Robin Carnahan

Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-29.030

Diskette File Name Final Rule 29.030

Name of person to call with questions about this rule:

Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285

E-mail address keith.krueger@psc.mo.gov

Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969

E-mail address carla.schnieders@psc.mo.gov

Interagency mailing address GOB, 200 Madison Street, 8th Floor, J.C. MO 65102

Statutory Authority Sections 386.040 and 386.250 Current RSMo date 2000

Date filed with the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037 RSMo 2000 and Executive Order No. 97-97 (June 27, 1997)

B. CHECKLIST guide for rule packets:

- ☒ This transmittal completed
- ☒ Cover letter
- ☐ Affidavit
- ☐ Small business impact statement
- ☐ Fiscal notes
- ☐ Forms, number of pages _____
- ☐ Authority section with history of the rule
- ☐ Public cost statement
- ☐ Private cost statement
- ☐ Hearing date

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST include effective date

☐ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission

☒ Order of Rulemaking (choose one) ☒ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST complete page 2 of this transmittal

☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency)

☐ Rule action notice ☐ In addition ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.030

1a. Effective Date for the Order

☒ Statutory 30 days

Specific date_____

1b. Does the Order of Rulemaking contain changes to the rule text?

☒ YES ☐ NO

1c. If the answer is YES, please complete section F.

If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

Paragraph (2) has been deleted in its entirety.

Two additional sentences have been added at the end of Paragraph (3), which has been renumbered as Paragraph (2).

Paragraphs (4), (5), (6), and (7) have been renumbered.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 29 – Enhanced Record Exchange Rules

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

4 CSR 240-29.030 General Provisions **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005, (30 MoReg 49). Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

COMMENT: Consistent with its comments in 4 CSR 240-29.010, the Telecommunications Department Staff (Staff) suggested adding two additional sections to this rule in order to clarify that interconnection agreements are necessary before originating wireline carriers are permitted to transit Voice over Internet Protocol (VoIP) traffic that was originated beyond the terminating carrier's local calling area. The Staff also recommended addition of a section requiring telecommunications carriers to program switch translations in observance of the Local Exchange Routing Guide (LERG).

RESPONSE: We decline to adopt the Staff's suggestions to expand the application of our rules to include traffic from the Internet. As we have stated, the Staff's suggestions are premature, given the unsettled nature of the Internet. We also note the "substantial concern" expressed at Hearing by the Small Telephone Company Group (STCG) pertaining to Staff's suggestions for updating the LERG. The STCG witness opined that Staff's suggestion would require intraLATA transport of long distance telephone calls. While we do not agree that Staff's suggestions have anything to do with transport obligations of any carrier, we nevertheless will not incorporate the Staff's recommendation. And while we also note that the Missouri Independent Telephone Company Group (MITG) has perhaps been the most vocal about large carriers who refuse to activate LERG switch recordings, we also note that even the MITG characterizes these actions as "miscellaneous" and suggests they are not properly within the purview of our rules. Thus, we decline to adopt the Staff's suggestions simply because of a lack of industry support even from those who are perhaps most affected.

4 CSR 240-29.030 (1)

COMMENT: T-Mobile, Nextel, and Cingular (Joint Wireless Carriers) object that this section unfairly limits the way wireless calls are routed. Joint Wireless Carriers state that the Commission should make clear that the rules do not apply to the manner in which wireless carriers send and receive transiting calls to terminating carriers.

RESPONSE: We have deleted wireless carriers from the definition of a telecommunications company as stated in 4 CSR 240-29.020(34). Therefore, we see no reason to change this section.

4 CSR 240-29.030 (2)

COMMENT: Joint Wireless Carriers object that the interstate, interMTA restrictions place limitations on how wireless calls are routed. Joint Wireless Carriers offer roaming as an example of how caller identification may not reliably indicate the jurisdictional nature of a wireless call. Using an "end-to-end" analysis as an example, Joint Wireless Carriers opine that small local exchange carriers might "assume" some calls are intrastate when in fact such calls may be interstate. Joint Wireless Carriers mention calls originating in Illinois as an example of the mobility of the calls that wireless carriers route to the Missouri LEC-to-LEC network. Joint Wireless Carriers contend such calls may originate in Illinois "or from any other location in the country." According to Joint Wireless Carriers, wireless users pay the same price for calls irrespective of the distance or location of the number dialed. Joint Wireless Carriers characterize such offerings as "One Rate" offerings. According to Joint Wireless Carriers, it is important for the Commission "to understand" that interexchange carriers act as "transit carriers" for mobile-to-land calls. Thus, according to the comments of Joint Wireless Carriers, wireless carriers do not provide any "toll service" to customers.

COMMENT: Sprint questions the Commission's authority over wireless carriers, and recommends elimination of this section.

RESPONSE AND EXPLANATION OF CHANGE: The absence of Joint Wireless Carriers from the Industry Task Force meetings is made clear by a reading of its comments to this rule. The Commission disagrees with Joint Wireless Carriers' contention that we are implementing Caller ID rules to determine the jurisdiction of roaming wireless calls. We also note Joint Wireless Carriers' references to use of the LEC-to-LEC network for delivery of transiting traffic originated nationwide. We will consider Joint Wireless Carriers' comments as constituting a prima facie admission to local interconnection trunk usage instead of interexchange carrier trunk usage for delivery of nationwide interstate interMTA wireless-originated calls. Although this section has nothing to do with roaming or end-to-end analysis, we nevertheless will delete this section and leave the matter of nationwide interstate interMTA transiting traffic as a subject for negotiated agreements between wireless carriers and terminating carriers.

