Exhibit No. _____
Issue: _____
Witness: John A. Dupuy
Type of Exhibit: Direct
Sponsoring Party: Socket Telecom, LLC
Case No.: TO-2006-0299
Date: March 21, 2006

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

PETITION OF SOCKET TELECOM, LLC	)	
FOR COMPULSORY ARBITRATION OF	)	
INTERCONNECTION AGREEMENTS WITH	)	**CASE NO. TO-2006-0299**
CENTURYTEL OF MISSOURI, LLC AND	)	
SPECTRA COMMUNICATIONS, LLC	)	
PURSUANT TO SECTION 252(b)(1) OF THE	)	
TELECOMMUNICATIONS ACT OF 1996	)	

DIRECT TESTIMONY OF

JOHN A. DUPUY ON BEHALF OF

SOCKET TELECOM, LLC

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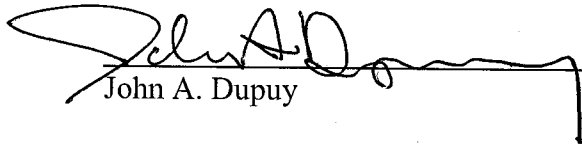lcurtis@lawfirmemail.com

ATTORNEYS FOR SOCKET TELECOM, LLC

March 21, 2006

STATE OF MISSOURI   )
)   SS.
COUNTY OF BOONE   )

VERIFICATION

John A. Dupuy, being first duly sworn, deposes and say that he is the witness who sponsors the accompanying testimony entitled "Direct Testimony"; that said testimony was prepared by him and under his direction and supervision; that if inquiries were made as to the fact in said testimony and schedule, he would respond as therein set forth; and that the aforesaid testimony is true and correct to the best of his knowledge, information and belief.

_____
John A. Dupuy

On this __21st__ day of __March_____, 2006, before me, a Notary Public, personally appeared John A. Dupuy, and being first duly sworn upon his oath stated that he is over twenty-one years, sound of mind and by Socket Holdings Corporation and assigned to work for Socket Telecom, LLC, he signed the foregoing document as an employee of by Socket Holdings Corporation and assigned to work for Socket Telecom, LLC, and the facts contained therein are true and correct according to the best of his information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.
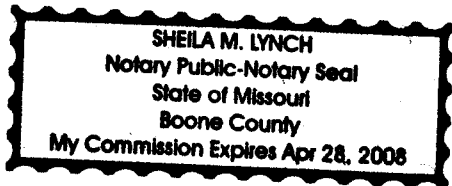
_____
Notary Public

My Commission Expires:

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Q. **Please state your name and address.**

A. My name is John A. Dupuy. My business address is 1005 Cherry Street, Suite 104, Columbia, MO 65201.

Q. **By whom are you employed and what are your responsibilities?**

A. I have been employed by Socket Holdings Corporation since 1994 and am presently assigned to work for Socket Telecom, LLC ("Socket") as Vice President of Research and Development. I do much of the initial and ongoing research into our services and their operational support systems. Specifically, I am involved with making sure our Operator Assistance ("OA"), Directory Assistance ("DA"), and our distribution of Directory Listings ("DL") for third parties is up to industry standard, if not greater. I am also a founding stockholder in Socket Holdings Corporation.

Q. **Please describe your educational background.**

A. I hold a Bachelors of Science in Computer Information Systems from Columbia College.

Q. **What is your prior work experience?**

A. Prior to jointly founding Socket, I was employed by Datastorm Technologies Inc., a Columbia, Missouri software company, as staff developer. In this position, I taught a 13-week course to incoming groups of newly hired technicians. The course covered

1   troubleshooting most of the communications protocols and standards for the

2   communications software sold by the company.

3   Prior to that, I was employed by EPM, a Fulton, Missouri firm, as a software

4   engineer for their embedded controllers. Prior to that, I was employed by the Missouri

5   Conservation Department as a computer programmer.

6

7   **Q.   What issues are you addressing in your direct testimony?**

8   A.   I am addressing issues concerning Article XVI – White Pages/Directory Listings.

9   These include yellow page listings for Socket customers, and retention by CenturyTel of

10   Socket's listings throughout the year so that the Socket information can be fed to third

11   party print and Internet publishers.

