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Witness: Elizabeth Kistner
Sponsoring Party: Socket Telecom, LLC
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Case No.: TC-2007-0341

SURREBUTTAL TESTIMONY OF
ELIZABETH KISTNER
ON BEHALF OF SOCKET TELECOM, LLC

TC-2007-0341

June 25, 2007

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Socket Exhibit No. 4
Case No(s). TC-2007-0341
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Case No. TC-2007-0341
Surrebuttal Testimony: Elizabeth Kistner
On Behalf of Socket Telecom, LLC
June 25, 2007

STATE OF Missouri)
COUNTY OF St. Louis) SS.

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Socket Telecom, LLC,)
Complainant,)
v.) **Case No. TC-2007-0341**
CenturyTel of Missouri, LLC dba)
CenturyTel and Spectra Communications)
Group, LLC dba CenturyTel)
Respondents.)

AFFIDAVIT OF ELIZABETH KISTNER

COMES NOW ELIZABETH KISTNER, of lawful age, sound of mind and being first duly sworn, deposes and states:

1. My name is ELIZABETH KISTNER.
2. Attached hereto and made a part hereof for all purposes is my Surrebuttal Testimony in the above-referenced case.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge, information and belief.

Elizabeth Kistner
ELIZABETH KISTNER

SUBSCRIBED AND SWORN to before me, a Notary Public, this 21st day of June, 2007.

Deborah A. Neumann
Notary Public

My Commission Expires:
(SEAL)

DEBORAH A. NEUMANN
Notary Public - Notary Seal
State of Missouri
Jefferson County
My Commission Expires Oct. 28, 2008
Commission # 04474385

**SURREBUTTAL TESTIMONY OF ELIZABETH KISTNER
ON BEHALF OF SOCKET TELECOM, LLC
CASE NO. TC-2007-0341
June 25 1, 2007**

I. INTRODUCTION

1
2 **Q. PLEASE STATE YOUR NAME.**

3 A. My name is Elizabeth Kistner.

4 **Q. DID YOU FILE DIRECT TESTIMONY IN THIS PROCEEDING?**

5 A. Yes, I filed direct testimony on behalf of Socket Telecom, LLC ("Socket") in
6 Case No. TC-2007-0341 on May 1, 2007.

II. PURPOSE OF TESTIMONY

7
8 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

9 A. The purpose of my testimony is to respond to and rebut portions of the rebuttal
10 testimonies filed by CenturyTel witnesses Harold W. Furchtgott-Roth, Susan W.
11 Smith and Michael Penn. I will also briefly respond to certain points made by
12 Missouri Public Service Commission Staff witness William L. Voight.

13 **III. REBUTTAL TESTIMONY OF HAROLD FURCHTGOTT-ROTH**

14 **Q. IS THERE A BASIC PREMISE OF MR. FURCHTGOTT-ROTH'S**
15 **REBUTTAL TESTIMONY WITH WHICH YOU DISAGREE?**

16 A. Yes. Mr. Furchtgott-Roth bases most of his rebuttal arguments on the faulty
17 assumption that Socket is asking CenturyTel to provide location portability for the

1 ports at issue in this proceeding. In fact, Socket is merely asking CenturyTel to
2 provide it basic service provider portability, as required by the
3 Telecommunications Act and the FCC's various Orders on number portability.
4 These are "plain vanilla" port requests, from a technical standpoint. The services
5 which Socket provides to customers *after* a number has been ported and calls are
6 being delivered to it, *i.e.*, on the Socket side of the port, are not and should not be
7 germane to the issues in this case.