4 CSR 240-29.030 (3)

COMMENT: As also reflected in its comments on 4 CSR 240-29.010, the STCG supports limiting interLATA landline calls from using the LEC-to-LEC network. According to the STCG, such limitation will prevent additional types of traffic from being delivered that may be unidentifiable and unbillable. The STCG's comments

suggest that SBC may have plans to terminate interLATA calls without the use of an interexchange carrier point of presence. This, according to the STCG, will likely compound the problems with uncompensated and unidentified traffic, such as that demonstrated with SBC's Local Plus.

COMMENT: Consistent with their comments on 4 CSR 240-29.010, Socket Telecom, XO Communications, and Big River Telephone Company (Socket, XO and Big River) submitted written comments hoping to avert misinterpretation of this section from applying to ISP-bound traffic. Socket, XO, and Big River suggest addition of the following: "Nothing in this section is meant to apply to ISP-bound traffic".

RESPONSE AND EXPLANATION OF CHANGE: We acknowledge the comments of the STCG and agree that this section will limit the likelihood that interLATA landline traffic will be delivered to terminating carriers without their knowledge. We find this section to be particularly useful to terminating carriers given Missouri's business relationship for transiting traffic. We acknowledge the possible difficulty of tracking down and attempting to collect for transiting traffic from Missouri carriers who are providing intraLATA and intraMTA telephone service. We do not wish to compound this problem by permitting Missouri's transiting carriers to expand the LEC-to-LEC network nationwide, or even worldwide. With an originating payment responsibility plan, we find that requiring terminating carriers to locate responsible out-of-state originating carriers would impose hardships that we find unreasonable and are not willing to impose. We do not wish to place additional burdens on terminating carriers by requiring them to track down originating carriers all over North America, or beyond, simply to be paid for terminating transiting traffic.

We acknowledge the stated concerns of Socket, XO, and Big River. We will modify this definition to ensure that it does not apply to calls delivered from local exchange carriers to Internet Service Providers.

4 CSR 240-29.030 (4)

COMMENT: In addition to its own end offices, CenturyTel explains that it has two carriers subtending its Missouri tandems - Peace Valley and Alltel – and that neither carrier has expressed concerns over record exchange. CenturyTel states that even though Peace Valley and Alltel have not expressed concern, this section would eliminate tandem-switched transport to all end offices subtending CenturyTel tandem locations, unless CenturyTel installed separate IXC and LEC-to-LEC network trunk groups. CenturyTel complains that such artificial and unreasonable restrictions will create inefficiencies and increase costs.

COMMENT: In conjunction with its comments on 4 CSR 240-29.010, Sprint also opines that this section will serve to prohibit tandem switched transport. Sprint states that, pursuant to this section, interexchange carriers will have to lease direct connections to each end office subtending a Sprint tandem. Sprint points out that, historically, most long

distance carriers do not lease direct trunk transport to end offices as that option is cost prohibitive. Sprint suggests this section be eliminated.

COMMENT: The STCG states that the common trunk group is used to originate traffic via Feature Group D (FGD) protocol and terminate traffic via FGD protocol on the LEC-to-LEC network. According to the STCG, the important distinction is that FGD traffic does not terminate as Feature Group C (FGC) traffic. Therefore, suggests the STCG, this section should be revised such that: "No carrier shall terminate traffic on the LEC-to-LEC network as FGC traffic when such traffic was originated by or with the use of feature group A, B, or D protocol trunking arrangements." This change, according to the STCG, takes into account the fact that FGD traffic does terminate over the LEC-to-LEC network, yet preserves the rule's intent to prevent such traffic from terminating as FGC traffic.

RESPONSE: This section precludes the practice whereby calls may be terminated on local interconnection trunks subject to reciprocal compensation when in fact they were originated on meet-point trunks and are subject to access charges. The section seeks to assist local exchange carriers, such as Sprint, CenturyTel, and the STCG member companies, in collecting tariffed charges by limiting potential instances of tariff arbitrage. CenturyTel and Sprint's insistence that this section eliminates tandem-switched transport is simply misplaced. For the reasons expressed in our Response to 4 CSR 240-29.010, Sprint and CenturyTel are simply incorrect in their belief that FGD and FGC are synonymous with, and constitute, a "network." Similarly, the STCG's contention that calls terminate via FGC or FGD signaling protocol is technically flawed and scientifically incorrect. As we have explained previously, FGC and FGD are specific protocols used only to originate traffic and have nothing to do with a "network". CenturyTel and Sprint's definition would attempt to depict common trunks as part of a "network," when in fact they are not exclusive to the LEC-to-LEC network or the IXC network. Hence, there is nothing in our rules prohibiting tandem-switched transport IXC calls from using 10-digit call-screening processes to terminate calls over a common trunk group. We decline to accept Sprint's recommendation to eliminate this section and we reject CenturyTel's contention that this section leads to inefficiencies. The efficiencies inherent in separating trunk groups for LEC-to-LEC traffic and IXC traffic are evident by the plethora of interconnection agreements we have approved which contain separations for the two. We will implement this section without change.

