

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

In the Matter of a Proposed Rule to Require	)	
all Missouri Telecommunications Companies	)	
to Implement an Enhanced Record Exchange	)	Case No. TX-2003-0301
Process to Identify the Origin of IntraLATA	)	
Calls Terminated by Local Exchange Carriers	)	

**MITG Suggestions in Opposition to  
SBC's Application for Rehearing,  
and  
Alternative Requests for Variance or Waiver**

Comes now the Missouri Independent Telephone Company Group (MITG), and submits the following suggestions in Opposition to SBC's Applications for Rehearing, Variance, and Waiver:

**SBC's Rehearing Application Reargues Issues Previously Addressed and Resolved**

1. The three substantive rules which are the subject of SBC's Application were extensively discussed in industry meetings underlying TX-2003-0301, were commented upon informally before rule publication, were addressed at hearing, and were commented upon after rule publication. The Order of Rulemaking addressed in detail, and resolved, the substantive matters underlying the issues SBC raises in its Application. As the rehearing motion reargues issues already addressed and resolved, SBC's rehearing request should be denied.

**4 CSR 240-29.040(4), which requires CPN on wireless-originated calls, is appropriate**

2. This rule requires CPN to be included in billing records. SBC's Application implies, but does not state, that wireless carriers do not forward CPN to SBC.

This is not accurate. Common experience in Missouri suggests that the systems of both wireless carriers and SBC successfully pass CPN. Wireless phones and landline phones pass and receive the calling party's number. Particularly with wireless phones, the calling party number is received and stored in the phone set's record of received calls. The features of both landline and wireless phone sets utilize this information to provision automatic return dialing, and the insertion of called numbers in phonebook directories. If there were widespread inability of SBC switching systems to pass CPN, it would have been a popular issue by now.

3. It appears to the MITG that SBC's Application fails to accurately distinguish between the ability of SBC's switching systems to pass CPN, and the programming of those switching systems necessary to pass CPN to billing record systems. There is a difference between the technical ability of LEC to LEC switches to pass CPN, and the ability of SBC to pass CPN to its billing system for billing record creation.<sup>1</sup>

4. The Order of Rulemaking with respect to 4 CSR 240-29.010, at page 8, recognized that the requirement for passage of CPN does not exceed the technical capacities commonly employed by all carriers currently using the LEC-to-LEC network.

5. CPN is captured in AMA switch recordings, even for wireless records. CPN is capable of being incorporated into and included in the 11-01-XX billing record, as opposed to being "stripped off" or not incorporated *into the billing record*. The Order of Rulemaking so found.<sup>1</sup>

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<sup>1</sup> In the Order of Rulemaking with respect to 4 CSR 240-29.040, at pages 12-13, the Commission addressed the issue of including CPN on wireless calls specifically. The Order found that SBC "strips off", or does not include, CPN *when it creates a Category*

6. For example in wireless complaint cases the Commission has accepted traffic studies conducted by terminating LECs that were based on their terminating switches' capture of the calling party number of the wireless customer. This information was captured on the SBC "LEC to LEC" trunks. SBC's tandems and trunks passed this information all the way from wireless carriers through SBC systems to the terminating LEC switches.

7. The billing records SBC currently provides have been programmed not to include a telephone number in the CPN field. The number SBC provides instead of CPN is a number it associates with the wireless carrier or wireless carrier trunk. It is inaccurate to say the billing records *cannot* include CPN. SBC currently is providing an associated number in the billing record instead of the true CPN. If SBC's systems can insert a substituted telephone number associated with a wireless carrier trunk in the CPN field, the MITG believes those systems can be programmed to provide the correct CPN.

