

**FILED<sup>4</sup>**  
**FEB 16 2005**  
**Missouri Public**  
**Service Commission**

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Exhibit No.: 21  
Issues: Analysis of  
Non-Wireline Services

Witness: Adam McKinnie  
Sponsoring Party: MO PSC Staff  
Type of Exhibit: Surrebuttal Testimony  
Case No.: TO-2005-0035  
Date Testimony Prepared: January 21, 2005

**MISSOURI PUBLIC SERVICE COMMISSION**

**UTILITY OPERATIONS DIVISION**

**SURREBUTTAL TESTIMONY**

**OF**

**ADAM MCKINNIE**

**SOUTHWESTERN BELL TELEPHONE, L.P.,  
D/B/A SBC MISSOURI**

**CASE NO. TO-2005-0035**

**Jefferson City, Missouri  
January 2005**

**EXHIBIT NO. 21**  
**Date Prepared Case No. TO-2005-0035**  
**Reporter**

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

In the Matter of the Second Investigation )  
into the State of Competition in the )  
Exchanges of Southwestern Bell )  
Telephone, L.P., d/b/a SBC Missouri )

Case No. TO-2005-0035

**AFFIDAVIT OF ADAM MCKINNIE**

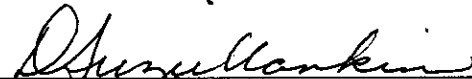
STATE OF MISSOURI     )  
                                  ) ss  
COUNTY OF COLE     )

Adam McKinnie, of lawful age, on his oath states: that he has participated in the preparation of the following Surrebuttal Testimony in question and answer form, consisting of 3 pages of Surrebuttal Testimony to be presented in the above case, that the answers in the following Surrebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true to the best of his knowledge and belief.

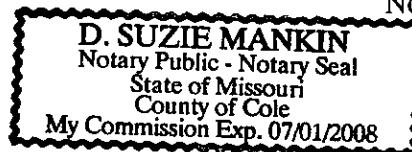


Adam McKinnie

Subscribed and sworn to before me this 20<sup>th</sup> day of January, 2005.



Notary Public



My commission expires \_\_\_\_\_

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**SURREBUTTAL TESTIMONY**

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**ADAM MCKINNIE**

**SOUTHWESTERN BELL TELEPHONE, L.P.,**

**D/B/A SBC MISSOURI**

**CASE NO. TO-2005-0035**

Q. Are you the same Adam McKinnie who filed Rebuttal Testimony in this case?

A. Yes, I am.

Q. What is the purpose of your Surrebuttal Testimony?

A. The purpose of my Surrebuttal Testimony is to supplement the record with additional information provided by SBC Missouri, Inc. (SBC) with regard to the VoIP and Cable Modem schedules in SBC witness Craig Unruh's Direct Testimony, and discuss how this new information affects Staff's recommendation, if at all.

Q. On page 16, beginning on line 1 of your Rebuttal Testimony, you wrote:

Staff continues to try and gather the source data and criteria used for inclusion in these schedules through discussions with SBC. If Staff receives this information, an analysis of this data will be included in Surrebuttal Testimony.

What information was received?

A. In response to Data Requests, SBC provided the source data used in the construction of two schedules in SBC witness Craig Unruh's Direct Testimony, Unruh Direct Schedule 16 and Unruh Direct Schedule 17.

Surrebuttal Testimony of  
Adam McKinnie

1       Q.     Did the source data address Staff's concerns about the inclusion of various  
2 areas as "active" markets in the schedules?

3       A.     No it did not. In most instances, the source data consisted of various HC  
4 schedules and attachments that could not be opened without proprietary software. The  
5 portion of SBC's response that could be opened by Staff did not provide any further  
6 explanation as to how SBC determined what areas were "active" areas. There still was a  
7 disconnect between the two schedules. In order to have VoIP, some sort of broadband  
8 connection should be available. While Schedule 17 showed those areas with cable  
9 modem service, those areas did not necessarily correspond to the areas in Schedule 16,  
10 where VoIP markets were defined. Since I still had concerns about how SBC determined  
11 a VoIP market was "active", I contacted SBC regarding its criteria for inclusion of certain  
12 areas within Unruh Direct Schedule 16, concerning the availability of VoIP throughout  
13 SBC exchanges. Through these discussions, Staff was able to confirm that the areas  
14 marked "Vonage VoIP Active M[ar]k[e]t" were, in fact, areas where broadband Internet  
15 access is available through either cable modem service (as stated in Unruh Direct  
16 Schedule 17) or DSL provided by an SBC affiliate. SBC is responding to a Staff Data  
17 Request to confirm this fact. The data request response should be available by the date of  
18 the hearing.

19       Q.     Do you have any comments regarding SBC's criteria for the inclusion of  
20 these areas as "Vonage VoIP Active M[ar]k[e]t" areas?

21       A.     Yes, I do. On pages 16 and 17 of my Rebuttal Testimony, I discuss how  
22 areas should not be considered as competition where either local telephone numbers are  
23 not available from Vonage and / or where a customer would have to purchase DSL

Surrebuttal Testimony of  
Adam McKinnie

1 service from an SBC affiliate. SBC's confirmation that the Vonage VoIP areas are areas  
2 where broadband service is available cements Staff's position regarding those schedules.

3 Q. Does any of the information provided by SBC cause Staff to take a  
4 different position from those taken in Rebuttal Testimony?

5 A. No, it does not. The final recommendations of which areas Staff is  
6 recommending for competitive classification does not change by the receipt of this  
7 information.

8 Q. Does this conclude your testimony?

9 A. Yes, it does.