4 CSR 240-29-030 (6)

COMMENT: The STCG supports this section's clarification that nothing in this chapter will alter the record-creation or billing processes and systems currently in place for traffic originated by interexchange carriers via the use of feature group A, B, or D protocols.

RESPONSE: We find that it would be unnecessary and inappropriate to interfere with the processes occurring on the federally regulated interexchange carrier network. We will adopt this section without change.

4 CSR 240-29.030 (7)

COMMENT: SBC objects to this section which requires interconnection agreements to comport with the rule. Among other objections, SBC states that the Commission may only review agreements within 90 days of submission to the Commission, or within 30 days for adopted agreements. SBC opines that no further review may occur after these time periods. SBC further states that the Commission must make clear that bringing interconnection agreements into compliance with the rule may occur only on a prospective basis. SBC proposes the section be amended with the addition of the following language: "....upon expiration of these agreements..."

COMMENT: CenturyTel likewise states that modification of existing interconnection agreements could only be applied on a prospective basis. CenturyTel notes its disagreement with Staff's fiscal note analysis suggesting that no fiscal impact would be attributed to renegotiation of existing interconnection agreements.

COMMENT: Sprint objects to this section, and recommends it be eliminated. Sprint opines that federal law prohibits state commissions from enacting rules to modify interconnection agreements.

COMMENT: The STCG witness commented at the public hearing that most interconnection agreements contain provisions allowing for a change to the agreement in the event of a change in law or rules which may affect the agreement.

RESPONSE: We first note the paucity of evidence to demonstrate that any of our rules conflict with any existing interconnection agreement. In fact, we can find no comment and nothing in the record to suggest that any of our rules conflict with any existing agreement. Given the record before us, we have no reason to doubt the statement of zero fiscal impact attributed to this section and we thus cannot accept CenturyTel's suggestions to the contrary. We will implement this section without change. In the unlikely event this section or any of our rules require renegotiation of certain portions of existing agreements, carriers may avail themselves of the change-of-law provisions within those agreements.

4 CSR 240-29.030 General Provisions

(2) No originating wireline carrier shall place interLATA traffic on the LEC-to-LEC network. This section shall not apply to calls delivered from local exchange carriers to Internet Service Providers. Nothing in this section shall preclude a tandem carrier from routing interLATA wireline traffic to a non-affiliated terminating carrier over the LEC-to-LEC network, provided such terminating carrier has agreed to accept such traffic from the tandem carrier and such acceptance is contained in a Commission-approved interconnection agreement.

(3) No carrier shall terminate traffic on the LEC-to-LEC network, when such traffic was originated by or with the use of feature group A, B or D protocol trunking arrangements.

(4) No traffic aggregator shall place traffic on the LEC-to-LEC network, except as permitted in this chapter.

(5) Nothing in this chapter shall be construed to alter, or otherwise change, the record creation, record exchange, or billing processes currently in place for traffic carried by interexchange carriers using feature groups A, B, or D protocols.

(6) All carriers with existing interconnection agreements allowing for the exchange of traffic placed on the LEC-to-LEC network shall take appropriate action to ensure compliance with this chapter unless the commission has granted a variance from the requirements of this chapter.

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
http://www.psc.mo.gov

May 6, 2005

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.030 General Provisions**

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Department of Economic Development, Public Service Commission on this 6th day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

If there are any questions regarding the content of this order of rulemaking, please contact:

Keith R. Krueger, Deputy General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102
(573) 751-4140
keith.krueger@psc.mo.gov

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission

Robin Carnahan

Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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MAY 06 2005

SECRETARY OF STATE
ADMINISTRATIVE RULES

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-29.040

Diskette File Name Final Rule 29.040

Name of person to call with questions about this rule:

Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285

E-mail address keith.krueger@psc.mo.gov

Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969

E-mail address carla.schnieders@psc.mo.gov

Interagency mailing address GOB, 200 Madison Street, 8th Floor, J.C. MO 65102

Statutory Authority Sections 386.040 and 386.250 Current RSMo date 2000

Date filed with the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037 RSMo 2000 and Executive Order No. 97-97 (June 27, 1997)

B. CHECKLIST guide for rule packets:

- ☒ This transmittal completed
- ☒ Cover letter
- ☐ Affidavit
- ☐ Small business impact statement
- ☐ Fiscal notes
- ☐ Forms, number of pages _____
- ☐ Authority section with history of the rule
- ☐ Public cost statement
- ☐ Private cost statement
- ☐ Hearing date

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST include effective date

☐ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission

☒ Order of Rulemaking (choose one) ☒ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST complete page 2 of this transmittal

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☐ Rule action notice ☐ In addition ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.040

1a. Effective Date for the Order

☒ Statutory 30 days

Specific date_____

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES ☒ NO

1c. If the answer is YES, please complete section F.
If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 29 – Enhanced Record Exchange Rules

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

4 CSR 240-29.040 Identification of Originating Carrier for Traffic Transmitted over the LEC-to-LEC Network **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005, (30 MoReg 49). No change is made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

COMMENT: The Telecommunications Department Staff (Staff) filed written comments recommending this rule be implemented without change. Staff indicates it has worked extensively with industry representatives in developing a rule that, in conjunction with 4 CSR 240-29.090, codifies a Commission-ordered business relationship between Missouri local exchange carriers. Staff states such business relationship includes a requirement for transiting carriers to create Category 11-01-XX billing records and to make those records available to terminating carriers who seek financial compensation from originating carriers for LEC-to-LEC network call termination. Staff states this policy was implemented upon elimination of Missouri's Primary Toll Carrier plan.