8 **Q. MR. FURCHTGOTT-ROTH STATES THAT A DICTIONARY**
9 **DEFINITION SHOULD APPLY TO THE WORD "LOCATION" WHEN**
10 **USED IN FCC RULES FOR NUMBER PORTABILITY.¹ DOES THIS**
11 **MAKE SENSE IN TERMS OF GAINING A BETTER UNDERSTANDING**
12 **OF THE FCC'S NUMBER PORTABILITY RULES?**

13 A. I don't believe so. The dictionary definitions for the word "location" offered by
14 Mr. Furchtgott-Roth² include examples such as "This town is a good *location* for
15 a young doctor" and "A house is a fine *location*." In the first example, "location"
16 means anywhere within a town. In the second example, "location" is any house,
17 anywhere. Both of these examples demonstrate that a strict, dictionary definition
18 of "location" does not necessarily equate to a precise point on the map. Clearly,
19 these dictionary definitions are not particularly helpful in elucidating the meaning
20 of "location" in the FCC's number portability rules. Therefore, I disagree with
21 Mr. Furchtgott-Roth in this instance that "where the FCC has not provided an

¹ F-R at 9.

² F-R at 8, n. 4.

1 alternative definition, dictionary or commonly understood definitions apply to
2 words in FCC rules.”³ Rather, I believe it is necessary to look more broadly to
3 both the historical development of number portability rules as well as subsequent
4 rulings with respect to the concept of “location” in number portability, in order to
5 better understand the term.

6 **Q. MR. FURCHTGOTT-ROTH STATES “THERE CAN BE NO LOCATION**
7 **PORTABILITY, NUMBER PORTABILITY, OR SERVICE PROVIDER**
8 **PORTABILITY, WITHOUT A CONCEPT OF ‘LOCATION’.”⁴ WHAT IS**
9 **IMPORTANT ABOUT PHYSICAL LOCATION WHEN IT COMES TO**
10 **CARRIER-TO-CARRIER SERVICE PROVIDER PORTABILITY?**

11 A. The only physical location that is significant in service provider portability is the
12 location in the network to which an originating carrier delivers a call. In simplest
13 terms, a request from a carrier to port a particular telephone number results in that
14 number being assigned a location routing number (“LRN”). The LRN is a 10-
15 digit routing number that is a surrogate network address (the actual telephone
16 number being the original network address). The LRN for each ported telephone
17 number is stored in each carrier’s LNP call-routing database. When a call to the
18 ported number is processed, a query is triggered. If the number is ported, the call
19 routing database looks up the dialed telephone number and returns the associated
20 LRN to the originating carrier. Since the LRN is derived from an NPA-NXX that
21 is assigned to the switch serving the ported telephone number, the LRN indicates

³ F-R at 9

⁴ F-R at 8.

1 the identity of the carrier to which the call is to be delivered as well as the identity
2 of the point in the serving carrier's network to which the call is to be delivered.
3 No other location information that is actionable by the originating carrier is
4 contained in the LRN. So for example, the possibility that a ported number
5 ultimately may be delivered by the terminating carrier to a house on Street X, or a
6 business one block over, or even in another city, makes no difference in the way
7 the call is handled by the originating carrier. The location that is significant for
8 the purposes of completing a call to a ported number is the network location of
9 the agreed upon point of interconnection for calls to the NPA-NXX of the ported
10 telephone number, as indicated by the LRN.

11 **Q. WHAT WOULD TRUE LOCATION PORTABILITY ENTAIL?**

12 A. True location portability, as discussed by the industry and considered by the FCC
13 in its early LNP decisions, is understood to mean that the ported telephone
14 number would have to be able to take on the rating/routing characteristics of the
15 new location, *i.e.*, some additional data element would have to be added to the
16 LRN to indicate the actual rate area association because the normally understood
17 meaning of the telephone number's NPA-NXX (for rating) would no longer be
18 true. True location portability means that the telephone number is not in a
19 network location that the world would expect for a telephone number associated
20 with the rate area represented by the number's NPA-NXX. The ported number
21 would be associated with a new network location, different from its former
22 network location that would have been expected for telephone numbers associated
23 with the rate area represented by the number's NPA-NXX.

