network which is the interconnecting
19 company.

20 Q. So I want to carry the analogy back to
21 some of the other types of traffic that we discussed
22 earlier today. If a McGee tandem, Sprint, the
23 Missouri ILEC, delivers a call to AT&T that's going
24 to Mid-Missouri Telephone Company --

25 A. Okay.

1 Q. -- would that situation be any
2 different?

3 A. Yes, because that would be LEC-to-LEC
4 traffic. Sprint wireless or Sprint local?

5 Q. Sprint local.

6 A. Sprint local would be a LEC-to-LEC
7 traffic. So, yes it would be totally different.

8 Q. But their Sprint-to-LEC interconnected
9 with you and put their traffic on the public switch
10 network at your tandem, did they not?

11 A. Yes, they did.

12 Q. But you'd still treat them differently?

13 A. You would because the use of the
14 records -- the need for the records are different in
15 that scenario versus the previous one that you
16 described.

17 The need to -- in the
18 wireline-to-wireline connection, then you have
19 different -- different information that's delivered
20 in the recordings.

21 Q. Did anyone ever explain to you that it
22 was the intent of the Enhanced Record Exchange Rule
23 to be an originating-responsibility rule and as the
24 carrier that originated the traffic that was
25 obligated to pay --

1 MR. BUB: Your Honor, I'll have to
2 object. We're going way beyond the records. I think
3 we're trying to retry the business issue again. I
4 think we're going way beyond the scope of his
5 testimony and way beyond the scope of the case.

6 JUDGE DALE: To which part of his
7 testimony does relate -- to which part of this
8 testimony does it relate?

9 MR. JOHNSON: He's stating that he's
10 giving us an originating operating company number,
11 and I don't think he is.

12 JUDGE DALE: I think we've already
13 covered that ground.

14 BY MR. JOHNSON:

15 Q. Mr. Read, the billing telephone number,
16 does that ever identify a carrier other than the OCN
17 that you give us?

18 A. No.

19 Q. It's always the same carrier?

20 A. It is the company that interconnected,
21 yes.

22 Q. In other places in your testimony you've
23 also indicated -- and tell me if I'm wrong. I'm
24 trying to summarize this --

25 A. Sure.

1 Q. -- that that carrier, the OCN number
2 that you give to us in the record, that identifies
3 the financially responsible carrier?

4 A. Yes.

5 Q. Okay. And when it comes to a company
6 like Mid-Missouri Telephone Company, what document or
7 what -- where in their authorization to bill does it
8 specify what carrier is gonna be responsible to pay
9 for a certain call?

10 A. I don't know that I could point to a
11 document that they have.

12 Q. Okay. Well, with Cingular would you
13 agree with me that it's usually an approved
14 interconnection agreement?

15 A. Yes.

16 Q. Okay. Would -- under your definition of
17 the financially responsible OCN, if Mid-Missouri
18 negotiated an interconnection agreement with Cingular
19 that said Cingular, deliver the traffic at McGee
20 where you say the public switch telephone network
21 begins, but then make SBC or AT&T financially
22 responsible for that call, would that be permissible?

23 A. No.

24 Q. Why not? If the Commission approved it,
25 why wouldn't it be permissible?

1 A. I guess I missed that part of the
2 question. I'm sorry.

3 Q. Okay.

4 A. If the Commission approved?

5 Q. Yes, sir.

6 A. I guess whatever the Commission approves
7 is permissible. It doesn't mean it's standard or
8 industry practice.

9 Q. Well, I understand.

10 A. Okay.

11 Q. But AT&T is an ILEC in Missouri; is that
12 correct?

13 A. Yes.

14 Q. Mid-Missouri Telephone Company is an
15 ILEC in Missouri?

16 A. Yes.

17 Q. Are you aware of any difference in legal
18 rights they have to negotiate interconnection
19 agreements?

20 MR. BUB: Your Honor, this goes way
21 beyond the scope of records. I need to object again.
22 If you can point to something in the testimony this
23 morning that talks about an interconnection agreement
24 with Mid-Missouri or other telephone companies, it
25 goes way beyond the scope.

1 originating carrier?

2 JUDGE DALE: You know, in any event --

3 MR. BUB: Okay.

4 JUDGE DALE: -- he's using originating
5 carrier in the plain English sense of the word.

6 MR. BUB: Okay. As long as we
7 understand that.

8 THE WITNESS: Can you ask your question
9 again? I'm sorry.

10 MR. JOHNSON: I'm going to have the
11 reporter read it back, please.

12 (THE REPORTER READ BACK THE PREVIOUS
13 QUESTION.)

14 THE WITNESS: By that definition, that's
15 true, it does not identify Alltel, it identifies the
16 interconnected company.

17 BY MR. JOHNSON:

18 Q. In that situation, if the CPN were
19 passed in the billing record, would you agree that
20 that would help us identify the originating carrier?

21 A. Yes, it would.

22 MR. JOHNSON: I think that's all I have.
23 Thank you.

24 JUDGE DALE: Thank you. We're gonna --
25 you will not be excused from Commissioner questions,

1 but let's go ahead and redirect based on the cross so
2 far.

3 REDIRECT EXAMINATION BY MR. BUB:

4 Q. Mr. Read, let's maybe go in the reverse
5 order. Some of the questions that Mr. Johnson just
6 asked you about a call that would go from Sprint
7 local through AT&T Missouri's tandem to Mid-Missouri
8 Telephone Company; do you remember that example?

9 A. Yes.

10 Q. Okay. And you indicated that that was
11 different than the wireless calls that we were
12 talking about here --

13 A. Yes.

14 Q. -- do you recall that? Okay. Is Sprint
15 local part of the PSTN?

16 A. Yes.

17 Q. Okay. Would PSTN be another name for
18 LEC-to-LEC network?

19 A. Yes. The LEC-to-LEC network is part of
20 the PSTN.

21 Q. Okay. Let's talk about the example he
22 gave you before about a customer of Alltel Wireless
23 making a cell phone call that Cingular agrees to
24 handle. Cingular drops it off to AT&T Missouri's
25 tandem, then it terminates onto Mid-Missouri

1 Telephone Company in Pilot Grove; do you remember
2 that example?

3 A. Yes.

4 Q. Okay. In that situation you indicated
5 that the billing record that AT&T Missouri gives to
6 Mid-Missouri contains an OCN of whom?

7 A. Of the interconnected company with us.

8 Q. And that would be Cingular?

9 A. Yes.

10 Q. Okay. Why would we not provide the OCN
11 of Alltel?

12 A. The business relationship that Cingular
13 has in that case would require them to do some
14 settlement with the companies that are behind them
15 that are the originating companies. If the -- if --
16 and I don't remember who the terminating company was,
17 Mid-America?

18 Q. Mid-Missouri.

19 A. Mid-Missouri. If Mid-Missouri also
20 billed that originating company, then that
21 originating company is gonna get double-billed.

22 Q. Let's shift gears now and go to some of
23 the questions Mr. England asked you before lunch.

24 A. Okay.

25 Q. There was a document that he showed you.

1 I don't know if you still have it or not, but it was

2 3 P. Do you still have that?

3 A. Yes. I didn't mark it as that, but is
4 it the one that's titled BSA at the top?

5 Q. Yes, it is.

6 A. Okay.

7 Q. What he was highlighting in this
8 document was the reference to the BTN billing
9 telephone number.

10 A. Yes.

11 Q. Do you see that?

12 A. Yes.

13 Q. Is this the same as what AT&T Missouri
14 refers to as the billing telephone number in the
15 category 11 record that it provides to terminating
16 carriers for wireless traffic?

17 A. No, it's not.

18 Q. Okay. Is this BTN that's in 3 P
19 something that goes into a category 11 record?

20 A. No, it's not.

21 Q. Is it the BTN that's in AT&T Missouri's
22 category 11 records for wireless traffic, is that
23 actually a telephone number at all?

24 A. In the -- in the --

25 Q. In the records?

1 A. In our records?

2 Q. Yes.

3 A. It's not a dialable number.

4 Q. Okay. What does it refer to?

5 A. It refers to the interconnected company.

6 Q. And what does it identify?

7 A. It identifies any traffic that came

8 through that trunk group.

9 Q. Okay. Is it specific to the trunk

10 group?

11 A. It's specific to that trunk group, yes.

12 Q. During your discussions with

13 Mr. England, you had a long discussion in which he

14 compared a wireless-originated call that comes to a

15 LEC, the LEC network directly from a wireless

16 carrier --

17 A. Yes.

18 Q. -- as one. Then he compared that to a

19 wireless call that went through an interexchange

20 carrier and then terminates to the LEC network. Did

21 you recall those two examples and his comparisons?

22 A. Yes.

23 Q. Okay. And he was highlighting that they

24 were both "wireless-originated," but that AT&T here

25 wants them treated differently. And your point that

1 you were making was that they were two different
2 types of calls.

3 A. Yes.

4 Q. Can you tell us why the different
5 treatment?

6 A. The companies that have interconnected
7 with us are the key points. So the calls are
8 terminating into our -- to that trunk group where it
9 meets the interconnection point which is that -- for
10 a wireless call it would be -- it would look like
11 wireless and it would be coming over the wireless
12 trunk group. If it were coming in the other case, it
13 would come to us over Feature Group D trunk, and that
14 is a IXC call.

15 Q. Uh-huh. Both calls that he was
16 comparing, they both started at cell phones, right?

17 A. Yes.

18 Q. What was the difference from your
19 perspective?

20 A. Well, our perspective is that we know
21 that when it comes in over a wireless trunk group, we
22 know that it's wireless traffic.

23 Q. And?

24 A. And we get a different recording and the
25 network recognizes it as being different. So the

1 records that are -- the recordings that are captured
2 and passed on to billing have certain information
3 that's applicable to billing a wireless call.

4 In the other case where you have an IXC
5 that's come in, it's coming through a Feature Group D
6 trunk, different recordings are made, different
7 information is captured from in those recordings that
8 are passed to billing to get translated into the EMI.

9 Q. In your opinion would it be probably
10 more clear for purposes here to view these calls from
11 the terminating end rather than the originating end?

12 A. Absolutely, because that's -- the
13 terminating point where it comes to us and those
14 different trunk groups create two totally different
15 scenarios.

16 Q. Okay. When the call comes in, even
17 though it may have been originating on a cell phone,
18 when it comes through the network over a trunk group
19 into our tandem, what kind of trunk group does it
20 come over?

21 A. When it comes to our tandem it comes --

22 Q. From an IXC?

23 A. -- from an IXC? It comes over a Feature
24 Group D trunk.

25 Q. Okay. Feature Group D trunks use the

1 wireless carriers?

2 A. No.

3 Q. What type of AMA recording is made on
4 that call that comes -- that may have been dialed on
5 a cell phone but comes into our network from an IXC,
6 what type of AMA record is made there?

7 A. That's really more Mr. Constable's area,
8 but there are different call codes. That's about as
9 much as I can say for the different types of traffic.

10 Q. Is it different than one that would be
11 made if that call came directly from a wireless
12 carrier?

13 A. Yes.

14 Q. Okay. What type of EMI billing records
15 would be made on that call that was dialed maybe on a
16 cell phone but came into our network from an IXC,
17 what type of EMI record would there be?

18 A. It would be an 1101.

19 Q. Okay. 1101 is also the type of record
20 that's used for a wireless call, is it not?

21 A. Yes, it is.

22 Q. Are those two the same? Are there
23 differences between the two records?

24 A. There's two different uses for the
25 records there, so different information is required

1 for the billing. And so the use of that record is
2 really the important thing to note. Different
3 information is necessary to bill wireless carriers
4 than wireline carriers.

5 Q. Mr. Read, on these calls that come in,
6 we've been focusing on calls that terminate to other
7 companies that are behind us. These same calls also
8 terminate into -- at AT&T Missouri's own customers,
9 do they not?

10 A. Yes, they do.

11 Q. Okay. What type of information does
12 AT&T Missouri use to bill wireless carriers when the
13 calls come to terminate to its own customers?