COMMENT: Should the Commission determine that 4 CSR 240-29.040 is necessary, Sprint suggests approval be limited to only Sections (1), (2) and (5) and (6).

COMMENT: Socket Telecom, XO Communications, and Big River Telephone Company (Socket, XO, and Big River) appear to characterize tandem-created records as a form of originating record-creation and opine that reliance on such records is inaccurate, especially when numbers are ported, and simply does not work in modern environments. Instead, Socket, XO, and Big River advocate use of terminating record-creation as a more satisfactory means of intercompany billing.

COMMENT: SBC states that it is now providing "industry standard" Category 11-01-XX formatted billing records for UNE-P and facility-based CLEC traffic. SBC states that it has discontinued use of the monthly Cellular Transiting Usage Summary Report (CTUSR) for wireless-originated traffic, even though some small carriers previously indicated to the Commission such reports were adequate. Without elaboration, SBC also states that it is now using an "industry standard" format for wireless traffic. SBC expresses that it has discontinued its Local Plus intraLATA long distance offering, which was a previous source of vocal opposition due to numerous allegations of billing

discrepancies. SBC claims its intercompany compensation billing records capture the traffic that previously went unreported, and that it is working diligently to provide additional information to downstream carriers on traffic that transits SBC's network. SBC proffers that these efforts demonstrate its commitment and follow-through in working cooperatively with small local exchange carriers to obtain records needed to receive appropriate compensation for the traffic terminated. SBC acknowledges that no industry-wide test has yet been performed to determine whether any "material" amounts of unidentified traffic currently exists, with the last such test having been conducted in July, 2000.

SBC states that all carriers have an interest in the creation and distribution of accurate intercompany compensation billing records and, accordingly, opines that a specific rule is not needed in this area. SBC points to an agreement, which it denotes as a set of "Network Principles" recently agreed to by all local exchange carriers in Texas. SBC presents the "Feature Group C Network Principles" (FGC) agreement as Attachment 1 to its comments.

SBC explains that, while it does not believe a rule is necessary at this time, it does agree with the billing relationship established by the rule. According to SBC, longstanding industry practices hold that the originating carrier is responsible for compensating all downstream carriers involved in call completion. SBC cites the federal Unified Carrier Compensation Regime proposed rulemaking as an example of this principle. According to SBC, the carrier who has the relationship with the calling party is also the entity responsible for compensating all downstream carriers. Moreover, states SBC, it is through the relationship with the end user that the originating carrier is able to recover the cost of terminating calls. SBC proffers the Verizon-Virginia arbitration with AT&T, Cox, and WorldCom as an example of where the Wireline Competition Bureau affirmed the standard of "calling-party's-network pays".

SBC also points to the meet-point billing arrangements in the small carriers' own Missouri exchange access tariffs as an example of when access services are billed for, and provided by, more than one local exchange carrier. SBC states that such practices are consistent with national standards promulgated by the Ordering and Billing Forum. SBC characterizes the role of long distance carriers within the interexchange network as comparable to transiting carriers within the LEC-to-LEC network. SBC then explains that both local exchange carriers, in their respective roles, bill their respective access charges attributable to the portion of the jointly provided exchange access services. SBC goes on to explain that similar multiple bill option processes are outlined in the National Exchange Carrier Association federal access tariff, of which the Missouri small local exchange carriers concur. With regard to its own tariff practices, SBC explains that similar coordinating meet-point billing provisions are contained in the exchange access tariffs of all Missouri transiting carriers. SBC concludes its tariff analysis by stating its belief that, with the creation and exchange of new intercompany billing records, along with the coordinating tariff provisions, it is not necessary for the Commission to promulgate a rule. Rather, SBC urges the Commission to consider a set of very straight

forward and less complicated rules such as those adopted by the Montana Public Service Commission, which SBC appends to its written comments as Attachment 2.

COMMENT: The Missouri Independent Telephone Company Group (MITG) states that the billing records and financial responsibility systems that the rule would establish for the intraLATA LEC-to-LEC network are different from the industry standard Feature Group D (FGD) or interexchange carrier (IXC) systems long in use in the interstate/ interLATA jurisdiction. The MITG cites SBC's Local Plus, the Outstate Calling Area plan and Alltel wireless-originated traffic as examples wherein SBC simply neglected to record compensable calls. The MITG expresses a great deal of difficulty in applying an originating responsibility principle to terminating traffic. As explained by the MITG, reliance on an originating records responsibility plan is perfectly acceptable for originating compensation because there is a direct business relationship between the originating local carrier, who receives payment, and the originating interexchange carrier, who pays for the expense of call origination. However, according to the MITG, reliance on such a system for call termination is inappropriate because there often is no business relationship between the terminating carrier, who receives payment, and the originating carrier, who is responsible for payment of terminating expense. According to the MITG, it is simply impractical for any local exchange carrier to attempt to establish and maintain business relationships with every carrier that may originate traffic that happens to terminate in that local exchange carrier's exchanges. Moreover, opines the MITG, SBC is no longer required to transit traffic but, according to SBC's own admission, is doing so voluntarily. According to the MITG, SBC's position is the only attempted justification for adoption of the Enhanced Record Exchange rule.