1 **Q. MR. FURCHTGOTT-ROTH TAKES ISSUE WITH YOUR STATEMENT**
2 **THAT, "IN ESTABLISHING REQUIREMENTS FOR NUMBER**
3 **PORTABILITY, CONGRESS AND THE FCC RECOGNIZED THAT, AS**
4 **A PRACTICAL MATTER, THE BENEFITS OF COMPETITION WOULD**
5 **NOT BE REALIZED IF NEW ENTRANT LOCAL EXCHANGE SERVICE**
6 **PROVIDERS WERE UNABLE TO WIN CUSTOMERS FROM**
7 **INCUMBENT PROVIDERS DUE TO ECONOMIC OR OPERATIONAL**
8 **BARRIERS."**⁵ **DO YOU AGREE WITH HIS CRITISISMS?**

9 **A.** No. First of all, Mr. Furchtgott-Roth complains that my statement "could easily be
10 misread to authorize FCC rules beyond statutory language."⁶ My statement can
11 and should be taken as a simple acknowledgement that lack of number portability
12 would be an uneconomic and non-operational barrier to entry for facilities-based
13 competition. And in fact, my statement was taken directly from the FCC's own
14 words in the FCC's Second Report and Order.⁷ I do not imply by my statement,
15 as Mr. Furchtgott-Roth suggests, that Congress, statute or the FCC "authorizes
16 any and all forms of portability to include location portability."⁸

17 **Q. DO YOU AGREE WITH MR. FURCHTGOTT-ROTH'S**
18 **CHARACTERIZATION OF REMOTE CALL FORWARDING AND FX-**
19 **TYPE SERVICES AS FORMS OF LOCATION PORTING?**

⁵ F-R at 9.

⁶ *Id.*

⁷

⁸ F-R at 9.

1 A. No. Mr. Furchtgott-Roth describes these initially in his testimony as a “form of
2 number porting” that is “location porting for which the FCC has consistently
3 refused to create a regulatory mandate.”⁹ It confuses the issue entirely to
4 describe these types of local exchange service offerings, which pre-existed by
5 decades the very contemplation of number portability by Congress, the FCC or
6 industry, as forms of number porting.¹⁰

7 **Q. MR. FURCHTGOTT-ROTH HIGHLIGHTS A QUESTION AND ANSWER**
8 **ON THE FCC WEBSITE ABOUT WHETHER LONG-TERM NUMBER**
9 **PORTABILITY ALLOWS A CUSTOMER TO KEEP A NUMBER IF**
10 **MOVING ACROSS TOWN OR STATE.¹¹ IS THIS QUESTION AND**
11 **ANSWER RELEVANT TO THIS PROCEEDING?**

12 A. No. The FCC website response to the question about moving is that service
13 provider portability does not allow customers to take their telephone number
14 when they move, which is true in a generalized way.¹² Service provider
15 portability, by itself, only makes it possible for a customer to keep a telephone
16 number when switching carriers. The new carrier may have service offerings,
17 though, such as FX-type services, which make it possible to receive service from
18 a different service location, but such offerings are separately tariffed exchange
19 service offerings that have nothing to do with the service provider portability that

⁹ F-R at 10.

¹⁰ Inexplicitly, however, he later in his testimony definitively states these are *not* forms of number portability, but instead are forms of private line contracts among agreeing parties. F-R at 12. Again he is in error as explained by Mr. Kohly in his Surrebuttal Testimony.

¹¹ F-R at 10.

¹² As discussed *infra*, at 12, that same website also acknowledges that under LNP rules, customers can switch service providers within the same geographic area and keep their numbers.

1 makes it possible to switch carriers. In this case, Socket is only asking
2 CenturyTel to perform a standard service provider portability port, and so this
3 Q&A does not relate to the circumstances at hand.

4 **Q. IS MR. FURCHTGOTT-ROTH'S DISCUSSION OF THE**
5 **DEVELOPMENT OF LNP ARCHITECHTURE PLANS ACCURATE?**

6 A. Not exactly. He states that there were "hundreds of specific LNP architecture
7 plans around the country" and that "[d]etails of those plans were largely left to
8 local exchange carriers and state commissions."¹³ In fact, only a handful of
9 LNP architectures were conceptually developed, and even fewer were actually
10 trialed.¹⁴ And although a few state commissions initially took the lead in pursuing
11 a long-term LNP solution, once the FCC issued its First Report and Order, the
12 work rapidly coalesced into a single industry effort under the North American
13 Numbering Council (NANC).