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*11-01-XX billing record* from the AMA information. Later in that same paragraph the Commission stated it was "unconvinced" by SBC witness Murphy testimony that it was fitting for SBC to eliminate CPN from the billing records. The Commission correctly noted that Murphy's testimony referred to Automated Message Accounting (AMA records, which are also referred to as "machine" or "switch" records). See the transcript of Hearing, T. 99. The Commission correctly recognized the AMA records are the source of information used to create billing records, that CPN is available in the AMA record, and that there was nothing in Telcordia standards authorizing elimination of CPN. These findings were supported by evidence in the record. The record discloses that Staff witness William Voight testified that SBC receives CPN, but does not pass it on in billing records to the terminating carrier. Hearing T. 39-40. The record further discloses that in July, 2004, when SBC replaced the CTUSR with an electronic billing record, SBC inserted into the CPN field a telephone number that was not the calling party's number. Instead SBC inserted a number associated with each wireless carrier. As a result the SBC provided billing records provide only total traffic volumes per wireless carrier. They do not provide the CPN which enables the jurisdiction of the call to be determined. T. 77-78.

8. The modification SBC needs to make to the billing record is to pass the true CPN from the AMA record into the billing record. SBC's rehearing/variance application focuses upon its interpretation of what industry standards require be included in the *billing records*. The MITG disagrees with SBC's interpretation. What is important here is that the CPN is in the AMA/switch record, and is capable of being incorporated into the billing record. The ERE requirement that the CPN be included in the billing record is now the "industry standard" for Missouri LEC to LEC billing records.

9. SBC's Application for Rehearing and Variance suggests that "it is likely not even technically possible for such a record to be created from SBC's Missouri Lucent 5 ESS tandem switches ...." This position is a severe departure from its prior comments

10. Contrary to SBC's Rehearing, Variance, and Waiver request, SBC in its comments and testimony did address the feasibility of including CPN in billing records before the rule was adopted. In its February 2, 2005 comments, at page 12, SBC suggested that the inclusion of CPN was not technically feasible only when CPN was not passed by the wireless carrier to SBC. Prior to the Order of Rulemaking SBC did not say that any of its switches were flat out *incapable* of passing CPN to the billing systems.

11. If there was truly a switching limitation, SBC should have placed this evidence in the record, or mentioned it in comments. Based upon the record provided, the Commission in its Order has already found that the requirement for passage of CPN does not exceed the technical capacities commonly employed by all carriers currently using the LEC-to-LEC network.

**4 CSR 240-29.010 and 4 CSR 240-29.030(2), which prohibits the termination of SBC interLATA calls terminating to other LECs on the LEC to LEC network, is appropriate.**

12. The Commission's Order of Rulemaking correctly recognized that if SBC wants to terminate interLATA traffic to other companies on intercompany networks, it cannot use the LEC to LEC or Feature Group C network to do so.

13. If SBC is going to carry interLATA traffic, it should do so on the same intercompany networks as are used by traditional interexchange carriers, the equal access or Feature Group D network.

14. SBC offers absolutely no explanation as to why it is not capable of sending interLATA traffic destined for other LECs to the FGD network.

15. The Order of Rulemaking with respect to 4 CSR 240-29.030(3), at page 3, found that the prohibition against placing interLATA traffic on the LEC to LEC network will limit the likelihood that interLATA traffic will be delivered to terminating carriers without their knowledge. The Commission found that this was useful given the business relationship for transiting traffic. The Commission acknowledged the increased problems of tracking down and collecting for transiting traffic that would result if interLATA traffic were placed on the LEC to LEC network, and specifically stated it did not want to impose such a burden. The Commission pointed out that, contrary to intraLATA traffic, interLATA traffic can come from carriers all over North America, or beyond.

16. There is a rational basis for this requirement. As the Order recognizes, the ERE formally adopts a different business relationship for traffic on the intraLATA "LEC to LEC" network from that in use for traffic on the interLATA "IXC" network. The terminating LECs bill the delivering IXC for traffic on the IXC network. One of the justifications for allowing LECs the option of establishing separate trunks for "LEC to

LEC” and “IXC” traffic was to allow each type of traffic to be on a trunk consistent with the business relationship used for that traffic. If SBC were permitted to put intercompany interLATA traffic on the intraLATA LEC to LEC network, the purpose for keeping IXC traffic and LEC traffic on separate networks would be defeated.