According to the MITG, transiting carriers such as SBC are no different in the LEC-to-LEC network from interexchange carriers in the IXC network, except that the Missouri commission has determined transiting carriers are not financially responsible for the traffic they transit. As stated by the MITG, both transiting carriers and interexchange carriers perform the very same role in the same manner. As viewed by the MITG, there is no justification to allow SBC to act as an IXC, but to have no responsibility to pay for terminating traffic and, further, there is no justification for SBC to be treated differently than any other IXC. MITG states that there is no dispute that both large and small local exchange carrier tariffs provide that, upon making FGD available, FGC would no longer be provided. The MITG declares that the Commission failed to decide that issue then, and has since continued in its failure to decide whether an IXC terminating compensation system should be applied to the traffic on the LEC-to-LEC network.

The MITG cites Oregon Farmer's tariff as an illustrative example of how FGC was to have been discontinued with implementation of FGD. According to the MITG, in at least one instance, Case No. TC-2000-235, the Commission did acknowledge SBC as an interexchange carrier by requiring SBC to purchase FGD for the transport of SBC's MaxiMizer 800 service. However, the MITG asserts that the Commission has repeatedly neglected to acknowledge elimination of the FGC network in other cases. The MITG cites Case No. TO-97-217, Case No. TO-99-254, and Case No. TO-99-593. In each instance, according to the MITG, the Commission failed to address the issue of

discontinuing FGC in lieu of FGD. Moreover, the MITG asserts that implementation of OBF Issue 2056 would have given the Commission the authority to apply OBF Issue 2056 to the traffic on the LEC-to-LEC network. According to the MITG, OBF Issue 2056 would have given the Commission a "state directive" to implement a state-specific plan that could have been applied to LEC-to-LEC network traffic. However, the MITG points out that OBF Issue 2056 was abandoned. Thus, the MITG asserts that the instant rule is being considered after more than eight years of rural local exchange carrier efforts to assure an IXC traffic and business type relationship. Nevertheless, states the MITG, adoption of the business relationship in this rule will end the practice of the past five years, wherein SBC unilaterally determined and announced changes in billing record formats and compensation responsibilities to the rest of the local exchange carriers in Missouri.

COMMENT: The Small Telephone Company Group (STCG) addresses the drawbacks of unidentified traffic inherent in the present situation, and expresses concern that small carriers bear 100 percent of the risk for unidentified traffic. The STCG maintains that SBC sought an end to the Primary Toll Plan for financial reasons as well as legal and technical reasons. The STCG asserts that SBC's own witness testified that SBC lost approximately $18M during 1998 by providing intraLATA toll to secondary carriers in Missouri. The STCG also notes that other transiting carriers testified to substantial savings from the elimination of the Primary Toll Carrier plan. The MITG cites Sprint's $600,000 annual loss as well. The STCG supports this rule and quotes the following from the Commission's Report and Order in Case No. TO-99-254:

> [T]he Commission will order the provision of standard "Category 11" records. This will provide the SCs [Secondary Carriers] better information about calls terminated to them. Any additional expense this will cause the PTCs is dwarfed by the elimination of the revenue losses they assert they are suffering under the PTC plan.

The STCG states that elimination of the Primary Toll Carrier plan not only relieved SBC's obligation to pay approximately $18M annually to the small carriers, but the plan elimination also left open a number of questions about the business relationship between transiting carriers and small carriers. Chief among these problems, asserts the STCG, was the question of responsibility for transited traffic and the problem of unidentified, unreported, and uncompensated traffic delivered to the small carriers. As an example, the STCG points to the "Network Test" conducted in July, 2000 as confirming the STCG's concerns about the use of originating records. According to the STCG, of the nine small companies analyzed, less than 76 percent of the terminating records had matches from the originating records. The remaining traffic was unidentified and unbillable, and, on an individual company basis, one company's percentage of matched records was as low as 41.1 percent. The STCG further states that even once significant problems are revealed, it often takes an extraordinary amount of time to correct the problem. Such delays in obtaining corrective action, asserts the STCG, have amounted to extensive financial losses and demonstrate the serious shortcomings with the current originating records system.

The STCG states that concerns regarding "originating records" and "originating carrier" compensation have been well documented over the last five years and small local exchange carriers have suffered financial loss on material amounts of traffic. The STCG asserts that there is no dispute that unidentified and uncompensated traffic continues to be delivered by the transiting carriers. But, according to the STCG, while the transiting carriers have been held financially harmless for their recording mistakes and omissions, the STCG member companies bear 100 percent of the risk. Moreover, asserts the STCG, small carriers are required to locate "upstream" carriers and establish billing relationships with those carriers, even though the small carriers have no direct relationship with them. Thus, states the STCG, the transiting carriers have no incentive to address the problem. According to the STCG, although there are still improvements to be made, it supports the rule as necessary and a first step towards resolution of a problem that is long overdue.