14 **Q. DO YOU AGREE WITH MR. FURCHTGOTT-ROTH'S DISCUSSION OF**
15 **THE DISTINCTIONS BETWEEN WIRELINE AND WIRELESS**
16 **PORTABILITY?**

17 A. Only partly. I agree that the FCC made a distinction between wireline and
18 wireless carriers when establishing rules for number portability – a separate, later

¹³ F-R at 13.

¹⁴ The proposed architectures were Location Routing Number (LRN), Carrier Portability Code (CPN), Local Area Number Portability (LANP), Non-Geographic Number (NGN), Release-to-Pivot (RTP) and Query On Release (QOR). See First Report and Order and Further Notice of Proposed Rulemaking, *In the matter of Telephone Number Portability* CC Docket 95-116, ¶¶ 13-24 and App. E (July 2, 1996), hereinafter First Report and Order.

1 schedule applied to deployment of wireless-to-wireless portability, and separate
2 orders dealt with wireless-specific technical issues. I certainly don't disagree with
3 Mr. Furchtgott-Roth's statement that "[r]ules governing porting numbers to
4 CMRS carriers do not create location porting for wireline to wireline
5 customers."¹⁵ However, Mr. Furchtgott-Roth fails to take note of the significant
6 statement by the FCC regarding location portability – or more specifically, what
7 is *not* location portability – in its wireless portability Order.¹⁶ The FCC clearly
8 found that, so long as the rating of calls to a ported number stays the same (*ie.*, as
9 if the number hadn't been ported), even though the customer may be using the
10 number at a different location after porting it, it does not constitute location
11 portability.¹⁷ In addressing what is not location portability, the FCC has given an
12 important indicator about true location portability – that it necessarily implies a
13 disruption in the current NPA-NXX based call rating scheme. Where rating of
14 calls to a ported number stays the same (and routing is no different than if the
15 carrier had assigned the customer a new number rated to the original rate center),
16 there is no location portability.¹⁸

¹⁵ F-R at 14.

¹⁶ *In the matter of Telephone Number Portability*, FCC CC Docket No. 95-116, ¶ 28 (Nov. 10, 2003) (herein Intermodal Order).

¹⁷ "We conclude that porting from a wireline to a wireless carrier that does not have a point of interconnection or numbering resources in the same rate center as the ported number does not, in and of itself, constitute location portability, because the rating of calls to the ported number stays the same. As stated above, a wireless carrier porting-in a wireline number is required to maintain the number's original rate center designation following the port. As a result, calls to the ported number will continue to be rated in the same fashion as they were prior to the port. As to the routing of calls to ported numbers, it should be no different than if the wireless carrier had assigned the customer a new number rated to that rate center." *Id.* at ¶ 28.

¹⁸ This pronouncement about what distinguishes location portability is quite consistent with the FCC's reasoning for not mandating location portability in the first place. In the First Report and Order, the FCC found that "[o]ur chief concern is that users currently associate area codes with geographic areas and assume that the charges they incur will be in accordance with the calling rates to that area. Location

1 Q. IS THE FCC'S CONCLUSION ABOUT WHAT IS AND IS NOT
2 LOCATION PORTABILITY VALID FOR BOTH WIRELESS AND
3 WIRELINE CARRIERS?