14 A. It's the same information that's being
15 provided to the downstream companies.

16 Q. Finally, I'd like to focus on
17 Mr. England's questions concerning the accessible
18 letters that AT&T Missouri sent out when it made the
19 change from the CTUSR to individual category 11
20 records for this wireless traffic.

21 A. Yes.

22 Q. He was talking to you about those
23 letters not including or not advising, I suppose, the
24 terminating carriers that we would be putting the BTN
25 in that "from" number field, and I think his words

1 were "We chose not to highlight this." Can you tell
2 me what the big change that that letter was meant to
3 convey?

4 A. Well, the thing at issue there was
5 moving from a report that had been provided before,
6 which is the CTUSR, which was very limited
7 information, and it's -- it's in my testimony, in my
8 direct testimony, schedule 5, where it's just a
9 summary information.

10 Q. Tell us what was on that report.

11 A. This report listed the terminating
12 company which would be anyone that was behind us, and
13 it listed the exchange and the terminating minutes.

14 Q. Did it tell you how many -- when the
15 calls were made?

16 A. No, it has -- it has really no call
17 detail information at all. And so the big change in
18 the accessible letters was noting the expanse of
19 that -- that type of information to a greater detail
20 by providing the detail records.

21 Q. What type -- how much more detail do the
22 1101 ones contain compared to the CTUSR that they
23 replaced?

24 A. They give you much more information in
25 identifying the traffic, identifying duration of

1 calls, time of day when things were called, type of
2 access, all kinds of indicators that are provided. A
3 lot more information, and it's really all these
4 records are.

5 Some of this information is used for
6 billing, some of this information is just used for
7 different parts of their business, so it's an
8 information record that's provided.

9 Q. And one of those is provided on each and
10 every wireless call that's terminated; is that
11 correct?

12 A. That's right.

13 MR. BUB: Thank you. We don't have any
14 further questions, your Honor. Thank you.

15 JUDGE DALE: Thank you. You may step
16 down for now. But Commissioner Clayton has questions
17 for you, and at that time I will recall you.

18 THE WITNESS: Okay.

19 JUDGE DALE: Hopefully not in the middle
20 of somebody else, but we'll discuss travel plans and
21 things of that nature later today.

22 So without further adieu, you may call
23 your next witness.

24 MR. BUB: Thank you, your Honor. We'd
25 like to call Jason Constable.

1 (WITNESS SWORN.)

2 MR. BUB: Your Honor, his testimony is
3 also subject to a motion to strike. Do you want me
4 to do the foundation questions, or do you want me to
5 do the same exercise we did with Mr. Read's
6 testimony?

7 JUDGE DALE: Let's go ahead and go
8 through the same exciting exercise.

9 MR. BUB: And then we'll have the
10 testimony marked and all that.

11 JUDGE DALE: Oh, but we should
12 probably -- oh, never mind.

13 MR. ENGLAND: Did you want to mark it
14 first or just --

15 MR. BUB: Oh.

16 JUDGE DALE: Well, is there -- it's just
17 HC or there's a --

18 MR. BUB: We just have one piece of
19 testimony and there are three flavors.

20 JUDGE DALE: Okay.

21 MR. BUB: There's the HC, the
22 proprietary and the nonproprietary. But it's all
23 one piece of testimony, I believe. Mr. England's
24 motion is directed to text and also to one attachment
25 maybe.

1 MR. ENGLAND: Yes, schedule 3 HC. The
2 rest is all text.

3 JUDGE DALE: Okay.

4 MR. BUB: So, you know, if you want to
5 have the exhibit marked, we can do that or we can
6 wait.

7 JUDGE DALE: Well, I will just go ahead.
8 We can refer to them as that, but then we'll have
9 them marked as they're...

10 MR. BUB: Okay.

11 JUDGE DALE: So over to you,
12 Mr. England.

13 MR. ENGLAND: Thank you. I think most
14 of the bases for objection are the same as we had to
15 Mr. Read's testimony, primarily relevance, and I will
16 begin with the first reference which was page 1,
17 lines 22 and 23, beginning --

18 MR. BUB: I'm sorry, Trip, I didn't
19 understand. What did you say?

20 MR. ENGLAND: Sure. Page 1, lines 22
21 and 23. Did I say that correctly?

22 MR. BUB: 22 and 23 is what I have also.

23 MR. ENGLAND: It's the sentence
24 beginning, "In posing a requirement to include
25 CPN..." it carries over to the top of the next page

1 to the first five lines. If I understand prior
2 rulings, the point that, "It is inconsistent with
3 industry guidelines" there on page 23 will be kept,
4 but the second point regarding cost will be struck.

5 MR. BUB: I would agree with the cost.
6 The only part that I'd probably disagree with would
7 be the inherent limitations because I think you did
8 allow us the testimony that said that our switch
9 couldn't do it.

10 JUDGE DALE: So "costly for AT&T
11 Missouri to implement" will be struck.

12 MR. BUB: Yeah. Then we're kind of left
13 with a hanging phrase.

14 JUDGE DALE: "Because of inherent
15 limitations."

16 MR. BUB: Yeah.

17 MR. ENGLAND: I would think that
18 modifies "costly."

19 MR. BUB: Uh-huh.

20 JUDGE DALE: Oh.

21 MR. BUB: There's testimony later in
22 here that our switch can't do it --

23 JUDGE DALE: Okay.

24 MR. BUB: -- so if we, you know, leave
25 that, then we can --

1 JUDGE DALE: Then we can just strike the
2 whole sentence.

3 MR. BUB: Yeah.

4 JUDGE DALE: Okay.

5 MR. ENGLAND: I'm sorry, you've lost me
6 now.

7 JUDGE DALE: We've stricken the
8 entire -- well, not the entire sentence but from --

9 MR. ENGLAND: "And costly"?

10 JUDGE DALE: Yes. So the sentence ends
11 at "guidelines." And then --

12 MR. BUB: I'm sorry.

13 JUDGE DALE: -- the first line on page 2
14 is stricken.

15 MR. BUB: Yes.

16 JUDGE DALE: And we begin again with
17 "imposing."

18 MR. BUB: And then I would see that
19 all -- the rest is consistent with what was left in
20 the other's testimony.

21 MR. ENGLAND: While I don't necessarily
22 agree, I think he's -- I think Leo is right, that
23 it's consistent with what you've done so far.

24 JUDGE DALE: Then we have consensus.

25 MR. ENGLAND: On consistency.

1 JUDGE DALE: On consistency.

2 MR. ENGLAND: The next is page 3,
3 line 4, starting with the sentence, "I also explain"
4 through the end of that sentence on line 7, and then
5 lines -- well, maybe we better take that one at a
6 time. There's another portion on that same page.

7 MR. BUB: Yeah, we probably could put
8 this together. The second bullet is "beyond the
9 current technical capability to Missouri's network."
10 I think that -- I'm sorry, on line 18 and 19 is the
11 same discussion as what you've just read, Trip, on 4,
12 5, 6 and 7, which would be in the bucket that we keep.

13 The next bullet about what it would
14 cost, what we would have to pay Lucent, that was in
15 the group that you struck before. So I guess I would
16 see as staying would be the 4, 5, 6 and 7, 18, 19 and
17 then 20 through 25 would go. I see that as
18 consistent with what you did before with Mr. Read's
19 testimony.

20 JUDGE DALE: And that is what I'm going
21 to do.

22 MR. BUB: Okay.

23 JUDGE DALE: So lines 20 through 25 on
24 page 3 are stricken.

25 MR. ENGLAND: Page 6, lines 21 beginning

1 with the phrase after the semicolon, "Is beyond the
2 technical capability," continuing through the rest of
3 that page and to the top of page 7 to include lines 1
4 and 2.

5 JUDGE DALE: I'm sorry, could you tell
6 me where you are again?

7 MR. ENGLAND: Sure. Page 6 --

8 JUDGE DALE: Okay.

9 MR. ENGLAND: -- line 21 --

10 JUDGE DALE: Okay.

11 MR. ENGLAND: -- beginning with, "Is
12 beyond the technical capability" --

13 JUDGE DALE: Okay.

14 MR. ENGLAND: -- continuing through the
15 end of that page and to the first two lines or to
16 include the first two lines of page 7.

17 MR. BUB: What I see is having -- or I
18 guess where the dividing line is consistent with what
19 we did before, that first part, "Is beyond the
20 technical capability of AT&T Missouri's network"
21 would stay.

22 The rest of that page through line 23
23 would go because that talks about what we would have
24 to pay Lucent. And then the burdensome information
25 processing and some changes we'd have to make. And

1 then the -- the strike would end halfway down on
2 line 2 ending with "records and would produce little,
3 if any, benefit," that stays.

4 JUDGE DALE: Yes. So that means that
5 from the second semicolon on line 21 of page 6
6 through the semicolon on line 2 of page 7 will be
7 stricken.

8 MR. ENGLAND: The next is page -- I was
9 gonna say I agree it's consistent.

10 MR. BUB: I don't like it either, Trip,
11 but for different reasons.

12 JUDGE DALE: Oh, this is perfect then.

13 MR. ENGLAND: We've struck a balance,
14 haven't we? Page 11, lines 9 through 14.

15 MR. BUB: Your Honor, I think this would
16 go in the category of stays as it tells us what we
17 can and what we can't do. What we're talking about
18 here is a different switch that we have, a Nortel
19 tandem, that we think there's a feature there, but
20 he's saying that we haven't tested it to make sure it
21 works and make sure it doesn't interfere with other
22 things.

23 He also talks about we don't have
24 processing in place, and he doesn't talk about what
25 we'd have to do to put that processing in place or

1 what -- or how much it would cost. So I think this
2 would fit more in the category of what we can't do
3 rather than a burden on us to make a change.

4 JUDGE DALE: I think this fits in your
5 category of irrelevant information that barely meets
6 the very low threshold.

7 MR. BUB: Okay.

8 JUDGE DALE: Moving on.

9 MR. ENGLAND: Page 12, lines 1
10 through -- well, the entire page, lines 1 through 22.
11 And I think this clearly gets to the cost issue that
12 you've previously struck.

13 JUDGE DALE: Certainly question 1 and
14 its answer.

15 MR. BUB: Your Honor, we would agree
16 that this would be consistent with your prior
17 rulings.

18 JUDGE DALE: So the question that begins
19 on line 16 and its answer will be struck as well. So
20 that's the entirety of page 12.

21 MR. ENGLAND: Page 14, lines 14 through
22 20, continuing onto the next page for the entire
23 page, page 15. I'm not sure -- while this has
24 nothing to do with cost, I'm not sure what AT&T's
25 objections to subsections (1) and (2) of the rule

1 have to do with whether or not subsection (4)
2 requires CPN and billing record. I think they're
3 just sort of reiterating the position they had stated
4 previously.

5 MR. BUB: Trip, if I may make an
6 interjection and explain it. The reason we have that
7 Q and A in here was in the Commission's order
8 adopting the rule, there was a discussion about us
9 opposing and I think it was a misunderstanding on the
10 Commission's part of us opposing signaling CPN. And
11 we were trying to clarify here that we did not oppose
12 Commission's Rule 29.04(1) and (2). All we did was
13 propose a modification but we didn't oppose the
14 requirement to have signaling on every call.

15 And it's relevant here because we're
16 talking about, you know, in our view is that the only
17 requirement of the rules is to provide signaling --
18 I'm sorry, is to provide CPN in the signaling, not
19 CPN and both signaling in the record. And here we're
20 trying clarify that it's understood that we didn't
21 oppose CPN signaling.

22 JUDGE DALE: Once again, I'll let this
23 in. I'm not sure it's relevant, but --

24 MR. BUB: We're just trying to correct a
25 misunderstanding to make sure.

1 MR. ENGLAND: The Q and A beginning on
2 line 5 of page 15 and ending at the bottom of the
3 page, line 20, to me appears to be clearly irrelevant
4 as to what may or may not happen as far as
5 intercarrier compensation before the FCC.