RESPONSE: We first acknowledge agreement with those commentators who maintain that this rule codifies a business relationship for LEC-to-LEC network traffic whereby the originating carrier, not the transiting carrier, is responsible for payment of call termination. But we disagree with those who object to this business relationship without even as much as giving our local interconnection rules an opportunity to work. We also disagree with SBC and others who suggest that local interconnection rules are not necessary because new systems are in place. We simply acknowledge the billing and traffic collections problems revealed in the extensive record before us, and we note the many years this rule has been in development.

We have examined SBC's Texas Network Principles document, submitted as Attachment 1 to its written comments in this case. SBC characterizes this document as a sort of "Network Principles" under which tandem carriers create and share billing records on the traffic traversing each carrier's respective network. According to SBC, the telephone companies in Texas, large and small, agreed among themselves on the principles.

In responding to SBC's comment, we will first note that Missouri carriers are certainly free to agree among themselves to develop a set of network principles, as SBC reports has voluntarily occurred in Texas. In fact, we encourage stakeholders to work cooperatively to reach agreement on technical matters not addressed in our rules. However, we must also recognize that the record before us does not indicate a willingness among Missouri carriers to agree to anything, much less a set of network principles developed independent of Commission oversight. We have no doubt that what works in Texas works well for Texas, but we find SBC's document woefully lacking in detail. We note the document's reference to the "Texas IntraState IntraLATA Compensation Plan (TIICP)" and note that Missouri's compensation plan was eliminated in 1999 with the introduction of intraLATA presubscription. It would appear as though the Texas system, whatever it is, is far more extensive than the simple 3-page document presented by SBC as Attachment 1 to its comments in this case. We also note the reliance of Texas terminating carriers on the "92 records" system created by transiting carriers and simply note the inadequacy of such system and the fact that Missouri has moved far beyond the "92 system." We note the Texas document requires compilation of additional

paperwork and I-LEC questionnaires denoted *"Feature Group C Network Compensation Billing Records Profile."* We find such additional paperwork unsuitable and inefficient for our purposes, and believe a more streamlined process is warranted. We note that SBC's Texas Network Principles is silent on the use of terminating record-creation, yet the Texas Commission has ordered implementation of terminating records creation in the 65-page Arbitration Award in Texas PUC Docket 21982. In summary, we conclude that SBC's Texas Network Principles document, especially when considered in context with other Texas documents, is undoubtedly sufficient for Texas. However, the document in and of itself does not appear comprehensive enough to suit the needs of Missouri. Thus, we decline to adopt any aspect of SBC's Texas document.

We also note SBC's offering of the Montana Public Service Commission's 2001 rule as a more preferable approach to rule making. SBC describes the Montana rule as "straight forward" and "less complicated" than our proposed rules. We first note that Montana's rule is derived from legislation passed in Montana known as House Bill 641, Chapter 423, Section 3. As with the Texas document, it appears SBC has submitted only a partial rendition of the actual documents governing the situation being described. In doing so, SBC appears to give the impression that our local interconnection rules are too expansive, and could be more easily accomplished if we would only "do in Missouri what is being done in other states." We thus conclude that SBC's suggestion that the Montana rule is more "streamlined" than our rule appears inaccurate because the Montana rule is accompanied by corresponding legislation and ours is not.

We also note that, pursuant to Montana law, Rule I, paragraph 4 requires transiting carriers to deliver telecommunications traffic by means of *facilities that enable the terminating carriers to identify, measure, and appropriately charge the originating carrier for the termination of such traffic* (emphasis added). We find this concept central to Montana's law and its rules. We note a similar concept first appeared in the draft version of our rules on February 14, 2003. We note this concept later appeared in the May 7, 2003 version and was sent to the parties of record and discussed thoroughly in our Task Force meetings. We also note that, due to concerns of Sprint, the concept was discarded in the August 18, 2003 version of our rules for the supposed financial reasons explained in bullet one of the Staff's August 18th e-mail memorandum to the Task Force participants. We quote the following from 4 CSR 240-29.040 (1) of the May 7, 2003, draft version of our rule:

> All [Missouri] telecommunications companies that originate traffic that is transmitted over the LEC-to-LEC network shall use *facilities that enable transiting carriers and terminating carriers to identify, measure, and appropriately charge for that telecommunications traffic.* (Emphasis added)

We thus find our draft rule of May 7, 2003, to be identical in concept to that which SBC is now advocating. We also note that our records show that at least one carrier, Sprint, attributed a fiscal impact statement of approximately $5M to this concept. Sprint interpreted this concept as precluding transiting traffic and tandem-switched transport of

traffic. Sprint's criticism of this concept caused it to submit unacceptable fiscal impacts because of Sprint PCS's belief that this rule would mandate direct connections to each local exchange carrier end office. We thus conclude that SBC's Montana suggestion, whatever its merits, has already been considered and found wanting by the Missouri Industry Task Force. We decline to renew the concept here and we will disregard as duplicative SBC's suggestion to resume this direction at this late hour.