12

13   **Q.   Please provide some background information on what comprises Directory Listings.**

14   A.   In a nutshell, a single Directory Listing ("DL") is a database entry containing a

15   particular phone number, along with the name and address associated with that number.

16   A business DL also has a Yellow Pages category used by the telephone book publishers.

17   The DL database is used by third parties to get listings for an exchange. For example, a

18   telephone book publisher may purchase a copy of the Directory Listings for Columbia

19   and related exchanges to create a telephone book for Columbia.

20

21   **Q.   How do the telephone book publishers use the DL database?**

22   A.   Telephone book publishers periodically, usually yearly, purchase the listings for

23   related exchanges in order to print a telephone book. The white pages of a given

24   directory will include all of the publishable DL entries, while the yellow pages will

2

1   include all of the publishable business DL entries. Typically, one free yellow page listing

2   is provided under a single category. Additional listings in the white or yellow pages can

3   be purchased by the customer, as well as enhanced listings or display ads. These

4   additional sales, however, are directly handled by the publishers and their agent

5   companies.

6

7   **Q.**   **Who else can use the DL database?**

8   A.   Many third parties, such as direct marketing companies and independent

9   telephone book publishers, even ones run by competing LECs, have the opportunity for

10   access to the DL database. More recently, web site companies will put listings up on the

11   Internet, such as Yahoo! Local Yellow Pages. These companies will either purchase the

12   listings directly from CenturyTel or via an intermediary that purchases them from

13   CenturyTel.

14

15 **Q.**   **Can you provide us with a list of all the third parties that might ask CenturyTel for**

16   **the listings in the future?**

17 A.   No, and I doubt CenturyTel can either. This concerns a service sold to the public

18   and new contracts are drawn up all the time.

19

1 **Issue 1: Should the Parties' ICA address Socket's right to non-discriminatory**
2 **access to telephone numbers, directory assistance services, and directory**
3 **listings?**
4
5 **CenturyTel Alternative Issue Statement: Which party's language should**
6 **the Commission adopt with respect to terms and conditions for the**
7 **printing and distribution of directories?**
8

9 **Q. What is Socket's first issue?**

10 A. Most of the sub-issues originally raised in issue No. 1 have been resolved. The

11 only remaining sub-issue is Socket's proposal that if CenturyTel customers receive one

12 free yellow page listing in CenturyTel's phone book, then Socket customers should

13 receive the free listing as well.

14
15 **Q. Why do you think CenturyTel disagrees with this?**

16 A. CenturyTel seems to feel that it is inappropriate to bind Berry Publishing, the

17 publishing house that publishes the directory for CenturyTel, in an agreement between

18 Socket and CenturyTel. They further label this proposal as "SBC-style" language.

19
20 **Q. Do you think this position is fair?**

21 A. No, I believe it's unfair on at least three grounds.

22 First, it's unrealistic to believe parity has been reached if CenturyTel customers

23 get a yellow pages listing and our customers do not. Since nearly all of our current

24 customers are business customers, this would be a devastating difference. The omission

25 of Socket customers also harms the value of CenturyTel's telephone book, since the

26 yellow pages would be incomplete. Consequently, CenturyTel's refusal to agree to free

1   yellow pages listings for Socket customers can only be viewed as a purely anti-

2   competitive move.

3   Second, the telephone directory at issue is still a "CenturyTel Telephone Book."

4   The publishing company is therefore a partner at best, and a vendor at worst. Either way,

5   the publication is basically a CenturyTel function, and it is hard to believe that

6   CenturyTel has no right to define the terms for the publisher.

7   Third, CenturyTel's position is inconsistent. Why would CenturyTel be willing to

8   include white pages in the agreement but not the yellow pages? If CenturyTel has no

9   right to obligate the publishing company concerning yellow pages listings, then where

10   does it get the right to create such obligations on white pages listings? A "true" third

11   party could, in theory, omit Socket white page listings also, or, for that matter, any white

12   page listings at random. After all, it's their book (unless forbidden by contract). They

13   aren't likely to do this, however, because a true third party has no reason to target Socket

14   customers and treat them differently.

