

SCHEDULE 1

TO DIRECT TESTIMONY  
OF  
DENISE DAY

Case No. TC-2002-190

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 18th  
day of July, 2000.

Southwestern Bell Telephone Company's	)	
Complaint Against Mid-Missouri Telephone	)	
Company Concerning Its Plan to Disconnect	)	
the LEC-to-LEC Common Trunk Groups and	)	<u>CASE NO. TC-2001-20</u>
Request for an Order Prohibiting	)	
Mid-Missouri from Disrupting Customer	)	
Traffic.	)	

**ORDER GRANTING REQUEST FOR PRELIMINARY RELIEF**

On July 11, 2000, Southwestern Bell Telephone Company (SWBT) filed its complaint against Mid-Missouri Telephone Company (Mid-Mo) alleging that Mid-Mo plans to disconnect its LEC-to-LEC common trunk groups on July 16. SWBT alleges that disconnecting these trunks will violate prior Commission orders and interconnecting carriers' rights under existing tariffs and under state and federal law. SWBT requests the Commission issue an order prohibiting Mid-Mo from disturbing the LEC-to-LEC common trunk groups.

In support of its allegation of the anticipated disconnection, SWBT provides the following factual background:

9. On May 15, 2000, Mid-Missouri sent Southwestern Bell a letter threatening to disconnect the LEC-to-LEC common trunk groups between Southwestern Bell and Mid-Missouri unless Southwestern Bell either (1) agreed not to permit other carriers to use its network to send calls to Mid-Missouri's exchanges; or (2) agreed to be financially responsible, at terminating switched access rates, for all traffic that terminates in Missouri

Schedule 1

exchanges over the common trunk groups, including calls placed by other carriers' customers. (A copy of Mid-Missouri Telephone Company President David L. Jones's May 15, 2000 letter to Southwestern Bell is appended as Attachment I).

The Commission has concluded that Section 386.310<sup>1</sup> is the statute under which SWBT invokes the Commission's authority. Section 1 of this statute states, in essence, that the Commission may provide for expeditious issuance of an order in any case in which the Commission determines that the failure to do so would result in the likelihood of imminent threat of serious harm to life or property, provided that the Commission shall include in such an order an opportunity for hearing as soon as practicable after the issuance of such order. Commission orders issued pursuant to the authority in Section 386.310 are essentially a form of injunctive relief which has specifically been authorized by the legislature to be exercised by the Public Service Commission.

Although SWBT pleaded that it had notice of this planned disruption as early as May 15, 2000, it waited until July 11 to come to the Commission requesting relief. This timing did not allow any party to file a written response to SWBT's request. In order to consider this matter, the Commission determined it appropriate to schedule a hearing at which SWBT could offer support for its request. Similarly, at this hearing, Mid-Missouri Telephone Company, Staff of the Missouri Public Service Commission (Staff), the Office of the Public Counsel (Public Counsel) and all other interested parties were

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<sup>1</sup> All statutory references herein refer to Revised Statutes of Missouri 1994 unless otherwise cited.

invited to appear and show cause why the requested relief should or should not be granted.

On July 14<sup>th</sup> the Commission convened the aforementioned hearing and heard from SWBT, Mid-Mo, Staff, Public Counsel, the State of Missouri by and through the Office of the Attorney General (A.G.) and GTE of the Midwest Incorporated (GTE). At the conclusion of that hearing all parties to this case, as well as those parties in attendance who did not request intervention, agreed to terms and conditions which would provide for an interim resolution to the issues outlined in SWBT's complaint.

Mid-Mo assured the Commission, on the record, that it would not disconnect the LEC-to-LEC trunk and that no order from the Commission is necessary to prohibit the disconnection, so long as SWBT takes immediate steps to block the traffic for which no payments are being received. SWBT agreed to take immediate steps to block the improper traffic so long as the Commission ordered it to do so.

On July 17<sup>th</sup> the parties met with the Chief Regulatory Law Judge to propose and draft ordered paragraphs for this order. Based upon the unanimous agreement of the parties, the Commission will order the termination of the traffic in question and encourage the Staff to assist the parties with permanently resolving the question regarding the transport of unauthorized traffic. As to the underlying complaint, the Commission will follow its procedure in issuing a copy of the complaint to the respondent by certified mail and will encourage both the complainant and the respondent to consider mediation of this matter.

## IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company is hereby ordered to make any and all translation and routing changes in its facilities and programs necessary to lawfully discontinue the transport, transit, or termination of all intrastate telecommunications traffic to Mid-Missouri Telephone Company, except for the following traffic:

a. interexchange traffic originated by Southwestern Bell Telephone Company in the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and

b. interexchange traffic presented to Southwestern Bell Telephone Company by GTE Midwest, Inc, or its heirs or assigns, in the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and

c. interexchange traffic presented to Southwestern Bell Telephone Company by Sprint Missouri, Inc. and Sprint Communications Company, L.P. in the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and

d. interexchange traffic presented to Southwestern Bell Telephone Company by Alltel Missouri, Inc. and Alltel Communications, Inc. in the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and

e. commercial mobil radio service or wireless traffic originating within the Kansas City Major Trading Area and terminating to Mid-Missouri Telephone Company; and

f. interexchange traffic utilizing Feature Group A connections.

2. That Southwestern Bell Telephone Company is hereby ordered to complete the changes referenced in ordered paragraph 1 above not later than August 18, 2000.

3. That in the event Mid-Missouri Telephone Company terminates trunk access, the Commission will direct its General Counsel to file a petition for mandamus or injunction pursuant to Section 386.360 RSMo,

and the Commission will convene a hearing to determine whether to direct its General Counsel to file a petition for penalties pursuant to Section 386.600 RSMo.

4. That telecommunications traffic blocked pursuant to this order shall be subject to a recorded announcement which states that the provider selected for the call is not authorized to complete calls to this area.

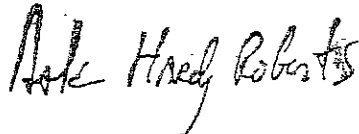
5. That Southwestern Bell Telephone Company shall continue to block such transiting traffic until notified to the contrary by a Commission order in this case or a court order. If Southwestern Bell Telephone Company is subsequently ordered not to block traffic for one or more carriers, it shall take the appropriate steps to cease such blocking within ten days.

6. That Southwestern Bell Telephone Company shall determine and track the costs of implementing this order, so that the Commission may determine the company or companies responsible for payment of these costs when this case is determined on the merits.

7. That this order shall remain in effect until the Commission resolves this complaint case or otherwise so orders in Case No. TO-99-593.

8. That this order shall become effective on July 18, 2000.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Drainer, Murray, Schemenauer, and  
Simmons, CC., Concur.  
Lumpe, Ch., Absent.

Roberts, Chief Regulatory Law Judge

STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 18<sup>th</sup> day of July 2000.

*Dale Hardy Roberts*

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Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge



STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY

July 18, 2000

CASE NO: TC-2001-20

Office of the Public Counsel  
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Jefferson City, MO 65102

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Southwestern Bell Telephone Company  
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General Counsel  
Missouri Public Service Commission  
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Craig S. Johnson  
Andereck, Evans, Milne, Peace,  
Johnson, LLC  
P. O. Box 1438  
Jefferson City, MO 65102

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

SCHEDULE 2

TO DIRECT TESTIMONY  
OF  
DENISE DAY

Case No. TC-2002-190



David L. Jones  
President

Denise M. Day  
Vice President

September 27, 2001

Mr. Mark Dietrich  
Southwestern Bell Telephone Company  
One Bell Center  
Suite 3528  
St. Louis, MO 63101

Dear Mr. Dietrich:

Mid-Missouri Telephone Company (MMTC) believes that Southwestern Bell Telephone Company (SWBT) is in violation of the Missouri PSC Order TC-2001-20. Although SWBT initially appeared to comply with this order, it now seems that SWBT has changed its translations to allow the termination of traffic in violation of this Order. For CABS billing period May 17 to June 15, 2001, MMTC received from SWBT the following types of traffic prohibited by the Order:

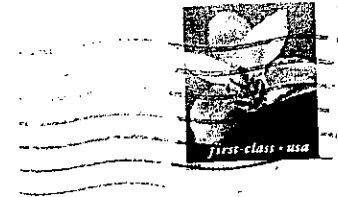
- A. Interexchange traffic of SWBT originated outside the 524 LATA.
- B. Interexchange traffic presented by former PTCs to SWBT outside the 524 LATA.
- C. Inter MTA wireless traffic.
- D. CLEC originated traffic for which MMTC is not receiving compensation.
- E. Other interexchange carrier's traffic.

If SWBT fails to notify MMTC that this has been corrected within 10 business days, MMTC will take the appropriate action.

Sincerely,

Joe Knipp  
Systems Manager

**Mid-Missouri**  
TELEPHONE COMPANY  
215 Roe Street - P.O. Box 38  
Pilot Grove, Missouri 65276-0038  
660-834-3311 • [www.mid-mo.com](http://www.mid-mo.com)



RETURN TO SENDER

Mark Dietrich  
Southwestern Bell Telephone Co.  
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St. Louis, MO 63101