SBC states that the coordinating tariff provisions and the intercompany billing records now being exchanged preclude the necessity of adopting our proposed rules. SBC maintains that longstanding industry policy requires that originating carriers – the ones with the relationship with the caller – should be responsible for compensating all downstream carriers involved with completing the call. We acknowledge the familiar arrangement whereby the interexchange carrier delivering the call is the same carrier as originated the call. However, we disagree with SBC that such arrangements represent "longstanding industry policy". SBC's analogy is misdirected with regards to interexchange transiting traffic, which we find to be just as prevalent in the interexchange carrier network as it is in the LEC-to-LEC network. In traditional interexchange carrier compensation schemes it is the facility-based transiting carrier (such as AT&T) who is responsible for paying terminating compensation - not necessarily the originating carrier (who may be, for example, resellers or even other facility-based IXCs) who has the billing relationship with the caller. These facts are evidenced by the example given in footnote 31 of Joint Wireless Carriers' written comments in this case. Using wireless-originated calls as an example, Joint Wireless Carriers' describe how originating carriers are not responsible to pay terminating usage fees. Rather, as the example clearly shows, it is the interexchange transiting carrier who is responsible for such payments.

Given the near constant criticism by Missouri's small incumbent carriers to implement a "FGD business relationship" in the LEC-to-LEC network, it would seem axiomatic that traditional transiting carriers are responsible for terminating access charge payments. It is obvious that the small carriers would prefer the LEC-to-LEC transiting carriers (such as SBC) to assume a traditional AT&T transiting relationship. There are many instances where AT&T, acting in the role of a transiting carrier, is responsible for payment to terminating carriers, even though AT&T may not be the originating carrier and may not have a relationship with the originating caller. As evidenced by its alliances with Williams Communications, Inc., SBC is well versed in the process of relying on another carrier for interexchange transiting service when SBC is the originating carrier. Yet, according to SBC, it wants to duplicate the "longstanding industry policy" of which AT&T and Williams would presumably be the best examples.

We regard the role of LEC-to-LEC network transiting carriers, such as SBC, as similar to IXC transiting carriers in traditional IXC networks, such as AT&T. Such definition is consistent with how we have defined transiting service by function rather than by payment responsibility. Both carriers, in a wholesale capacity, frequently transit calls that neither originate nor terminate on their own network. Both carriers frequently transit calls in instances where they have no relationship with the calling party. In the traditional sense, it is the facility-based transiting carrier – not the originating carrier - who is

responsible for paying terminating compensation. We find these circumstances as representative of longstanding industry policy, not the circumstances SBC attributes to this situation in its comments. As even SBC acknowledges, the concept of "calling-party's-network-pays" is a relatively recent phenomenon attributable to the federal government only as recently as December, 2003 in the Verizon-Virginia arbitration order. In Missouri, we first articulated this concept in September 1996. Then, in events pertaining to Case No. TO-96-440, which was our first contested case involving transiting traffic, we directed the applicant, Dial U.S., to obtain traffic termination interconnection agreements with all third parties prior to transiting traffic to them.

In conclusion, we cannot accept SBC's position that meet-point billing access tariffs are sufficient to supplant the necessity for our rules. SBC is simply mixing apples and oranges. As the record before us demonstrates in the first instance, a substantial portion of transiting traffic is wireless traffic not subject to the access payments inherent to the meet-point billing arguments of SBC. As with SBC's Texas Principles document and its Montana rule, we must also reject SBC's contention that its coordinating tariff provisions preclude the necessity of implementing our proposed rules. We will implement this rule without change.

4 CSR 240-29.040 (1)

COMMENT: The Staff opines that this section requires all carriers to deliver the originating telephone number of the calling party to all connecting carriers along the LEC-to-LEC network call path. Staff states that it has thoroughly discussed this matter with industry participants and is unaware of any instance where Calling Party Number (CPN) should not accompany the telephone call throughout the call progression.

COMMENT: The STCG supports this section and indicates that implementation will increase all carriers' ability to track and account for traffic delivered over the LEC-to-LEC network. The STCG states that this section will also ensure that customers who subscribe to Caller ID service will receive more calling numbers, thus making Caller ID service more valuable and reducing customer complaints.

COMMENT: T-Mobile, Nextel, and Cingular (Joint Wireless Carriers) complain that this section purports to dictate the kind of signaling information that wireless carriers must provide with the interstate calls their customers originate. According to Joint Wireless Carriers, the "solution" will not fix the "problem" – it will not assist small local exchange carriers in determining whether to bill wireless calls at reciprocal compensation or exchange access rates. Joint Wireless Carriers state that the Commission does not have authority over wireless intrastate traffic. Joint Wireless Carriers opine that the Unified Intercarrier Compensation Regime rulemaking will render this rulemaking irrelevant thus stranding investment. Joint Wireless Carriers state, without explanation, that the "unified rate" proposals advocated by Missouri's small local exchange carriers at the federal level would obsolete the modifications and required investments. Joint Wireless Carriers allege that eliminating rate disparity associated with different kinds of traffic, including bill and keep or a uniform rate for call termination, would make the rule irrelevant. Joint Wireless

Carriers opine that the Commission does not have authority over interstate traffic and Missouri law does not give the Commission oversight over wireless communications. Moreover, according to Joint Wireless Carriers, the Commission cannot construe the statute in a manner contrary to the plain terms of the statute.

Joint Wireless Carriers assert this rule requires wireless carriers to provide "certain information" along with their calls. Joint Wireless Carriers exert a right to select a transit carrier of choice, and to interconnect directly or indirectly with terminating carriers. Joint Wireless Carriers opine that such rights are based on the wireless carrier's "most efficient technologies and economic choice" and are reserved exclusively with the wireless carrier, and not the incumbent carrier. According to Joint Wireless Carriers, Section 332(c)(3) of the Communications Act bars state government from any authority to regulate entry of wireless carriers. Moreover, according to Joint Wireless Carriers, such preemption exists even if regulation does not actually have the effect of prohibiting entry.