6 MR. BUB: Your Honor, from our
7 perspective this is one of the things that would have
8 come out had the Commission indicated a clear intent
9 in its proposed rule to require CPN. This is the
10 type of information that we would have provided.
11 This would have been the type of information that the
12 Commission would have inquired about the fact that it
13 didn't come out, either the Commission's inquiry or
14 us coming forward with it to show that there's no
15 intent to impose this new requirement in the records.

16 The point is that there's a lot of
17 things going on at the FCC that could moot out any
18 requirement for these types of records or a
19 requirement that -- to have CPN in that. For
20 example, if the Commission -- if the FCC said billing
21 keep for everything, there wouldn't be any need for
22 records.

23 If they said, well, we're just gonna
24 have one unified rate for all traffic, you know, a
25 minute to minute, you can only charge half a cent or

1 a minute for it, there would be no reason to have to
2 jurisdictionalize anything. We wouldn't have to have
3 all this information about CPN.

4 We just wanted to make sure that the
5 Commission -- that this is the type of evidence that
6 would have come out had it been clear in the proposed
7 rule that a requirement was being proposed to add
8 CPN. We would have said, you know, wait a minute,
9 there's so much going on, this could moot the whole
10 thing. That's the reason we had it in there.

11 JUDGE DALE: Okay. My ruling will be
12 while I do not want to -- I do not want to eliminate
13 discussion of what is happening on the federal level
14 that may relate to records exchanged, I believe that
15 the -- that this particular discussion concerning
16 intercarrier compensation, which I expect to be
17 reformed sometime in the 3050 time frame, is
18 irrelevant and is stricken. So lines 5 through 20.
19 And that was page 15.

20 MR. ENGLAND: Yes. And then finally on
21 16, my original motion to strike was lines 6
22 beginning with the phrase, "And costly for AT&T"
23 through the end of that paragraph. I understand that
24 part of that is probably susceptible to a strike, but
25 the rest you have previously ruled will be

1 admissible.

2 JUDGE DALE: And for that reason I'm
3 just gonna leave the vague phrase "costly" in that,
4 so that the sentence continues to read with some
5 clarity.

6 MR. ENGLAND: Okay.

7 JUDGE DALE: We understand that every --
8 every change has some cost.

9 MR. ENGLAND: And then finally we
10 proposed or, rather, moved to strike schedule 3 HC
11 which was the Lucent bid or quote.

12 JUDGE DALE: Is this the letter of
13 September 29th, 2005?

14 MR. BUB: I believe so.

15 JUDGE DALE: Okay. It is stricken in
16 its entirety.

17 MR. BUB: Your Honor, if we're ready we
18 can go off the record and have the exhibits marked.

19 JUDGE DALE: That would be great.

20 (EXHIBIT NOS. 4 NP, 4 P AND 4 HC WERE
21 MARKED FOR IDENTIFICATION BY THE COURT REPORTER.)

22 JUDGE DALE: Okay, Mr. Bub, you may
23 proceed.

24 MR. BUB: Thank you, your Honor.

25 JASON CONSTABLE, testified as follows:

1 DIRECT EXAMINATION BY MR. BUB:

2 Q. Mr. Constable, could you please state
3 your full name for the record?

4 A. Jason Emeril Constable.

5 Q. Are you the same Jason Constable that's
6 prefiled direct that's been marked 4 NP, 4 P and 4 HC?

7 A. Yes, I am.

8 Q. Are there any corrections you need to make?

9 A. Yes, I have two.

10 Q. Okay. Can you tell us what those are?

11 A. Yes. On page 7 the sentence starting on
12 line 14 should read, "Those standards also do not
13 require the inclusion of CPN and the originating
14 number field of the AMA recordings for
15 wireless-originated calls." So the phrase
16 "originating number field of the" was left out.

17 Q. Okay. Do you have another one?

18 A. Yes. On page 9 starting on line 15, the
19 sentence that starts, "For example, on calls
20 terminating to," the words "terminating to" should be
21 replaced with the words "originating from."

22 And then also the last word on line 15
23 where it says "from," that should be replaced with
24 the word "to." So it should then read, "For example,
25 on calls originating from the LEC network to an IXC."

1 Q. Any other corrections?

2 A. No.

3 Q. Okay. With those corrections and the
4 deletions from your testimony that have been made as
5 a result of the rulings on the motion to strike, if
6 I were to ask you the same questions contained in
7 Exhibits 4 NP, 4 P and 4 HC, would your answers be the
8 same today?

9 A. Yes.

10 Q. Are those answers true and correct?

11 A. Yes.

12 MR. BUB: Thank you. Your Honor, with
13 that, we'd like to offer into evidence Exhibits 4 NP,
14 4 P and 4 HC.

15 JUDGE DALE: Thank you. Are there any
16 objections?

17 (NO RESPONSE.)

18 JUDGE DALE: Then Exhibits 4 NP, 4 P and
19 4 HC are accepted into evidence.

20 (EXHIBIT NOS. 4 NP, 4 P AND 4 HC WERE
21 RECEIVED INTO EVIDENCE AND MADE A PART OF THE RECORD.)

22 MR. BUB: Thank you. And with that we'd
23 like to offer Mr. Constable for cross-examination by
24 the other parties.

25 JUDGE DALE: Thank you, Mr. Bub.

1 MR. DORITY: No questions, your Honor.

2 JUDGE DALE: Thank you. Staff?

3 MR. KRUEGER: Thank you, your Honor.

4 CROSS-EXAMINATION BY MR. KRUEGER:

5 Q. Good afternoon, Mr. Constable.

6 A. Good afternoon.

7 Q. I'd like to call your attention to
8 page 10 of your testimony, lines 6 through 15.

9 A. Yes.

10 Q. You state there that Telcordia GR-1504
11 states that, "In place of CPN for wireless-originated
12 calls, the originating number fields in structure
13 code 0625 shall contain the per trunk group billing
14 number of the WSP," correct?

15 A. That is correct.

16 Q. Is that actually in place of, or does
17 that -- does the Telcordia document say that that's
18 in place of the CPN?

19 A. It does not say "in place of."

20 Q. Is it possibly it could be in addition
21 to?

22 A. Well, it couldn't be in addition to
23 because --

24 Q. Why -- I'm sorry, go ahead.

25 A. -- it couldn't be in addition to because

1 there's not enough room in the field for both
2 parameters.

3 Q. Next I'd like to call your attention to
4 page 13, line 17 through 19. You state there that,
5 "Delivering CPN in the call signaling stream and
6 including CPN in the EMI records are two completely
7 different functions which are performed by entirely
8 different telephone company equipment and systems and
9 are governed by two completely different sets of
10 industry practices."

11 Without getting into too much detail,
12 could you explain why it is not possible to include
13 the CPN in the EMI records?

14 A. Yes. The Lucent tandems do not record
15 CPN on calls that come from a wireless provider -- or
16 actually, from any call that comes over a wireless
17 trunk group. So because it's never in the AMA
18 recordings, you don't have it to place it in the EMI
19 records.

20 Q. How is it that you're able to include
21 that in the signaling stream?

22 A. In the signaling stream when we get the
23 call, we pass it in what's known as the IAM message,
24 the initial address message. So when a carrier wants
25 to send us a call, they'll send us the IAM message

1 and that lets us know that they have a call that they
2 want to present to us. And that does have the
3 calling party number in it.

4 And so that -- we can present that for
5 use in caller ID, and we will also pass that to any
6 terminating carrier that -- that we send the call to.
7 But there's no -- the capability is to record that
8 CPN in the billing record that the switch generates,
9 and that is what's lacking.

10 Q. Did you participate in Commission Case
11 No. TT-2004-0542?

12 A. I don't recall the number, but I bet
13 that I did.

14 Q. Let me read the style of the case. In
15 the Matter of Southwestern Bell Telephone, d/b/a SBC
16 Missouri's Proposed Revision to Its PSC No. 36 Access
17 Service Tariff.

18 A. Yes, I did.

19 Q. Okay. Are you familiar with the briefs
20 and depositions in that case?

21 A. Yes, I am.

22 Q. Mr. Read stated in his direct testimony
23 that CPN has never been a standard field in the
24 category 1101 XX record for wireless-originated
25 calls. Do you recall his statement to that effect?

1 A. I recall his statement.

2 Q. Do you agree with that statement?

3 A. Yes, I do.

4 Q. Is that consistent with the positions
5 stated in the briefs and depositions in Case
6 No. TT-2004-0452 (sic)?

7 A. Yes, it is.

8 Q. Now, are you aware that in that same
9 case that I just mentioned, TT-2004-0542, it was
10 reported that up to 24 percent of the total IXC
11 traffic that AT&T delivered to SBC Missouri was due
12 to cellular roaming?

13 A. I recall that there was some
14 discussions. I don't recall the exact percentage,
15 but yes.

16 Q. That sounds approximately right to you
17 at least?

18 A. Yes.

19 Q. Do you know what wireless factors have
20 been agreed upon by AT&T in its role as an IXC and
21 SBC in its role as a local exchange carrier
22 responsible for billing and terminating such calls?

23 A. Yes, we've agreed to some factors in
24 certain situations.

25 Q. And how -- how are those factors

1 determined?

2 A. I don't know how they were determined.

3 MR. KRUEGER: That's all the questions I
4 have.

5 JUDGE DALE: Thank you. Mr. England?

6 MR. ENGLAND: Thank you, your Honor.

7 CROSS-EXAMINATION BY MR. ENGLAND:

8 Q. Good afternoon, Mr. Constable.

9 A. Good afternoon.

10 Q. Following up on a question from
11 Mr. Krueger just a minute ago, you stated that you
12 agreed with Mr. Read that wireless-originated -- or
13 the CPN for wireless-originated traffic is never
14 captured; is that right?

15 A. I don't believe that that was what I
16 agreed to.

17 Q. Okay. Would it be more accurate to say
18 that wireless-originated traffic delivered to the
19 AT&T tandem by a wireless carrier is not captured by
20 your equipment?

21 A. Yes.

22 Q. Okay. But if it's wireless-originated
23 traffic delivered by an IXC, the CPN would be
24 captured?

25 A. Sometimes.

1 Q. Okay. And I'm at a bit of a
2 disadvantage. I wasn't a party to the case that
3 Mr. Krueger was referring to, but what factors were
4 you-all talking about?

5 A. I believe that the factors we were
6 talking about is when AT&T -- and again, at that time
7 we were separate entities.

8 Q. Okay.

9 A. When they were a long distance company
10 primarily and they sent us IXC traffic, we would bill
11 them based upon call detail records to the extent
12 that we had them, but if they sent us unidentified
13 traffic without those call detail records, for that
14 percentage of the traffic, we would rely on a factor
15 that they provided for us to determine what
16 percentage of that unidentified traffic was
17 interstate or intrastate.

18 Q. Okay. And some of the traffic that was
19 identified included wireless-originated traffic,
20 right?

21 A. Some of the identified traffic?

22 Q. Yes.

23 A. Probably.

24 Q. And some of the unidentified traffic, I
25 assume, probably included wireless traffic as well,

1 wireless-originated?

2 A. It's possible.

3 Q. Okay. That gets me to the question that
4 I'd asked Mr. Read earlier and he kindly deferred to
5 you. What other information is currently available
6 in the network to determine the jurisdiction of
7 wireless-originated calls?

8 A. That would depend on which network
9 you're referring to.

10 Q. Well, and that's a good -- good answer.
11 I was awfully broad. At least currently the
12 information that you were getting through the network
13 on the calls that terminate to your -- or not
14 necessarily terminate, but are delivered to your
15 tandem over these trunk roots that then go on for
16 termination to my client's customers -- yeah,
17 customers, what -- what information is currently
18 being passed through that network that either AT&T or
19 my clients could use to determine the jurisdiction of
20 wireless-originated calls?