**4 CSR 240-29.050, which provides terminating LECs the Option to request separate trunks for LEC to LEC traffic, and which provides SBC with the Option to refuse such requests, is appropriate**

17. SBC requires all CLECs and CMRS providers interconnecting with SBC to have separate, dedicated trunks. Common trunks are a relic of the bygone era where no competition existed. FGC common trunks were intended to be eliminated with intraLATA equal access/dialing parity that occurred in 1999. There is no justification for not allowing terminating LECs to have segregated trunks. See the Order of Rulemaking with respect to 4 CSR 240-29.050, pages 1-6.

18. The Order of Rulemaking, 4 CSR 240-29.010, at page 8, determined that the option of separate trunks was minimally invasive because trunk segregation is a common industry practice, as evidenced by the voluminous record.

19. If SBC believes the use of separate trunks disadvantages SBC, SBC has the power to keep the common trunks intact. The rule provides the terminating LEC with the initial option to elect to establish separate trunks. SBC, as a transiting carrier, is provided the power to “trump” this election and preclude separate trunks. SBC is empowered to measure its own financial advantages and disadvantages in deciding whether to allow separate trunks. If a terminating LEC decides it is in its interest to have

separate trunks, SBC's interests can outweigh the LECs and the trunks will not be segregated. There is no net disadvantage to SBC.

**SBC fails to provide sufficiently particular and certain justification for a waiver or one year variance from the requirement to pass wireless CPN**

20. At paragraph 4 (a) of its Application for waiver or variance, SBC states that it "believes" that its Lucent switches do not have the technical capability to "append" originating CPN to the AMA machine records for wireless calls. Later in paragraph 5 SBC wants to investigate if the Lucent switches can "practically" capture and append CPN. There is no description of the precise nature of any technical inability. SBC's statement in paragraph 4 (a) that Lucent's "initial response" was that this "feature" was not available in a 5ESS tandem switch. There was no written document from Lucent attached to the application.

21. At paragraph 4 (b) of its Application for waiver or variance, SBC states that its Northern Telecom DMS tandem switches are capable of passing wireless CPN, however several major projects would have to be completed.

22. SBC is asking the Commission to delay, for at least another year, resolution of issues that have permeated the industry since 1997. If SBC were to realistically expects the Commission and the rest of the industry to consider this delay, it is incumbent upon SBC to provide sufficiently detailed information as to what needs to be done, and when that can be completed.

23. As the record stands now, SBC has failed to provide a specific explanation or description of the technical inability. Wireless calls passed through St. Louis do pass CPN. Before the Commission can give serious consideration to SBC's requests, the

Commission should require SBC to establish, in a hearing, the nature and extent of any real technical limitation. The Commission should provide Staff and other LECs reasonable notice and opportunity to participate in this proceeding.

24. SBC's Application should be denied on the basis of the skimpy and unverified information presented in its application. 4 CSR 240-2.060 (4), the rule SBC cites as authority for its request, requires that an application for variance shall contain:

- (B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver, and
- (C) The name of any public utility affected by the variance or waiver.

SBC's application fails to comply, particularly with the requirement of setting out complete justification.

WHEREFORE, on the basis of the foregoing, the MITG requests that SBC's rehearing application be denied, and that SBC's waiver and variance applications be denied, or in the alternative that SBC be instructed to submit complete justification for its waiver and variance requests, setting forth with particularity and documentation the precise and specific nature of the technical inability to pass CPN to the SBC billing system, and that Staff, OPC, and all LECs be provided with notice and opportunity to participate in any docket considering such waiver or variance request.



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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and accurate copy of the foregoing was emailed this 21st day of July, 2005, to all counsel of record, being Keith Krueger (keith.krueger@psc.mo.gov), Michael Dandino (mike.dandino@ded.mo.gov), Carl Lumley (clumley@lawfirmemail.com), Martin Rothfelder (www.rothfelderstern.com), Mark Johnson (mjohnson@sonnenschein.com), William England (trip@brydonlaw.com), Larry Dority (lwdority@sprintmail.com), and Brett Leopold (Brett.D.Leopold@mail.sprint.com).

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