4 A. There is only one set of number portability definitions and they (together with
5 FCC interpretative decisions) apply to all carriers. There is certainly no basis to
6 support a conclusion that the FCC would come up with multiple interpretations
7 for what is and is not location portability, based upon whether a call was wireline
8 to wireline, wireline to wireless, or wireless to wireless. It would make no sense
9 from either a technical or policy perspective to create this kind of dichotomy.
10 Although Mr. Furchtgott-Roth is quite definitive in his contention that the Socket
11 port requests in question constitute location portability,¹⁹ he does not address how
12 a ported call from one wireline carrier to another, in which call rating and network
13 routing does not change even as the physical location of the end user customer
14 changes (as in the CenturyTel/Socket case), would constitute location portability
15 under FCC rules, while a call from a wireline to a wireless customer, in which call
16 rating and network routing does not change even as the physical location of the
17 end user customer changes, would *not* constitute location portability under those
18 same rules.

portability would create consumer confusion and result in consumers inadvertently making, and being billed for, toll calls. 47 CFR 52.21(j).

¹⁹ See, e.g., F-R at 14.

1 **Q. MR. FURCHTGOTT-ROTH STATES THAT THE LOCAL NUMBER**
2 **PORTABILITY WORKING GROUP (LNPA-WG) DOES NOT HANDLE**
3 **DISPUTE RESOLUTIONS.²⁰ IS HE CORRECT?**

4 **A.** No. The LNP Problem Identification and Management (PIM) process was
5 established within the LNPA-WG in 1999 at the request of the NANC to facilitate
6 its mission of administering and tracking LNP problems brought to it. The
7 LNPA-WG does not seek to be responsible for resolving all LNP problems, but
8 rather for initially evaluating and categorizing submitted problems, and either
9 directly working on resolution of an issue or recommending the appropriate forum
10 for resolution. The WG reports to the NANC on a regular basis on the status of
11 issues identified to the LNPA-WG, and a portion of every LNPA-WG meeting is
12 devoted to the PIM process.²¹ Even though its resolutions and advisory opinions
13 are not binding on its members, I agree with Staff witness Voight that it
14 represents the closest thing to a definitive standards body that can be found for
15 local number portability.²²

16 **Q. WILL GRANTING THE SOCKET PORTING REQUESTS AT ISSUE IN**
17 **THIS PROCEEDING UNDERMINE THE TELECOMMUNICATIONS**
18 **ACT, AS SUGGESTED BY MR. FURCHTGOTT-ROTH?²³**

19 **A.** To the contrary. The essential point of the Telecommunications Act was to
20 promote competition in the local exchange telephone market. As the FCC stated:

²⁰ F-R at 17.

²¹ Examples of the types of disputes brought to the LNPA-WG and the resolutions can be found at
LNPAWG_IssueMatrix_1106.doc

²² Voight at 24.

1 “The focus of the porting rules is on promoting competition, rather than
2 protecting individual competitors.”²⁴

3 **IV. REBUTTAL TESTIMONY OF SUSAN W. SMITH**

4 **Q. MS. SMITH OFFERS TESTIMONY CITING THE SAME FCC WEBSITE**
5 **AS MR. FURCHTGOTT-ROTH, REGARDING WHETHER LONG-TERM**
6 **NUMBER PORTABILITY ALLOWS A CUSTOMER TO KEEP A**
7 **NUMBER IF MOVING ACROSS TOWN OR STATE.²⁵ IS YOUR**
8 **RESPONSE TO HER ANALYSIS THE SAME?**

9 **A. As I discussed above, this particular Q&A simply explains that service provider**
10 portability, by itself, does not allow customers to take their telephone numbers
11 with them when they move. Since this doesn’t describe anything about the ports
12 at issue in this proceeding, it does not seem to be particularly relevant. However,
13 it is interesting to note that Ms. Smith’s citation also includes a paragraph written
14 by the FCC that acknowledges that “[u]nder the Federal Communications
15 Commission’s (FCC’s) ‘local number portability’ (LNP) rules, you can switch
16 telephone service providers within the same geographic area and keep your
17 existing phone number.”²⁶ This directly contradicts her fellow witness, Mr.
18 Furchtgott-Roth, who maintains that keeping one’s telephone number when

²³ Furchtgott-Roth at 15.

²⁴ Intermodal Order at ¶ 27.

²⁵ Smith at 4; F-R at 10.