21 A. I'll try to answer your question, and I
22 apologize if I don't get it correctly. But, you
23 know, a company could theoretically use any
24 parameter. You know, I guess it's all dependent on
25 how accurate each of the parameters would be.

1 So I mean, we pass CPN in the signaling
2 stream, so it's theoretically possible that they
3 could use that. Now, how accurate that would be is
4 open to interpretation.

5 Q. Other than CPN, for example, BTN as
6 we've discussed it here today, that wouldn't give us
7 jurisdiction, would it?

8 A. It's -- you know, and I'm not the
9 billing expert, but, you know, as I understand it and
10 what I believe that we think to be true is that
11 there's really no good indicator that identifies a
12 call -- or identifies the jurisdiction of wireless
13 traffic. There's really nothing good.

14 Q. Would you agree with me that CPN, at
15 least to some degree, will give you some indication
16 of the jurisdiction of the traffic?

17 A. I don't know that you'd get me to agree
18 to that.

19 Q. Okay. Even if the wireless caller is
20 not roaming, you wouldn't agree with me?

21 A. If he's not roaming, it would. But the
22 problem is you never know when they're roaming.

23 MR. ENGLAND: Okay. Thank you, sir.

24 No other questions.

25 JUDGE DALE: Thank you.

1 CROSS-EXAMINATION BY MR. JOHNSON:

2 Q. Thank you, Mr. Constable. Do you --
3 does AT&T have factors in their interconnection
4 agreements of wireless carriers?

5 A. Do we -- I'm sorry, do we have factors?

6 Q. Yeah, distinguish local or intra-INT
7 traffic from access or intra-NTA traffic?

8 A. That's outside my area of expertise, but
9 as I understand it, that is the practice.

10 Q. Is it possible -- I want to go back to
11 my Alltel Wireless to Cingular to AT&T to
12 Mid-Missouri example. If Mid-Missouri has
13 interconnection connection agreements with Cingular
14 and Alltel, and the factor, the inter-NTA factor is
15 different between those two agreements, when AT&T
16 just gives us one OCN that identifies all that
17 traffic as being Cingular's traffic, does that create
18 a potential for arbitrage?

19 A. I'm sorry, that's outside the scope of
20 my testimony.

21 Q. Wouldn't it make sense to you that if
22 Alltel Wireless can get that traffic to us cheaper by
23 sending it to Cingular because it's gonna look like a
24 Cingular call than an Alltel Wireless call, that they
25 might do that?

1 A. I didn't catch the question. Could you
2 repeat it?

3 Q. If Alltel Wireless doesn't want to pay
4 any more terminating compensation than they have to
5 and they know that the factor that Mid-Missouri has
6 with Cingular is 5 percent, but the factor that
7 Alltel has with Mid-Missouri is 10 percent, wouldn't
8 there be a financial incentive for them to ship that
9 traffic to Cingular?

10 A. There might be, but that might be
11 outweighed by the fines and penalties if they were
12 caught. That's outside the realm of my testimony.

13 Q. The -- in your direct testimony,
14 Exhibit 4, the GR-1504-CORE, that's a Telcordia
15 document that's attached to schedule 2 P?

16 A. I believe so. If it's a Telcordia
17 document. What it was attached to I don't recall.

18 Q. Do you have your -- your direct
19 testimony with you?

20 A. Yes, but I don't have that attachment.
21 It was big and I didn't want to carry it around.

22 JUDGE DALE: Which part are you
23 discussing?

24 MR. JOHNSON: Well, first, Judge, I was
25 gonna try to figure out if we had to exclude anybody

1 else. I was gonna ask him some questions about the
2 Telcordia Technology's proprietary documents --
3 generic requirements for wireless service provider,
4 automatic message accounting. I think that's
5 GR-1504-CORE issued May 4, 2003.

6 JUDGE DALE: Page 1162?

7 MR. JOHNSON: It starts -- I'm sorry,
8 your Honor. I'm not sure I understood your question.

9 JUDGE DALE: I'm looking at the page
10 number at the bottom of the page.

11 MR. JOHNSON: Mine begins with page 162,
12 Constable schedule 2 P. Are we on the same page?

13 JUDGE DALE: I'm just further along than
14 you are.

15 MR. JOHNSON: Just wishful thinking.

16 BY MR. JOHNSON:

17 Q. As I understand it -- and Leo, you may
18 want to help me out. This is a proprietary document
19 to Telcordia?

20 MR. BUB: Yes, it is.

21 BY MR. JOHNSON:

22 Q. So no one -- if I want to ask him some
23 questions about it, we need to exclude everybody
24 who's not an attorney or who signed the nondisclosure
25 agreement?

1 MR. BUB: Everybody in the room is okay.
2 I think Mr. Martinez has signed the agreement, and
3 Mr. Onre (phonetic spelling) is with us, so everybody
4 here is fine.

5 JUDGE DALE: Okay. But hold on. I need
6 to find my in-camera button. Okay.

7 (REPORTER'S NOTE: At this point, an
8 in-camera session was held, which is contained in
9 Volume 3, pages 185 through 189 of the transcript.)

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1 JUDGE DALE: Thank you. I have
2 no questions. However, Commissioner Clayton may have
3 questions, so when he returns, you may be re-called.

4 THE WITNESS: Certainly. Thank you.

5 JUDGE DALE: Do you want to do a
6 redirect before that or -- we did that last time,
7 didn't we?

8 MR. BUB: We did. We could do it either
9 way, your Honor.

10 JUDGE DALE: I would like to break right
11 about now. It's about halfway until five o'clock and
12 I want to adjourn promptly at five, and then we'll
13 resume in the morning. Although we're way behind
14 schedule.

15 So let's go ahead and adjourn, come back
16 at 3:30 and redirect and find out if Commissioner
17 Clayton is back by then, because it would be my hope
18 that we could dismiss as many witnesses as we finish
19 with today so the people don't have to continue to
20 stay here who are not required to do so.

21 Okay. Off the record.

22 (A RECESS WAS TAKEN.)

23 COMMISSIONER CLAYTON: May I go ahead?

24 JUDGE DALE: Yes, go ahead.

25 QUESTIONS BY COMMISSIONER CLAYTON:

1 Q. Mr. Constable, I have been unavoidably
2 detained this afternoon. Because I always ask
3 questions of witnesses and ask them the wrong
4 nature --

5 A. Sure.

6 Q. -- of their testimony, could you
7 summarize your testimony here for me today and what
8 you're here to talk about?

9 A. Sure. I'm the network witness so --

10 Q. What does that mean, what is a network
11 witness?

12 A. Talk about the fact that the Lucent
13 tandems cannot record CPN, just wireless-originated
14 traffic. We can't record it in the billing systems
15 to pass down, but what we do is we can pass it to
16 terminating carriers in the signaling stream and we,
17 in fact, do that.

18 Now, what does the signaling stream
19 mean? That means we pass it on a real time basis as
20 the call happens so that you get the caller ID, you
21 get all the benefits of --

22 Q. When you say "you," what do you mean you
23 get it? You mean me being the customer, or are you
24 talking about the ILEC -- the small ILEC, or the
25 terminating carrier, I guess, would be --

1 A. It would be both the terminating carrier
2 is what I was referring to, but the customer also
3 gets it as well.

4 Q. Okay. And exactly what data is
5 received? Are they numbers, codes?

6 A. Well, for the terminating carrier,
7 they're gonna get what we -- everything that we
8 received in the signaling stream. So if we received
9 it from a wireless company, we're gonna pass
10 everything to them in the signaling stream.

11 Q. What happens if you didn't receive it
12 from the wireless company?

13 A. If we didn't receive it, then we can't
14 pass it, obviously. And we --

15 Q. But you pass the call even if they don't
16 send any information?

17 A. Right. Right.

18 Q. Okay.

19 A. Because we don't want to populate
20 something just out of the air. It's better that they
21 don't get anything than for us to get -- get a call
22 that doesn't have CPN. And for us just to put a CPN
23 in there, then that's kind of misleading. So if we
24 don't get it, then we don't pass it.

25 Q. Okay. What information do you get for

1 your billing purposes, for your company's billing
2 purposes? If you don't get a CPN, what data or what
3 information do you get for -- for -- or would you
4 have a billing arrangement with that company?

5 A. We basically get the same records that
6 we provide to the ILECs, and what I understand we do
7 is we bill off of factors that the wireless service
8 provides us with.

9 Q. By "factors," what is that?

10 A. Right. Well, they'll tell us that, you
11 know, 40 percent of our traffic is inter-NTA. Okay.
12 So that means we're gonna bill this rate as opposed
13 to the intra-NTA, that's the local rate for it.

14 Q. Okay. And then you pass that factor on
15 to the terminating carrier?

16 A. Well, I don't -- I don't think we pass
17 it on. I think that they negotiate the factor with
18 the wireless carrier directly.

19 Q. You just said that you pass on --
20 whatever information you get, you pass it along to
21 the terminating carrier.

22 A. Right. Yeah, and --

23 Q. Do you pass this information here along
24 to the terminating carrier?

25 A. No, not the factors. The one I was

1 speaking of is on a real time per-call basis. On a
2 per-call basis we don't have that factor information
3 set in the signaling stream to set the call up.

4 Q. Over what time period do you establish
5 that if it's not real time?

6 A. It depends on the agreement that we have
7 with the wireless provider, but they modify it maybe
8 on a monthly basis or on a -- on a preagreed-to
9 basis.

10 Q. Now, can you tell me what the difference
11 is between the wireless calls that go through your
12 network versus say CLEC telephone calls -- a
13 telephone call coming through your system --

14 A. Sure.

15 Q. -- in terms of record exchange?

16 A. Right. I'd be happy to do that. We
17 bill based upon -- it all starts with the trunk
18 group. We assign an AMA record to each trunk group
19 so if a long distance carrier for their trunk
20 groups -- we assign like a call code 119 and that
21 generates an access record. We're always gonna build
22 an access record for it. That call has CPN in it.

23 For a CLEC trunk group, most of their
24 calls are gonna be local in nature. So those calls,
25 we generate like a call code 720 for a local

1 interconnection billing record. And those calls will
2 also have CPN in them.

3 For wireless, we put in a call code 66
4 for a wireless-originated record, and those calls
5 don't have the CPN in it. And it's important to
6 note -- I mean, that's not the way we set up our
7 network. We look at Telcordia. They say, well,
8 these are the call codes that you assign for certain
9 types of traffic for these trunk groups, and that's
10 what we put in. And then the switch, it generates
11 the billing record.

12 Q. You know, it's very impressive the way
13 you recite all those numbers --

14 A. I'm sorry.

15 Q. -- from those records. It's very
16 impressive. It doesn't help me at all.

17 A. I'm sorry.

18 Q. But it's very impressive. So the nature
19 of the call comparing CLEC phone call versus a
20 wireless is -- it's significantly different is what
21 you're testifying?

22 A. Right. They are different.

23 Q. Now, what would it take physically or
24 technologically to have the CPN be included in
25 wireless calls? What would have to happen? Is it

1 something in your network there's a problem, or is
2 there a problem in the wireless network?

3 A. It's a two-step process. One, we have
4 to go to Lucent and we have to buy the feature from
5 them. They don't have it developed yet so they say
6 it would take a million bucks and take two years to
7 do, 18 months or so. So that's the first step.

8 And then once that's in place, then we
9 have to generate -- or we have to modify the billing
10 records -- or the billing systems to put that in
11 the --

12 Q. Okay. So you're saying it's not
13 technologically possible --

14 A. Right.

15 Q. -- with the system that you have; is
16 that correct?

17 A. Right.

18 Q. Now, that has nothing to do with whether
19 or not the rule requires sending --

20 A. Correct.

21 COMMISSIONER CLAYTON: Okay. Okay. I
22 don't think I have any other questions for this
23 witness.

24 JUDGE DALE: If we can go ahead with
25 re-calling Mr. Read and having him come up and have

1 Commissioner questions. And then we'll go through
2 all the redirect and recross based on those questions
3 from the bench. And I'll remind you, Mr. Read, that
4 you're still under oath.

