

00210

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

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

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

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|    |                                    |   |                       |
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| 1  | In the Matter of the Petition of   | ) |                       |
|    | Citizens Telephone Company of      | ) |                       |
| 2  | Higginsville, Missouri, for        | ) |                       |
|    | Suspension and Modification of the | ) | Case No. TO-2004-0486 |
| 3  | Federal Communications Commission  | ) |                       |
|    | Requirement to Implement Number    | ) |                       |
| 4  | Portability                        | ) |                       |
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|    | Kingdom Telephone Company for      | ) |                       |
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|    | Fidelity Telephone Company for     | ) |                       |
| 10 | Suspension and Modification of the | ) | Case No. TO-2004-0489 |
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| 13 | Goodman Telephone Company, Ozark   | ) |                       |
|    | Telephone Company and Seneca       | ) |                       |
| 14 | Telephone Company for Suspension   | ) | Case No. TO-2004-0490 |
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| 15 | Communications Commission          | ) |                       |
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| 16 | Portability                        | ) |                       |
| 17 | In the Matter of the Petition of   | ) |                       |
|    | McDonald County Telephone Company  | ) |                       |
| 18 | For Suspension and Modification of | ) | Case No. TO-2004-0491 |
|    | the Federal Communications         | ) |                       |
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| 20 |                                    |   |                       |
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| 21 | Granby Telephone Company for       | ) |                       |
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1 In the Matter of the Petition of )  
Le-Ru Telephone Company for )  
2 Suspension and Modification of the ) Case No. TO-2004-0494  
Federal Communications Commission )  
3 Requirement to Implement Number )  
Portability )

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

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

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

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

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

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

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1 Counsel and the Public.

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

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

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

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

25 JUDGE WOODRUFF: All right. Thank you. I

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1 believe that takes care of all the parties.

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

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

8                   JUDGE WOODRUFF: Commissioner Clayton then.

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

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

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

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

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

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

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

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

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

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

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

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

23 MR. ENGLAND: That's correct.

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

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1 intervenors in them or no?

2 MR. ENGLAND: No, they did not.

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

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

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

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

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

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

7 MR. ENGLAND: That's correct.

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

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

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

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1 like to, if it please the Commissioners, that Barbara  
2 Meisenheimer of our staff is much more familiar with the  
3 LNP program and laws, and she basically handled the labor  
4 and oar in this, and if I could turn over to her, I think  
5 she could explain the rationale much better than I could.

6 COMMISSIONER CLAYTON: I don't know if that  
7 will be necessary at this juncture. There are a number of  
8 cases where that may be appropriate, but from my  
9 perspective, I don't know if I'm going to need that today.  
10 I can dig through perhaps at another time.

11 MR. DANDINO: Certainly. Thank you.

12 COMMISSIONER CLAYTON: For the attorneys  
13 for the companies that are involved in this, do those  
14 companies have local number portability surcharges in  
15 place now or will there be plans to implement surcharges?  
16 I'm not sure how that works, but is that part of this  
17 stipulation at all?

18 MR. ENGLAND: No, sir. I can give you  
19 information on our companies, and perhaps Mr. Johnson can  
20 on his. Of the companies we represent, the only company  
21 that currently has an LNP surcharge is Fidelity Telephone  
22 Company. The remaining companies, with the exception of  
23 Seneca, Goodman and Ozark Telephone Companies, have at  
24 this time chosen not to implement a surcharge.

25 Seneca, Goodman, Ozark are still in the

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

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

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

9 COMMISSIONER CLAYTON: Okay. Mr. Johnson?

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

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

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1 switch and that sort of thing.

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

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

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

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

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

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

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

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

25 COMMISSIONER MURRAY: I think Commissioner

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

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

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

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

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

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

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

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

13 MS. MEISENHEIMER: Sure.

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

16 (Witness sworn.)

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

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

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

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

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

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

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

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

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

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

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

24 JUDGE WOODRUFF: Mr. England?

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

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

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

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

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

25           COMMISSIONER MURRAY: Mr. England, at what

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

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

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

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

17 MR. ENGLAND: March or April.

18 COMMISSIONER MURRAY: Okay.

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

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

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

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

11 MR. ENGLAND: Yes.

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

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

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

00232

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

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

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

25 MR. JOHNSON: Well, they have advertised

00233

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

3 COMMISSIONER MURRAY: In your exchanges?

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

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

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

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

21 COMMISSIONER MURRAY: Thank you.

22 Mr. Meyer?

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

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

00234

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

00235

1 personal experience there was at least an awareness.

2 COMMISSIONER MURRAY: Okay.

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

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

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

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

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

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

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

00236

1 implementing it.

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

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

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

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

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

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

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

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

6 COMMISSIONER MURRAY: All right.

7 Mr. Johnson, you wanted to say something?

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

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

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

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

00238

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

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

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

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



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1 agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

00242

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

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

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

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

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

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

00243

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

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

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

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

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

00244

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

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

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

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

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

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

00245

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

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

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

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

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

00246

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

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

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

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

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

16 COMMISSIONER MURRAY: What would the  
17 customer get?

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

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

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

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

00247

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

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

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

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

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

00248

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

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

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

12                  MS. MEISENHEIMER: We wouldn't object.

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

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

17                  COMMISSIONER DAVIS: Not at this time.

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

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

00249

1 JUDGE WOODRUFF: Mr. Johnson?

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

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

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

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

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

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

00250

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

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

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

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

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

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

00251

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

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

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

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

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

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

00252

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

2 MR. ENGLAND: That's correct.

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

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

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

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

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

25 COMMISSIONER MURRAY: All right. Go ahead.

00253

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

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

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

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

00254

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

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

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

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

11 COMMISSIONER MURRAY: Are you sure?

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

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

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

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

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1 landline environment only, only a wireline environment.

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

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

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

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

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

25 MS. MEISENHEIMER: The customer could

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

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

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

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

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

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

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

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

10 JUDGE WOODRUFF: Thank you, Commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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