²⁶ Smith at 4, citing <http://www.fcc.gov/cgb/consumerfacts/numbport.html>

1 moving even within the same exchange area constitutes location portability for
2 which the FCC has declined to adopt regulations.²⁷

3 **Q. MS. SMITH STATES THAT REQUIRING CENTURYTEL TO PORT THE**
4 **NUMBERS AT ISSUE IN THIS PROCEEDING WOULD “RESULT IN A**
5 **DEFACTO RE-WRITE OF THE 1996 TELECOMMUNICATIONS ACT**
6 **AND THE FCC’S RULES...”²⁸ DO YOU AGREE WITH THIS**
7 **ASSESSMENT?**

8 **A.** With all due respect, I would submit that the witness is engaging in considerable
9 hyperbole. Requiring the ports in question would simply allow the customers to
10 consummate their decisions to make a competitive choice among carriers, which
11 is precisely what the Telecommunications Act and FCC rules were designed to
12 accomplish.

13 **Q. MS. SMITH DEVOTES A CONSIDERABLE PORTION OF HER**
14 **TESTIMONY TO A DISCUSSION OF THE TYPE OF SERVICE SOCKET**
15 **PLANS TO OFFER THE CUSTOMERS WHO ARE SEEKING TO HAVE**
16 **THEIR TELEPHONE NUMBERS PORTED FROM CENTURYTEL TO**
17 **SOCKET. HOW IS THIS RELEVANT TO THE PORTING DISPUTE AS**
18 **ISSUE IN THIS PROCEEDING?**

19 **A.** Smith, as well as other witness, comment at considerable length about whether
20 Socket’s FX service is a “real” FX service, and claim that its technical

²⁷ F-R at 10.

²⁸ Smith at 4.

1 specifications somehow are relevant to whether the port requests at issue in this
2 proceeding must be honored.²⁹ However, once a number has been ported from
3 one carrier to another, the type of services the winning carrier provides that
4 customer should not be relevant to whether the port should take place. Neither
5 the FCC nor the PSC requires carriers to duplicate exactly the service offerings of
6 incumbent carriers; indeed, the whole point of opening a market to competition is
7 to inspire new services and technologies, bringing more services at lower prices to
8 more customers. The type of service that Socket will offer customers on its side
9 of the port (*i.e.*, a more virtual than physical FX service), which apparently
10 doesn't match up to CenturyTel's pre-competition service offerings, should be
11 irrelevant to the question of whether these are permissible port requests. In fact, it
12 would appear that CenturyTel is using its control of customers' telephone
13 numbers to constrain new service offerings by Socket. Such behavior is exactly
14 what Congress sought to prevent in establishing number portability requirements
15 in the first place.³⁰

16 **Q. MS. SMITH SUGGESTS THAT FCC CONCERNS ABOUT NETWORK**
17 **RELIABILITY IDENTIFIED IN THE FIRST REPORT AND ORDER**
18 **MAY JUSTIFY CENTURYTEL'S REFUSAL TO PROCESS THE PORTS**
19 **AT ISSUE IN THIS PROCEEDING.³¹ IS SHE CORRECT IN HER**
20 **INTERPRETATION OF THE FCC'S COMMENTS IN THIS REGARD?**

²⁹ See Smith at 5-11; Voight at 9-15.

³⁰ See, *e.g.*, First Report & Order, par. 2.

³¹ Smith at 17-18, citing First Report and Order at ¶55.

1 A. No. In crafting the First Report and Order, the FCC set forth basic performance
2 criteria for the development of a long-term number portability solution. Included
3 in the nine criteria was a requirement that the long-term solution not result in any
4 degradation in service quality or network reliability when implemented. (In her
5 testimony, Ms. Smith quotes the paragraph which explains this particular criteria).
6 Collectively, the criteria were directed towards the development of an as yet non-
7 existent solution for number portability. And, indeed, the industry met these
8 criteria through their development of a database system architecture, which was
9 adopted by the FCC in the Second Report and Order.³² The criteria were not set
10 forth as excuses for individual carriers to use for refusing specific portability
11 requests -- individual carriers were explicitly required to be technically capable of
12 participating in the provision of long term number portability.