15   Because of all these factors, I do not think CenturyTel's objection to Socket's

16   limited contract language concerning yellow pages is legitimate.

17
18   **Issue 2:   May CenturyTel limit Socket's access to telephone numbers, directory**
19   **assistance services, and directory listings to only Socket's resale**
20   **customers?**
21
22   **CenturyTel Alternative Issue Statement: With respect to the services to**
23   **be provided under Article XVI, which language should the Commission**
24   **adopt?**
25

26   **Q.   What is Socket's second issue?**

1   A.   Issue No. 2 concerns keeping Socket customer listings in the CenturyTel-

2   maintained DL database. CenturyTel wants to purge our customer listings from their DL

3   database, whereas Socket's stance is that the listings must be kept there throughout the

4   year as a practical matter.

5

6   **Q.   What is Socket proposing that CenturyTel do?**

7   A.   As generally described in Issue 2, we would like CenturyTel to continue

8   accepting Directory Listings via the industry standard LSR process. When a telephone

9   number port order is placed, a "Directory Listing" form is included which has the

10   directory listing information. The DL form will either leave the listing the same or

11   modify it according to the customer's request. Socket's listings would be stored in

12   CenturyTel's database alongside their own. The Socket listings could be stored in

13   separate tables as a purely internal matter, but they would be in the same database. Then,

14   whenever a third party sought to purchase the listings from CenturyTel, our listings

15   would be interleaved with the CenturyTel listings, if they were not already.

16   There is also an ATIS-approved LSR format that lets the CLEC provide listing

17   information for non-ported numbers, such as the numbers that are assigned from the

18   CLEC's own telephone number pools.

19   Finally, we are also asking CenturyTel to provide us a process for auditing our

20   DL listings for accuracy.   This is stated in our proposed language section 2.5.

21   CenturyTel's LSR DL process, unlike SBC or Sprint, requires manual data entry, which

22   is prone to errors. I don't think a simple monthly report of our current listings is an

23   outlandish request.

1

2   Q.   **You mentioned an "ATIS-approved" format. What is ATIS?**

3   A.   ATIS stands for Alliance for Telecommunications Industry Solutions. This is a

4   standards body used by the telecommunications industry. It is my understanding that the

5   CenturyTel-provided forms given to Socket meet ATIS standards.

6

7   Q.   **How prone to errors is CenturyTel's manual process?**

8   A.   There is an exceptional error rate. Earlier this month, we found that about 50% of

9   Socket's listings were missing altogether from the CenturyTel DL database. Roughly

10   20% of those that were not missing had errors. In addition, we found that many

11   unpublished numbers are published.

12

13   Q.   **How much of this is CenturyTel's fault?**

14   A.   This is difficult to answer. We have found that some errors are ours; however,

15   CenturyTel's process is so poorly documented that we are unsure what it is expecting on

16   the forms. Unfortunately, there are multiple ways to interpret the ATIS LSR standards.

17   With SBC and Sprint, they let us know how they interpret it, so we can meet their

18   expectations. We certainly hope the process improves on the part of both Socket and

19   CenturyTel, and are willing to work with CenturyTel to resolve errors provided

20   CenturyTel is in turn willing to cooperate with us to create a more accurate database.

21

22   Q.   **You called the CenturyTel side of the process "manual." Don't they have an**

23   **electronic ordering web site?**

1 A.   They do have a web site and we use it. However, they then take the results from

2   the web site and manually type them into their system. The web site is effectively just a

3   fancy paper form. They still have a data entry person typing in the order.