5 THE WITNESS: Okay.

6 JUDGE DALE: Thank you.

7 CHRIS REED, testified as follows:

8 QUESTIONS BY COMMISSIONER CLAYTON:

9 Q. Mr. Read, forgive me. Are you employed
10 by AT&T?

11 A. Yes.

12 Q. And what is your position with AT&T?

13 A. I'm a senior business manager in the
14 AT&T services IT organization.

15 Q. And where are you based?

16 A. I am in Dallas, Texas.

17 Q. Where is your office in Dallas?

18 A. Let's see. What's the building called
19 now? Two AT&T Plaza.

20 Q. Where within Dallas, what city?

21 A. Oh, I'm sorry, downtown.

22 Q. Downtown Dallas?

23 A. Yes.

24 Q. Do you live in Dallas?

25 A. I'm sorry?

1 Q. Do you live in Dallas?

2 A. No, no one lives in Dallas. We live
3 outside of Dallas.

4 Q. Which one? Where do you live?

5 A. Rockwell.

6 Q. Rockwell?

7 A. Northeast -- northeast of Dallas.

8 Q. Northeast. What, by Mesquite?

9 A. Out that direction. About another 15
10 miles.

11 Q. Okay. The only questions that I have
12 for you, Mr. Read, were regarding the position that
13 you have with regard to the transfer of these records
14 versus the position of AT&T in this FCC case that was
15 referenced earlier. Are you -- do you recall that
16 exchange that you had with --

17 A. Yes.

18 Q. -- Mr. England?

19 A. Yes.

20 Q. Are you familiar with the case, the FCC
21 case that he was referring to?

22 A. Yes.

23 Q. And what case is that?

24 A. I couldn't cite the name of it. I just
25 know that it was an FCC filing. I don't have

1 complete knowledge of that case.

2 Q. So you just have partial knowledge?

3 A. Yes.

4 Q. Do you have any knowledge of that case?

5 A. Little.

6 Q. Little knowledge. Do you know what the
7 issue was in that -- in the FCC case?

8 A. I don't know really.

9 Q. Okay. So then it's conceivably possible
10 considering that you don't know what that other case
11 is about, that AT&T could be taking a position one
12 way before the Missouri Commission and could be
13 taking a completely opposite position before the FCC
14 on a very similar or same issue?

15 A. Well, what I'm trying to -- and I don't
16 mean to avoid your question so if I am, just stop me.
17 But I -- you will, I'm sure, but I just -- what
18 I'm -- my testimony is trying to portray is what is
19 industry standards, what is the -- the appropriate
20 population of these records, what is needed in this
21 now -- I'm convinced that -- that there is a
22 completely different need in that FCC filing,
23 different type of traffic.

24 Q. What do you mean a different need?

25 A. Well, if -- I don't know the full

1 background of that case, but if we are saying -- if
2 we as a company are saying that CPN is required, then
3 we're -- we would have some -- a different type of
4 traffic in mind. There must be a need -- because we
5 know you can't jurisdictionalize wireless traffic.
6 There is no realistic way to do it.

7 So it must be in combination with IXC
8 traffic, some wireline traffic, I guess is what I'm
9 saying. So without a full, you know, description of
10 that issue to study, it's hard to compare it to my
11 testimony and say it's out of balance. I don't
12 believe that it would be.

13 Q. Then what -- what factors would have to
14 make a difference, would have to make it different
15 whether CPN is necessary or not necessary? What
16 factors would justify taking one position before the
17 Missouri Commission versus taking the opposite
18 position before the FCC? What factors would justify
19 that?

20 A. Well, I would have to say that if -- if
21 it was an apples for apples comparison, then there
22 would be nothing that would justify that and I would
23 be wrong. But I do not believe that it's an apples
24 for apples comparison of different --

25 Q. Okay. Why? Why do you say it's not an

1 apples to apples?

2 A. I guess my knowledge of what is in the
3 records, what's -- what the capability of our network
4 would be, why would we take a position that we're not
5 capable of doing. It would make no sense for us to
6 take a position on something --

7 Q. Do you dispute -- do you dispute the
8 assertion that's been made by the attorneys here
9 today that -- that AT&T's taken an opposite position
10 before the FCC?

11 A. I would take exception to the fact
12 that --

13 Q. Or do you know? I mean, I need to know
14 what you're basing your answer on too because you
15 start off saying well, I have limited knowledge, I
16 have some knowledge, I have not some knowledge.

17 MR. BUB: You know your Honor, I don't
18 know -- not to be rude, but you may want to direct
19 your questions on this to Mr. Constable. He knows
20 that case. Mr. Read knows what we do, knows what the
21 industry standards are and we put him forward for
22 that. Mr. Constable has more knowledge about that
23 case, so you may get further with Mr. Constable if
24 you want to know about --

25 COMMISSIONER CLAYTON: Did I pick the

1 wrong witness to ask the wrong questions again?

2 MR. BUB: Mr. England started -- you
3 were --

4 COMMISSIONER CLAYTON: He always starts
5 it.

6 BY COMMISSIONER CLAYTON:

7 Q. Do you know or do you not know? I mean,
8 if you don't know the answer to make the comparison,
9 that's perfectly fine. I just was trying to complete
10 my thought.

11 A. I don't know enough about that case to
12 determine -- to positively say that I'm contradicting
13 that position. I do know my testimony --

14 Q. I never said that you were contradicting
15 a position.

16 A. Oh, okay.

17 Q. My question is, is AT&T saying one thing
18 before the FCC and something that's completely
19 different before this Commission is my question, not
20 what you are testifying in terms of contradicting --

21 A. Okay.

22 Q. -- any law or statute, rule, whatever.
23 That's not what I'm saying.

24 A. Okay.

25 Q. But I don't think you're familiar with

1 the FCC case, and I just don't see how you can --

2 A. Right.

3 Q. -- answer the question, correct?

4 A. Okay. I think that's correct.

5 COMMISSIONER CLAYTON: Okay. That's all
6 I was gonna ask him about, and I'm sorry that I --
7 Judge, I don't have a problem with him answering back
8 there.

9 JUDGE DALE: I was just gonna have him
10 move up here to one of these tables.

11 COMMISSIONER CLAYTON: Whichever. It
12 doesn't make any difference to me. Whatever is
13 easiest for him.

14 JUDGE DALE: And that way you can go
15 back and forth.

16 COMMISSIONER CLAYTON: Oh, I can't
17 handle both of them at the same time.

18 MR. CONSTABLE: Okay. And I'm not
19 familiar with every aspect of it, but I can tell you
20 what the difference --

21 COMMISSIONER CLAYTON: Now, wait a
22 minute now. Mr. Bub set you up to be the expert on
23 this stuff. I was gonna let Mr. Read go, but now I
24 may have to keep him up here.

25 MR. CONSTABLE: Well, I can tell you

1 what the difference is. And the difference is that,
2 and the FCC --

3 JASON CONSTABLE, testified as follows:

4 QUESTIONS BY COMMISSIONER CLAYTON:

5 Q. First of all, first of all, let me start
6 off with this: Is it accurate to state that AT&T is
7 saying that the CPN does not work for jurisdictional
8 recognition purposes or whatever the right phrasing
9 of the statement is? The position taken here is
10 different than what AT&T is advocating before the
11 FCC?

12 A. No, I don't think they're different.

13 Q. Okay. Then go ahead and tell me why you
14 think they're different and what factors make it the
15 same --

16 A. What I was talking about earlier is that
17 we set up billing based upon the trunk group. So if
18 we have a wireless trunk group, we can't record the
19 CPN on that, okay?

20 Now, if we have an IXC trunk group, and
21 this is what the FCC case was about, we had a call --
22 a trunk group set up for an IXC that's set up to
23 bill a terminating access AMA record and wireless
24 traffic is coming through that.

25 On those types of calls, we do generate

1 CPN and the IXC buys that out of the tariff. They
2 buy that Feature Group D trunk out of the tariff and
3 in the tariff it says that you have to pass CPN and
4 when we get the CPN we're gonna use that to determine
5 the jurisdiction.

6 Q. And then that's what the FCC case is?

7 A. Right.

8 Q. What is that case, do you know how it's
9 entitled or how it's captioned?

10 A. The -- Global Crossing, it was a -- we
11 had a petition against Global Crossing and I believe
12 they weren't sending the CPN.

13 Q. Is Global Crossing even in existence
14 anymore?

15 A. I think so.

16 Q. Still there under a different name? All
17 right.

18 A. So the tariff allows them -- you know,
19 the tariff says okay, we're gonna use the CPN, and
20 when a wireless carrier, when they -- when they use
21 the IXC's network to send that traffic, well, then
22 they know the IXC's tariff is gonna be built upon
23 CPN. So it's kind of a prearranged agreement between
24 all the parties.

25 Q. So it's an agreement -- are you --

1 that's based upon an agreement among the parties?

2 A. Right, a tariff, right.

3 Q. And it's entirely Feature Group D, it's
4 not a --

5 A. Right.

6 Q. Does it relate to CLECs and wireless or
7 just wireless?

8 A. I believe the dispute was just the
9 wireless but it would be applicable to local traffic,
10 any traffic that you send over that trunk group.

11 Q. What is the decision that needs to be
12 made by the FCC in that case? Who is asking for
13 what?

14 A. I believe that the issue was that they
15 weren't passing CPN over those Feature Group D trunks
16 as the tariff required. And regardless of whether
17 you can capture it or not, you should always pass CPN
18 because otherwise the end users won't get caller ID.

19 Q. So Global Crossing is not passing the
20 CPN?

21 A. Right.

22 Q. And that's -- and AT&T's filing is that
23 well, they have to because -- because it's in their
24 agreement or it's in the tariff; is that correct?

25 A. Right, right.

1 Q. Now, if it's in our rule, how would this
2 case be any different? I mean, if somebody's
3 mandating it, why -- why is there a difference
4 assuming that the rule does require that, of course?

5 A. Yeah. Well, and again, this case is
6 talking about passing it in the signaling stream on a
7 real time basis.

8 Q. Okay.

9 A. Not as opposed to including it in the
10 billing record which utilizes different processes.

11 Q. Why is that significant?

12 A. Well, that was just talking about what
13 the difference was. It's significant because on a
14 real time basis we want to pass the CPN. We want the
15 caller ID information to pop up. And we can do that,
16 that's a technical ability.

17 Q. Perhaps I'm confused. Now, I mean, in
18 terms of timing, in terms of -- in terms of whether
19 it's real time or whether it comes once a month or
20 something like that in a billing package --

21 A. Right.

22 Q. -- does it make a difference to the
23 parties in this case and maybe the parties will bring
24 this up in questioning later on. I'm not sure if the
25 timing is that much of an issue, is it? It's just

1 whether or not the CPN's gonna be supplied or not.

2 A. I leave it up to them because we do
3 supply on a real time basis and I don't think that
4 that's in dispute.

5 Q. Who does? AT&T supplies the CPN on
6 wireless calls?

7 A. On a real time basis. As the call
8 happens we give it.

9 MR. BUB: Your Honor, may I interject a
10 clarification? It seems that there's some confusion
11 about these calls that come into our network from a
12 wireless carrier and calls that come into our network
13 from an interexchange carrier. We've been talking
14 about both as wireless-originated.

15 What these gentlemen are talking about
16 are actually from the terminating end and maybe we've
17 all just been mislabeling those calls. What -- the
18 record we're talking about here is for a call that's
19 actually wireless-terminated, a call that the
20 wireless carrier brings to us over a trunk group
21 that's dedicated to the wireless carriers. So that
22 comes into the LEC-to-LEC network as
23 wireless-terminated.

24 Calls that are involved in that Global
25 Crossing issue, from our perspective, like you

1 indicated there were Feature Group D calls, they're
2 IXC-terminated. And what they're trying -- these
3 gentlemen are trying to explain is that the rules are
4 different from both.