13 V. REBUTTAL TESTIMONY OF MICHAEL PENN

14 Q. IS MR. PENN CORRECT IN HIS DESCRIPTION OF THE LNPA-WG
15 AND OTHER RELEVANT INDUSTRY BODIES?

16 A. Not entirely, I would like to offer a few clarifications to some of his statements.
17 First, he states that the NPAC “provides the infrastructure and *technical policy*
18 required to properly port numbers....” (emphasis added).³³ NPAC does not make
19 any technical policy, but rather carries out technical requirements as developed
20 by the NANC and established by FCC rules. Second, he indicates that LNPA-
21 WG recommendations stem in part from “Public Service Commission Rules and

³² See, e.g., Second Report and Order, ¶2.

³³ *Id.*

1 Orders regarding LNP.”³⁴ In fact, the LNPA-WG operates under the NANC,
2 which is a federal advisory body under the jurisdiction of the FCC; state PSC
3 rules and orders do not inform LNPA-WG recommendations. Third, he states that
4 PIM 60 (the designation given to the issue submitted by Socket to the LNPA-
5 WG), is not a typical issue submission.³⁵ In fact, as pointed out in more detail by
6 Socket witness Kohly, and described in the Issues Matrix cited at n. 21 of my
7 surrebuttal testimony, the issue submitted by Socket was similar to a number of
8 disputes that the LNPA-WG has addressed in the past.

9 **VI. REBUTTAL TESTIMONY OF WILLIAM L. VOIGHT**

10 **Q. CAN YOU COMMENT ON MR. VOIGHT’S USAGE OF THE TERM**
11 **“LOCATION PORTABILITY” IN HIS TESTIMONY?**

12 **A.** Although I generally agree with most of the significant conclusions reached by
13 Mr. Voight in his testimony, I believe there is some lack of precision in the use of
14 the term “location portability” that may contribute to some confusion. According
15 to Mr. Voight, “It is Staff’s opinion that as a practical matter, the industry (at least
16 in Missouri) has obviously moved towards a definition of location portability that
17 centers around a telephone rate center. In this regard the Staff agrees with Ms.
18 Kistner.”³⁶ This statement would seem to signal Staff’s recognition that the
19 porting of numbers that does not involve a change in rate centers is *not* location
20 portability, but rather remains within the definition of service provider portability.
21 However, elsewhere in the testimony, the term “location portability” is used more

³⁴ *Id.*

³⁵ *Id.*

1 loosely to describe any change of call end points in conjunction with a port.³⁷ I
2 suggest that where there is recognition that a change in rating/routing is
3 necessarily what makes for a change in location, as the Staff acknowledges in its
4 testimony and the FCC clearly finds in the Intermodal Order, then it is a matter of
5 simple logic to agree that the ports at issue here do not involve location
6 portability.

7 **VII. CONCLUSION**

8 **Q. COULD YOU PLEASE SUMMARIZE YOUR SURREBUTTAL**
9 **TESTIMONY?**

10 A. In rebuttal testimony, CenturyTel witnesses base their refusal to process the ports
11 in question, in part, on the faulty assumption that Socket is asking CenturyTel to
12 provide location portability. In fact, Socket is merely asking CenturyTel to
13 provide it basic service provider portability, as required by the
14 Telecommunications Act and the FCC's various Orders on number portability.
15 Most significantly, the FCC made a determination that so long as calls to a ported
16 number are rated to the same rate center and call routing remains the same
17 whether the number is ported or a new number is assigned, there is no location
18 portability. The FX-type services Socket will offer on its side of the port are
19 permissible, tariffed local exchange services that do not have any bearing on the
20 service provider portability being requested by Socket from CenturyTel.

³⁶ Voight at 20.

³⁷ See, e.g., Voight at 17, line 22.

1 **Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?**

2 **A. Yes.**