4
5 **Q.   How many listings does Socket have?**

6 A.   As of March 15, 2006, we have 67 listings in CenturyTel territories.

7
8 **Q.   What is CenturyTel suggesting?**

9 A.   CenturyTel is suggesting that they purge all of their entries for Socket customers

10   in their database. Then, once a year, they would get a full and official DL list from

11   Socket. CenturyTel would then merge our listings with theirs before sending them to

12   their publishing company, Berry Publishing.

13
14 **Q.   Why wouldn't CenturyTel's proposal of one-time feeds work?**

15 A.   One-time feeds can only fix the problem of getting good listings for Berry

16   Publishing, the publisher of their telephone book. Every other publisher or third-party

17   would never get our listings. And, because the industry expectation is that CLEC listings

18   are mixed with the ILEC listings, third parties would not necessarily know anything is

19   missing.

20
21 **Q.   Are not EAS arrangements handled with one-time feeds?**

22 A.   Yes, they are, but an EAS arrangement is different. In an EAS arrangement, such

23   as SBC publishing out-of-territory numbers in a CenturyTel territory, there is still

24   implicit DL publishing by the original LEC. The one-time feed is strictly for

1   CenturyTel's phone book via Berry Publishing. Third parties can get the out-of-territory

2   listings as they get the in-territory listings using their pre-established relationship with

3   SBC. Again, since third parties expect that ILEC listings contain CLEC listings, they

4   don't know to even ask CLECs for those listings. Changing this behavior is well beyond

5   the scope of this Interconnection Agreement. The entire directory publishing industry

6   would have to be changed.

7

8   **Q.**   **Would your missing listings also affect Directory Assistance?**

9   A.   Yes. The DL database is associated with the Directory Assistance information

10   used by the Directory Assistance operators, which function has been outsourced by

11   CenturyTel to Verizon. Exact implementation details vary by ILEC. If we are missing

12   entries in the DL database, any DA provider that uses that database would also be

13   missing those entries. This became abundantly clear when we discovered that

14   CenturyTel customers could not find some of the listings of our customers when calling

15   CenturyTel Directory Assistance.

16   In our efforts to solve the DA problem early, we have found an imperfect work-

17   around. There are two large third-party clearing houses for DA listings — VoltDelta and

18   LSSI. We can now publish our listings directly with LSSI and we are still in negotiations

19   with VoltDelta. When that is complete, most DA providers will see our listings. This

20   should include Verizon Directory Assistance, which is ironic.

21

1 **Q.** **"Most DA providers" doesn't sound very confident. Why aren't you confident?**

2 A. Because there is no industry standard that guarantees that all DA providers will

3 use either VoltDelta or LSSI. The only standard currently in effect is that the DA

4 provider gets listings from the ILEC or ILEC-assigned party associated with each

5 exchange.

6

7 **Q.** **Is there no equivalent major clearinghouse for phone book companies, etc.?**

8 A. We have not yet found any nor believe there are any with significant market share

9 to make them a de-facto standard. To make matters worse, some publishers, such as Feist

10 Yellow Book, will not place Yellow Page ads on behalf of clients unless they match the

11 ILEC DL database. So, effectively, if CenturyTel purges our entries from their database,

12 some publishers might not accept them as valid even if we send them to the publisher

13 directly.

14

15 **Q.** **Earlier, you said CenturyTel "sells" the listings. Would they sell Socket's listings**

16 **also?**

17 A. In theory, we are due compensation for the sale of our listings. However, we

18 don't mind if CenturyTel sells our listings to others and keeps the money. We are more

19 concerned with keeping our customers happy. Our customers will not be happy if

20 switching service to Socket means that some of the third party telephone books don't

21 publish their listings and they are no longer in places like Yahoo! Yellow Pages. This

22 puts Socket at a distinct competitive disadvantage to CenturyTel, all because of

23 CenturyTel's decision to purge Socket's lists from the CenturyTel database once they

1 have appeared in the CenturyTel telephone book. The Commission should not permit

2 such an anti-competitive CenturyTel policy.

3

4 **Q.** **Does this conclude your Direct Testimony?**

5 A. Yes.