5 So maybe if we use the -- maybe a
6 different label because both those calls started with
7 a, you know, cell phone. For example, you know,
8 California somebody called Jefferson City with their
9 cell phone, it's handed to maybe Global Crossing,
10 Global Crossing hauls it over its long distance
11 network just like it would -- the landline long
12 distance phone call comes into Missouri and we would
13 see that just like any other landline telephone
14 company, as an IXC-terminated call.

15 So rather than -- actually, I think the
16 terminology we're using, wireless-originated is
17 getting us a little confused. If we could maybe talk
18 about these calls as a wireless-terminated call
19 versus an IXC-terminated call, it maybe will clarify
20 our discussion a little bit.

21 MR. ENGLAND: Your Honor, since I'm the
22 one that started this, and with all due respect, now
23 that Mr. Bub has decided to testify, I'd like to
24 offer a comment as well.

25 MR. BUB: Sir?

1 MR. ENGLAND: Southwestern Bell --
2 excuse me, now AT&T, is telling you in this case and
3 it's in Mr. Read's testimony and I cross-examined him
4 on it, that CPN can never -- those were his words,
5 never -- be used to determine the jurisdiction of
6 wireless-originated calls.

7 If you'll go to the simple quote from
8 their FCC petition that is in Mr. Schoonmaker's
9 testimony and it's at page Roman Numeral four of
10 that, they are telling the FCC because long distance
11 carriers provide no other information to local
12 carriers as to the geographic location of wireless
13 subscribers who place or receive telephone calls, it
14 has been standard industry practice for years to use
15 calling and called party numbers to determine the
16 jurisdiction of and thus appropriate access charges
17 for wireless-originated calls.

18 Whether the wireless subscriber starts
19 the telephone call, goes to the wireless carrier,
20 goes to an IXC and then is terminated to Southwestern
21 Bell, or whether the wireless subscriber initiates
22 the call and that call goes to his wireless carrier
23 who then directly connects with Bell, there's no
24 difference. It's a wireless-originated call.

25 Before the FCC they're saying we need

1 CPN or we need to use CPN. That's a longstanding
2 industry practice to use that to jurisdictionalize
3 the call. They're telling you we don't need it. The
4 Small Companies in Missouri don't need it. It's of
5 limited or no value to us. It can never be used to
6 determine jurisdiction. That's the inherent conflict
7 between the positions they're taking.

8 COMMISSIONER CLAYTON: This is what
9 threw me off, Mr. Constable, and feel free unless the
10 judge objects or one of the parties object, feel
11 free, either of you or any of you, to chime in.

12 Talking about the timing of the record
13 coming through is where you threw me off, whether it
14 be real time or whether it comes through in some sort
15 of, I guess, the category 11 records come in what, on
16 a -- a different basis? How often do you receive --
17 those are, what, hard copy records?

18 MR. ENGLAND: Actually, they're
19 transmitted electronically, I believe in most --

20 COMMISSIONER CLAYTON: And how often?

21 MR. ENGLAND: I think monthly, after the
22 fact.

23 COMMISSIONER CLAYTON: Monthly. So --
24 but Mr. Constable, did you not say that you're
25 sending -- right now you are sending wireless CPN on

1 real time --

2 MR. CONSTABLE: Right.

3 COMMISSIONER CLAYTON: -- right now to
4 their clients; is that correct?

5 MR. CONSTABLE: That's true regardless
6 of how we get the call. If it goes through an IXC or
7 directly, we send it --

8 COMMISSIONER CLAYTON: Now, how is that
9 different -- if you receive the record, what's the
10 difference between the real time receipt of that
11 information and receiving the category 11 record? I
12 guess that's what threw me off in my questioning of
13 Mr. Constable. So --

14 MR. ENGLAND: I'd rather have my witness
15 answer. That's a substantive question I'd like to
16 have him answer.

17 COMMISSIONER CLAYTON: Okay. Okay.

18 MR. READ: Your Honor, can we touch on
19 that?

20 COMMISSIONER CLAYTON: Sure. Please, go
21 ahead. It's a free-for-all. Go for it.

22 MR. READ: There's really two different
23 things that you're introducing there, and I'm sure
24 you recognize that too. But there's the category 11
25 record, which is one thing we're talking about, and

1 then there's the signaling that Mr. Constable is
2 talking about that is done real time.

3 So when that call is being placed, it's
4 going through the network all the way to the -- the
5 terminating company and signaled all the way through
6 as the call is being made.

7 Now, on a wireless-originated call, we
8 don't have the capability -- and this is in
9 Mr. Constable's testimony -- we don't have the
10 ability to capture that type of recording in an AMA
11 record.

12 COMMISSIONER CLAYTON: What is AMA?

13 MR. READ: Automatic message accounting,
14 I believe, is the term. And that's the network
15 recording that is then -- and this part is in my
16 testimony, but you have the AMA that is translated
17 into an EMI category 11 record for billing.

18 And that's -- that's the other side that
19 takes longer to receive those records. And the
20 dispute is -- I don't think there's a dispute that
21 the signaling -- they receive -- the end companies do
22 receive CPN in the signaling, but they don't get CPN
23 on a wireless-originated call in the EMI record, the
24 other record, the billing record.

25 COMMISSIONER CLAYTON: He's gonna fall

1 out of his seat unless we call on him. Go ahead.

2 MR. JOHNSON: Do I look that desperate?

3 COMMISSIONER CLAYTON: Yes.

4 MR. JOHNSON: Real time means that when
5 the call is in place the -- when we talk about real
6 time, we're talking about while a call is being made.

7 The SS7 system passes CPN along with a
8 lot of other information from the originating caller
9 all the way through the network.

10 When we talk about automated message
11 accounting, we're talking about an accounting system
12 that's designed to collect that information, store it
13 and then AT&T puts it on a website and we go retrieve
14 it on a monthly basis and that's from which we --
15 that's the billing record side of the house.

16 So what -- the problem here is that
17 their systems are not programmed to take that real
18 time information and put it into the billing system.
19 That's what we're talking, and I think that's -- the
20 source of some confusion is not understanding the
21 distinction between the two different functions.

22 COMMISSIONER CLAYTON: So would you
23 agree that the crux of this case, or the whole nature
24 of this record, is who pays to dismantle or compile
25 those real time records, whether it be AT&T or

1 whether it be your clients?

2 MR. JOHNSON: That's not the whole crux,
3 but it's part of it.

4 COMMISSIONER CLAYTON: So whether we --
5 did we mandate it in the first place and then should
6 we waive it based on it causing too much of a burden
7 on you-all or...

8 MR. READ: Right.

9 MR. BUB: Your Honor, in there it's a
10 question of whether it's even needed. The testimony
11 earlier was that you can't use CPN to bill a wireless
12 call because of roaming, and I don't think --

13 COMMISSIONER CLAYTON: I would say that
14 is in dispute probably, Mr. Bub. Okay. You reining
15 me in?

16 JUDGE DALE: No, not really.

17 COMMISSIONER CLAYTON: All right. Well,
18 since -- since we're kind of going in the round here,
19 I'm gonna -- do either of the two fact witnesses or
20 Mr. Bub, since he was testifying, do you-all have
21 anything else? Because I don't think I have any
22 other questions at this time.

23 MR. READ: No.

24 MR. CONSTABLE: No.

25 COMMISSIONER CLAYTON: Okay. Okay.

1 Thank you all for your patience.

2 MR. ENGLAND: Whoa, whoa. Don't we get
3 an opportunity for recross based on questions from
4 the bench?

5 JUDGE DALE: I was just gonna say that.

6 MR. ENGLAND: Thank you.

7 JUDGE DALE: Mr. -- well, we haven't
8 done either one of you, so why don't you and Mr. Read
9 come back here and we'll do recross based on
10 questions from the bench and then redirect. And I'm
11 sorry, but I can't remember. Did we already do some
12 limited redirect of him?

13 MR. BUB: I did. I'm finished, your
14 Honor.

15 JUDGE DALE: Okay. So the only redirect
16 you'll have, then, will be redirect based on cross of
17 questions from the bench? Okay. I'm clear.

18 MR. DORITY: No questions, Judge.

19 MR. KRUEGER: No questions.

20 MR. ENGLAND: None of Mr. Read, thank
21 you.

22 MR. JOHNSON: Just one.

23 MR. READ: Okay.

24 CHRIS READ, testified as follows:

25 CROSS-EXAMINATION BY MR. JOHNSON:

1 Q. Isn't it correct that in the Global
2 Crossings' FCC case, that AT&T was telling the FCC
3 we want to be able to, and our tariffs allow us, to
4 use CPN to determine or distinguish between
5 interstate and an intrastate call?

6 Wasn't that the thrust of their pleading
7 or do you know?

8 A. I don't want to portray myself as an
9 expert on that case. I think we've established that
10 fact.

11 Q. Okay.

12 A. But I think Mr. Constable can probably
13 speak to that.

14 MR. JOHNSON: Withdraw.

15 MR. REED: Okay.

16 JUDGE DALE: Mr. Bub?

17 MR. BUB: I think we're finished.

18 JUDGE DALE: Cool. You are finished,
19 you're excused. Thank you very much.

20 MR. READ: Thank you.

21 JUDGE DALE: Okay. Recross based on
22 questions from the bench?

23 MR. DORITY: No questions.

24 MR. KRUEGER: No questions.

25 MR. ENGLAND: I have a couple, please.

1 JASON CONSTABLE, testified as follows:

2 CROSS-EXAMINATION BY MR. ENGLAND:

3 Q. Mr. Constable, in response to some
4 questions from Commissioner Clayton, you indicated
5 that CPN is passed in real time?

6 A. That is correct.

7 Q. Would you agree with me that although
8 CPN is passed in real time, information regarding the
9 financially responsible carrier, like the OCN, is not
10 passed in real time?

11 A. No, I don't think that that's true.

12 Q. Tell me how we know who to bill from the
13 information we get in the caller ID signal, if you
14 will, or the SS7 signal?

15 A. Well, there's more passed in real time
16 than just the -- just the caller ID and just the CPN.
17 Of course, you have the CPN and if it's wireline, you
18 know, that could be used, but you also -- there's
19 lots of other information contained in the SS7
20 signaling stream such as, you know, the originating
21 company number, the originating point code, the link
22 that the call traversed, the time that it was called,
23 you know, all that type of information.

24 Q. So we've exhaustively -- I think
25 Mr. Johnson exhaustively examined the fact that

1 the -- simply because you have the originating
2 carrier, isn't necessarily the carrier that's
3 financially responsible, right? Remember his example
4 with Alltel handing off wireless traffic to Cingular
5 who then terminates it through the Southwestern Bell
6 tandem?

7 A. Yeah, I don't know what -- what was
8 determined in that, but my recollection is that the
9 rule says that, you know, the carrier that passes the
10 call to us, that's the responsible party to bill.

11 Q. Your testimony is that you can get
12 responsible -- financially responsible carrier
13 information through the SS7 signal; is that right?

14 A. No. I'm telling you what you can get
15 and I would leave it up to the parties to determine
16 if it's financially responsible to bill off of or
17 not. I'm not the billing expert.

18 Q. Well, let me refresh your memory, if I
19 can. Do you have a copy of Mr. Schoonmaker's
20 rebuttal testimony in front of you?

21 A. Yes, I do.

22 Q. And would you look at FCC comments that
23 your company filed, notice of ex parte and Commission
24 FCC case --

25 A. Could you give me a page number first?

1 Q. Yes. It's schedule RCS 6.

2 A. Oh, I don't have any of the schedules,
3 just the...

4 MR. ENGLAND: May I approach the
5 witness?

6 JUDGE DALE: You may approach.

7 BY MR. ENGLAND:

8 Q. Yes, Mr. Schoonmaker's rebuttal is --
9 what did I say, schedule 6, RCS 6?

10 A. Yes, I think that's what you said.

11 Q. By the way, have you seen these comments
12 before?

13 A. Probably. I read a lot of the comments
14 that we file with the FCC.

15 Q. Okay.

16 A. I don't see what page.

17 Q. Well, I'm gonna get you there.

18 A. Okay.

19 MS. MORGAN: It's at the very end, it's
20 a schedule.

21 THE WITNESS: Okay.

22 BY MR. ENGLAND:

23 Q. Let me, if I may?

24 A. Please. I don't see it.

25 Q. This is it.

1 A. Okay. Now, this is different than the
2 FCC order that we were talking about though.

3 Q. Correct, correct.

4 A. Okay. Okay.

5 Q. This was filed in the FCC's intercarrier
6 compensation docket?

7 A. Yes.

8 Q. The one you tried to testify about, if
9 you recall, but was struck?

10 A. Oh, yes, okay.

11 Q. Yeah, so you ought to be familiar with
12 it, right?

13 A. Yes, I am.

14 Q. Good. Turn to page 6, please. And just
15 to be sure, let me walk over there and look over your
16 shoulder to make sure it's the right spot. Great.
17 Would you read the last -- I'm not gonna call it a
18 bullet point because the bullet point, it's more of a
19 dash.

20 A. Okay.

21 Q. The very last sentence of the page.

22 A. "The responsible carrier cannot be
23 identified from the SS7 signaling information that is
24 contained in AMA recordings."

25 Q. Okay. Would you agree with that?

1 Because it seems to be inconsistent with an answer
2 you gave me earlier.

3 A. Yeah, I think that what -- I don't think
4 that they're in conflict, and if you'll allow me the
5 leeway to explain, I'll tell you why.

6 If you read, you know, the bullet that
7 this is -- that this is over, it's talking about
8 traffic we get from an IXC. And then what the
9 sub-bullets are explaining is that we can't tell who
10 was behind the IXC, whether it's a wireless provider,
11 local LECs, all those folks, we can't tell from the
12 signaling information who was behind the IXC, and
13 that's why we bill the IXC.

14 Q. I think that statement is pretty --
15 pretty clear from its -- on its face, don't you? It
16 says, "The responsible carrier cannot" -- and it's
17 your emphasis -- "cannot be identified from the SS7
18 signaling information that is contained in the AMA
19 recordings."

20 A. Well, it's a sub-bullet of the larger
21 bullet, so you have to take them all in tow.

22 Q. Do you agree with that statement or not;
23 yes or no?

24 A. I agree with what I said is that --

25 Q. Yes or no, sir?

1 A. I don't think that that's true. I mean,
2 I think that you can --

3 Q. Okay. So in other words, your company
4 in its pleading before the FCC, has said one thing,
5 you're saying something else here. One of you is
6 right and one of you is wrong, correct?

7 A. No, because I believe that you've taken
8 it out of context and that explains the discrepancy.

9 Q. So your testimony is you do not agree
10 with that statement contained in your company's
11 ex parte with the FCC? Again, simply yes or no. Or
12 do you agree or disagree?

13 A. No. Again, if you look at the whole
14 context of it, then I certainly agree.

15 Q. You testified or responded to
16 Commissioner Clayton -- told him about how your
17 Lucent switches couldn't -- couldn't capture the
18 traffic; do you recall that?

19 A. Well, they can't capture the CPN.

20 Q. Correct, I'm sorry. As I understand,
21 those Lucent switches are responsible for
22 approximately half the traffic in Missouri that
23 terminates through your tandems?

24 A. That is correct.

25 Q. The other half comes through Nortel

1 switches?

2 A. That is correct.

3 Q. And Nortel switches do have the feature
4 to capture this CPN information, correct?

5 A. We believe so, but we haven't tested it.

6 Q. Okay. When were the Lucent switches
7 that are in Missouri and that can't do this, when
8 were they installed?

9 A. I don't know, a long time ago.

10 Q. Do you know if Lucent switches being
11 manufactured and installed today have that
12 capability?

13 A. No, they do not.

14 Q. How do you know that, sir?

15 A. Because the response we got back from
16 Lucent is that the effort would require new
17 development efforts.

18 Q. For the switches that are currently in
19 Southwestern Bell's 13-state jurisdiction -- or SBC's
20 13-state service area, right?

21 A. Well, I'd refer back to it, but you
22 struck it. But it says the new development effort.

23 Q. Well, I attempted to strike it, but
24 you -- you also indicated in a response to
25 Mr. Clayton that you managed to slip in that it was

1 gonna cost you a million bucks to upgrade those
2 Lucent switches, right?

3 A. Yes, I did testify to that prior to
4 being stricken.

5 Q. Right. And did you confirm whether or
6 not Mr. Schoonmaker was correct in his testimony that
7 that represented three one-thousandth of 1 percent of
8 AT&T's/SBC's 2000 --

9 MR. BUB: Your Honor, I object.

10 JUDGE DALE: Sustained.

11 MR. ENGLAND: Well, now, I think we've
12 been prejudiced by this information, your Honor, and
13 I think we need to put it in perspective.

14 JUDGE DALE: I disagree.

15 MR. ENGLAND: Well, then I'd make an
16 offer of proof with respect to Mr. Schoonmaker's
17 testimony and we'll do that with his prepared
18 rebuttal.

19 JUDGE DALE: That will be fine.

20 MR. ENGLAND: Okay. Thank you, sir.
21 No other questions.

22 COMMISSIONER CLAYTON: Can I ask one
23 question before we go to the next -- is that all
24 right? Very quickly.

25 QUESTIONS BY COMMISSIONER CLAYTON:

1 Q. Mr. Constable, you're a network man?

2 A. Correct.

3 Q. You're based in Dallas as well?

4 A. Yes.

5 Q. You are, okay. And do you cover several
6 states or just Missouri or --

7 A. Thirteen states.

8 Q. Thirteen states, okay. Now that AT&T or
9 now that AT&T is the old SBC which is also the old
10 AT&T, is now the new AT&T, is there a need to have
11 these two different transport groups, both Feature
12 Group C and Feature Group D? Is there any reason to
13 continue having a Feature Group C? And if we got rid
14 of Feature Group C, would that resolve all these
15 issues?

16 A. There's a need as long as we're gonna
17 continue to bill these separate rates. One of the
18 things that we've -- we're kind of embracing -- and
19 this goes back to this phantom traffic proposal, is
20 that we make a lot of money off access charges, but
21 it's headache money.

22 I mean, there's always disputes and
23 there's always bickering. We'd like to go to a
24 billing key solution where there's just one trunk
25 group and you send it to me and I send it to you and

1 we don't bill anybody anything. But --

2 Q. I wasn't aware that you-all were
3 interested in that.

4 A. We're very interested in that.

5 Q. Is that right?

6 A. But part of the problem, you know, is
7 that, you know, of course, the small carriers also
8 make a lot of money on it and they don't really want
9 to give a lot of that money up.

10 So one of the current proposals that
11 we're working with is the neighborhood proposal and
12 we're going to a billing key, but we're still having
13 to maintain the separate trunk groups and provide the
14 EMI records for the carriers --

15 Q. So is that a yes or no that we should
16 get rid of Feature Group C?

17 A. Well, we'd like to, but --

18 Q. Yes or no, is it possible?

19 A. It's not possible today.

20 Q. Not possible, okay. Thank you.

21 JUDGE DALE: Mr. England, having heard
22 all that and seeing Mr. Schoonmaker banging his head
23 against the table, I feel compelled to allow you
24 either to respond at this point or to reserve it for
25 questions when Mr. Schoonmaker comes up.

1 MR. ENGLAND: Thank you very much. I'll
2 opt for the latter. I'll take door No. 2.

3 JUDGE DALE: All right. All right.
4 Well, just remind me of this when -- to say remember
5 that whole Feature Group discussion. Mr. Johnson?

6 CROSS-EXAMINATION BY MR. JOHNSON:

7 Q. Mr. Constable, I'm gonna try to ask you
8 a question about Commissioner Clayton's last question
9 with you. When you were talking about getting rid of
10 Feature Group C and going to Feature Group D, whether
11 that was advisable, that was in the context of doing
12 away with intercompany compensation?

13 A. Right, and it wasn't necessarily doing
14 away with one Feature Group as opposed to the other,
15 it was just one having one trunk group. Right.

16 Q. Is it correct that the business
17 relationship that AT&T uses for the Feature Group D
18 traffic is the one where the delivering interexchange
19 carrier pays all the compensation to AT&T regardless
20 of who originated the traffic?

21 A. Yeah, I think that your statement is
22 correct. I had to think, yeah.

23 Q. And that's also the relationship that
24 you're -- that same relationship is the one you're
25 proposing that be used for the Feature Group C

1 traffic that's coming in the wireless carrier's
2 trunks; is that right?

3 A. I don't know that I understand your
4 question.

5 Q. You bill the carrier that brings that
6 call to your tandem regardless of who originated the
7 call?

8 A. Correct.

9 Q. So it's not originating responsibility
10 as far as you're concerned, it's delivering
11 responsibility?

12 A. Well, but it depends on how you define
13 originating. Like even in this rule, it says that if
14 you have a trunk group to, you know, to the tandem
15 and you lease that capability from someone else,
16 well, you're still the originating carrier. And so
17 you can't use the words "originating carrier" like it
18 makes sense to use it, I guess.

19 Q. Well, I hate to make sense at this
20 point.

21 A. Right. Right.

22 Q. But the record that you're currently
23 giving us that does not have the CPN in it, that
24 also -- that tells us to bill the carrier that
25 delivered it to your tandem?

1 A. Correct.

2 Q. Not necessarily the carrier that
3 originated the call?

4 A. Correct.

5 Q. And of course, the carrier you're
6 telling us to bill is not the carrier that delivered
7 it to us; you delivered it to us, correct?

8 A. Well, yeah, we provided the transiting
9 function.

10 Q. So this Feature Group C and Feature
11 Group D business relationship is taking us a long way
12 back, but one other question I have is, in the -- I
13 think we've -- I'm gonna go back to the FCC Global
14 Crossing thing, the lawsuit.

15 The trafficking question there was
16 coming in on Global Crossing's trunk, correct?

17 A. Right.

18 Q. That made it IXC traffic, correct?

19 A. Right.

20 Q. And some of that traffic happened to be
21 wireless traffic, correct?

22 A. Right.

23 Q. But because it was on the IXC trunk,
24 your network was passing the CPN, correct?

25 A. Right.

1 Q. And so your billing system, not your
2 real time system, had the CPN in your terminating
3 record, correct?

4 A. Both did.

5 Q. And what you were telling the FCC was,
6 is we want to use that CPN in order to
7 differentiate an orig-- interstate call from an
8 intrastate call?

9 A. I don't know if it was that we wanted to
10 more than it was that the tariff that the IXC bought
11 the trunk from us required us to. That was the
12 tariff practice.

13 Q. So your tariff and your position
14 supports the notion that you can use CPN to
15 jurisdictionalize an interstate from an intrastate
16 call, correct?

17 A. That you can use CPN -- yeah, we do that
18 on IXC traffic.

19 MR. JOHNSON: Thank you.

20 JUDGE DALE: Mr. Bub?

21 MR. BUB: Just a couple, your Honor.

22 REDIRECT EXAMINATION BY MR. BUB:

23 Q. To follow up on Mr. Johnson's questions,
24 that tariff that you're discussing, that tariff
25 applies to IXC traffic, does it not, to Feature Group

1 D access?

2 A. Right.

3 Q. Our tariff looks at it from the
4 terminating end; is that correct?

5 A. Looks at it from the terminating end,
6 yes.

7 Q. And it creates a terminating access
8 record; is that right?

9 A. That is correct.

10 Q. It doesn't differentiate at all between
11 the wireless or the IXC, it's just, from that
12 tariff's perspective, just an access call?

13 A. Right.

14 Q. The calls we're talking about today came
15 in over -- what type of trunks did they come in over?

16 A. Come over what I'll call wireless
17 interconnection trunks.

18 Q. And what type of recordings do we make
19 on those?

20 A. We make recordings for what they call
21 type 2A wireless, and I know that probably doesn't
22 mean anything, but a type 2 wireless is a wireless
23 provider that has their own switching functionalities
24 and connects on a trunk-type basis, and the A means
25 that it's tandemed to another provider behind us. So

1 those are the type of calls.

2 Q. Are there -- the Telcordia-provided
3 standards, the generics that we've been talking
4 about --

5 A. Correct.

6 Q. -- are the standards different for those
7 two different types of calls?

8 A. Yes, they are.

9 Q. What do they provide?

10 A. Well, you know, I guess noteworthy to
11 what we're discussing here, on a wireless call --

12 Q. Wireless-terminated?

13 A. -- wireless-terminated over a wireless
14 interconnection trunk group, it says to use the
15 billing number of the trunk group of the wireless
16 service provider and put that in the originating
17 number field of the AMA record.

18 For an interexchange call transmitted
19 over a Feature Group D trunk, it says first we look
20 to see if there's a charge number. If there is, we
21 put that in the originating number field. If there's
22 not a charge number, then we look for the CPN and we
23 put that in the originating number field of the AMA
24 records.

25 Q. And what are those records used to bill

1 for?

2 A. Well, that would be more like what Chris
3 was talking about, but generally they're used for
4 intercarrier compensation billing.

5 Q. Okay. Mr. Johnson also asked you some
6 questions about the OCN and which OCN -- he had an
7 example of a call that would originate on a cell
8 phone from Alltel Wireless.

9 A. Uh-huh.

10 Q. Alltel Wireless would have a deal with
11 Cingular, in his example, to actually terminate that
12 call to the landline network and what OCN is giving
13 to the terminating carrier with our billing record.
14 Whose OCN, the originating Alltel Wireless or the
15 terminating company --

16 A. The person that terminates the call to
17 us is the OCN that's in the billing record.

18 Q. Okay. To your knowledge is there any
19 agreement between the first carrier, Alltel and
20 Cingular, about who has to pay for that?

21 A. Right. They would have to have an
22 agreement amongst themselves for Cingular to take
23 Alltel's traffic. And of course, Cingular's gonna
24 charge Alltel for that function and that agreement is
25 between the two of them.

1 Q. Okay. So in that agreement Cingular
2 actually takes responsibility for that?

3 A. Right. They take the responsibility and
4 they're compensated for that.

5 Q. If in the billing record we were to
6 provide the OCN of Alltel Wireless on that call and
7 Small Companies would bill Alltel Wireless, would
8 that billing be correct or incorrect?

9 A. Well, yeah, I'm not the billing guy, but
10 from a layperson -- you know, look at it, it seems
11 like Alltel would get double-billed. They would get
12 billed by Cingular who they paid to transport the
13 call, then again by the terminating provider.

14 MR. BUB: Those are all the questions we
15 have, your Honor. Thank you.

16 JUDGE DALE: Thank you. You may step
17 down and you're excused.

18 THE WITNESS: Thank you.

19 JUDGE DALE: Our next witness is
20 Mr. Martinez. And before we begin with Mr. Martinez,
21 what's the consensus on whether or not we can finish
22 him in the next 35 minutes?

23 MR. KRUEGER: I think we can. I believe
24 that --

25 JUDGE DALE: Seeing lots of nodding.

1 Excellent. Let's go for it.

2 MR. DORITY: Thank you, Judge.

3 CenturyTel of Missouri, LLC, would call Arthur
4 Martinez to the stand.

5 (Witness sworn.)

6 JUDGE DALE: Thank you.

7 ARTHUR MARTINEZ, testified as follows:

8 DIRECT EXAMINATION BY MR. DORITY:

9 Q. Thank you. Could you please state your
10 name and business address for the record, please?

11 A. Arthur T. Martinez, 220 Madison Street,
12 Jefferson City, Missouri 65101.

13 MR. DORITY: Your Honor, should I go
14 ahead and have this marked?

15 JUDGE DALE: Yes, please.

16 MR. DORITY: I believe it's Exhibit 5 is
17 where we are?

18 JUDGE DALE: Yes. Yes.

19 (EXHIBIT NO. 5 WAS MARKED FOR
20 IDENTIFICATION BY THE COURT REPORTER.)

21 BY MR. DORITY:

22 Q. Mr. Martinez, did you cause to be filed
23 in this matter prefiled rebuttal testimony which has
24 now been marked for identification as Exhibit 5?

25 A. Yes, I did.

1 Q. Do you have any changes or corrections
2 to that prefiled testimony?

3 A. No, I do not.

4 Q. And if I were to ask you the same
5 questions today, would your answers be the same?

6 A. Yes, they would.

7 Q. And are those answers true and correct
8 to the best of your knowledge, information and
9 belief?

10 A. Yes, they are.

11 MR. DORITY: Your Honor, I offer
12 Exhibit 5 into evidence and tender Mr. Martinez for
13 cross-examination.

14 JUDGE DALE: Are there any objections?
15 (NO RESPONSE.)

16 JUDGE DALE: Then Exhibit No. 5,
17 Mr. Martinez's testimony, is accepted into evidence.

18 (EXHIBIT NO. 5 WAS RECEIVED INTO
19 EVIDENCE AND MADE A PART OF THE RECORD.)

20 JUDGE DALE: We begin cross with AT&T.

21 MR. BUB: We don't have any questions,
22 your Honor. Thank you.

23 JUDGE DALE: Thank you. Staff?

24 MR. KRUEGER: Thank you, your Honor.

25 CROSS-EXAMINATION BY MR. KRUEGER:

1 Q. Good afternoon, Mr. Martinez.

2 A. Good afternoon.

3 Q. In your testimony at page 3, lines 13 to
4 23, especially lines 20 to 23, are you talking there
5 about only wireless-originated traffic?

6 A. Yes.

7 Q. So when you say that CenturyTel follows
8 the same practice as AT&T by placing the BTN in the
9 calling number field, that only -- only pertains to
10 wireless-originated traffic?

11 A. That's correct.

12 Q. Is the practice different, then, for
13 other types of traffic?

14 A. I'm not sure I follow your question.

15 Q. I'll withdraw it. Did you read the
16 rebuttal testimony of Mr. Schoonmaker?

17 A. Yes.

18 Q. I'd like to call your attention to
19 page 15 --

20 A. I don't have a copy.

21 Q. Okay. I'll read the applicable portion
22 to you. Beginning at line 13 there's a question and
23 answer. The question is at the top of page 7 of his
24 testimony, Mr. Voight discusses how the fictitious
25 number that AT&T Missouri places in the "from" number

1 field can be used to identify the originating
2 wireless carrier.

3 "Is it necessary to have this fictitious
4 number in the 'from' number field to identify that
5 carrier?"

6 And the answer he gives is, "No. Both
7 the EMI documentation and the SBC accessible letters
8 identify the originating carrier -- identify that the
9 originating carrier can be identified by the
10 originating OCN number in positions 167 to 170 in the
11 category 1101 XX records. There is no need to have a
12 fictitious number in the 'from' number field in order
13 to identify the responsible carrier."

14 Do you agree with that statement?

15 A. I'm sorry, but I'd have to see a draft
16 of the testimony or a copy of the testimony.

17 MR. KRUEGER: May I approach?

18 JUDGE DALE: (Nodded head.)

19 BY MR. KRUEGER:

20 Q. It's the question and answer at the
21 bottom of page 15 beginning on line 13, and you can
22 ignore my underscoring there.

23 A. Okay. So it's just this?

24 Q. Correct.

25 A. Is this the complete answer?

1 Q. Yes.

2 A. Can you restate your question?

3 Q. My question is: Do you agree with the
4 answer he gave? And specifically he says, "There is
5 no need to have a fictitious number in the 'from'
6 number field in order to identify the responsible
7 carrier." Do you agree with that?

8 A. Do I agree with Mr. Schoonmaker or
9 Mr. Voight?

10 Q. Mr. Schoonmaker -- this is
11 Mr. Schoonmaker's --

12 A. But he's referencing Mr. Voight's --

13 Q. Okay. I'll ask you to address just the
14 last sentence of his answer then. "There is no
15 need" -- he said, "There is no need to have a
16 fictitious number in the 'from' number field in order
17 to identify the responsible carrier." Do you agree
18 with that?

19 A. I don't know.

20 Q. Okay. Has CenturyTel considered
21 providing the CPN as part of the billing record for
22 wireless-originated calls?

23 A. Have we considered it?

24 Q. That's my question.

25 A. I don't know.

1 Q. You are not -- CenturyTel is not at the
2 present time providing CPN as part of the billing
3 number for wireless-originated calls, correct?

4 A. No, we are not.

5 Q. Okay. What type of switches does
6 CenturyTel use?

7 A. We use Nortel and Lucent.

8 Q. Do you know if it would be an expensive
9 process for CenturyTel to make this change?

10 A. I do not at this time.

11 Q. Do you know why CenturyTel has not yet
12 made the change?

13 MR. ENGLAND: Objection, relevance.

14 JUDGE DALE: If you're going to talk
15 anything about -- well, I'm gonna just sustain it.

16 MR. KRUEGER: That's all the questions I
17 have.

18 JUDGE DALE: Thank you. Mr. England?

19 MR. ENGLAND: Thank you.

20 CROSS-EXAMINATION BY MR. ENGLAND:

21 Q. Mr. Martinez, I didn't have any
22 questions until I heard the questions that
23 Mr. Krueger asked. What is the difference in your
24 mind between a BTN as we've discussed it here today
25 and an OCN?

1 A. I think they both get at the same -- in
2 other words, both identify the carrier but using
3 different codes to do it.

4 Q. Maybe -- maybe I'll state it a different
5 way. What -- what does the BTN provide to the
6 terminating carrier that the OCN doesn't provide, if
7 you will?

8 A. Well, it would provide a parameter
9 whereby the trunk group could, and the carrier
10 associated with that particular trunk group, could be
11 identified, where the OCN may not identify a
12 particular trunk group.

13 Q. And why would that be of value to a
14 terminating carrier who doesn't have a direct
15 connection with the wireless carrier?

16 A. I don't know.

17 Q. So would you agree with me that the BTN,
18 at least from the terminating carrier's perspective,
19 doesn't provide any more usable or valuable
20 information than the OCN?

21 A. I have no reason to disagree or agree
22 with you.

23 MR. ENGLAND: Okay. Thank you, sir.

24 No other questions.

25 MR. JOHNSON: No questions.

1 JUDGE DALE: Any questions?

2 QUESTIONS BY COMMISSIONER CLAYTON:

3 Q. Mr. Martinez, are you-all ever gonna
4 combine Spectra and CenturyTel of Missouri or are you
5 gonna leave them as two companies?

6 A. We are going to leave them as two
7 companies.

8 Q. You're gonna leave them as two
9 companies? And does this problem affect either of
10 them differently, or does this whole issue affect
11 either of those companies differently?

12 A. I believe.

13 Q. -- it wasn't a trick question.

14 A. No. No. Well, my only hesitation is I
15 believe the tandem switches are owned -- are part of
16 the CenturyTel of Missouri network, not Spectra.

17 Q. So you get those two companies combined
18 and maybe that problem goes away, right? No?

19 A. I don't know that that problem goes
20 away.

21 COMMISSIONER CLAYTON: Okay. Thank you.

22 JUDGE DALE: Is there any recross based
23 on questions from the bench?

24 (NO RESPONSE.)

25 JUDGE DALE: Is there any redirect?

1 MR. DORITY: I don't believe so. Thank
2 you.

3 JUDGE DALE: Presuming that neither
4 Mr. Voight nor Mr. Schoonmaker can be fully examined
5 in the next 25 minutes, we will adjourn for the day
6 and resume here at nine o'clock. Is there something
7 I'm missing? I'm just getting -- there's just so
8 much delight at finishing early. Then we will stand
9 adjourned. Thank you.

10 (WHEREUPON, the proceedings were
11 adjourned until April 18th at 9:00 a.m.)

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