RESPONSE: We find that our rules do not regulate wireless carriers. Rather, our rules represent minimal standards expected of regulated incumbent local exchange carriers for the transport of telecommunications traffic over a locally interconnected network under our jurisdiction. We find that permitting incumbent carriers to transport telecommunications traffic without CPN denies terminating carriers the necessary information required to identify the proper responsible party. Such information is particularly important in an originating responsibility system, such as Missouri's LEC-to-LEC network business relationship. Moreover, failure to transmit Calling Party Identification robs Caller ID consumers of what they are paying for - namely, the calling party's telephone number. We again note the primacy of the FCC's Emergency 9-1-1 standards for wireless carriers, Phase I of which requires transmittal of caller ID for wireless telephone calls. We find that our rules require nothing more than that which has previously been required by the FCC. Lastly, we note that no wireless carrier has provided any evidence that it is incapable of transmitting Caller ID to transiting carriers. We will implement this section without change.

4 CSR 240-29.040 (2)

COMMENT: SBC recommends removing the requirement for transiting carriers to deliver originating caller identification to terminating carriers. SBC suggests a sentence be added to reflect that transiting carriers can only deliver caller identification to the extent it receives this information from the originating carrier.

COMMENT: Sprint states that it has one connecting exchange in Missouri where it is unable to deliver originating caller identification to connecting carriers. Sprint expresses concern that the rule makes no exception for this single case of infeasibility. To remedy the matter, Sprint suggests this section be clarified to allow for Sprint's network limitations. Sprint recommends adding the proviso "where technically feasible" to the end of this section.

RESPONSE: We find that delivery of originating caller identification is indispensable for proper billing and recording of call records created at a terminating office. We note this view appears to be substantiated by SBC's Compensation Attachment offering in its replacement Missouri Section 271 Agreement (M2A) as viewed on SBC's Web site, as follows:

> 2.1 For all traffic originated on a party's network including, without limitation, Switched Access Traffic and wireless traffic, such party shall provide CPN as defined in 47 C.F.R. Section 64.1600(c) (CPN) in accordance with Section 2.3, below. Each party to this agreement will be responsible for passing on any CPN it receives from a third party for traffic delivered to the other party. In addition, each party agrees that it shall not strip, alter, modify, add, delete, change, or incorrectly assign any CPN. If either party identifies improper, incorrect, or fraudulent use of local exchange services (including, but not limited to PRI, ISDN and/or Smart Trunks), or identifies stripped, altered, modified, added, deleted, changed, and/or incorrectly assigned CPN, the parties agree to cooperate with one another to investigate and take corrective action.

We find that our caller identification rule is consistent with SBC's own proposed contractual wording as above. We also find that our rule is consistent with the below statements contained in the affidavit of SBC witness McPhee, who in Case No. TO-2005-0166 testified:

- "While I do not discuss issues surrounding IP telephony in this case, the current standard is that CPN information should be passed on all intercarrier traffic."
- "CPN information is critical for determining whether calls are local, intraLATA, or interLATA so that appropriate charges can be applied."
- "This provision protects against the possibility that an unscrupulous C-LEC would fraudulently override call identification or delete CPN so that it can slip interLATA traffic in with local traffic."

We will implement this section without change. The record before us and the record established by the Industry Task Force is clear. There is simply no reason for calls traversing the LEC-to-LEC network to lack CPN. We encourage transiting carriers to require CPN from those with whom they interconnect and provide transiting services. If Sprint or any other carrier is utilizing inferior equipment that does not transmit CPN, those carriers are encouraged to petition the Commission for a variance from this rule.

4 CSR 240-29.040 (4)

COMMENT: SBC argues that it should not be required to create no-charge billing records for terminating carriers. SBC opines that the Commission has no authority to order creation of uncompensated services, and characterizes the practice as confiscatory and contrary to law. SBC says Qwest and other unidentified carriers regularly charge for billing records.

COMMENT: The Staff states that this section leaves in place the current practice of permitting SBC, CenturyTel, and Sprint to use category 92 records for the traffic exchanged among themselves. Staff states this section will also not interfere with the traditional practice whereby transiting carriers create records for their own traffic at an originating end office, rather than at a tandem location.

COMMENT: Sprint states that this section, along with Section (3), addresses billing records that are produced days or weeks after the call has been placed. Without explanation, Sprint opines that in some circumstances it is appropriate and acceptable to modify the call record. Sprint, without elaboration, states that carriers should follow industry-standard procedures for the creation of call detail records. Sprint opines, again without explanation or elaboration, that this section "alters industry-standards for records creation [and] exchange."

COMMENT: The STCG states that this section (along with Sections (3) and (5)) requires use of industry standard category 11-01-XX billing records and is consistent with prior Commission rulings. The STCG supports this section.

COMMENT: The MITG asserts that SBC's Category 11-01-XX billing system does not properly include the calling party number for wireless calls. Instead of providing the caller's number, SBC's record simply puts in an assigned number representing the wireless carrier. Thus, according to the MITG, SBC's improved wireless billing records provide no more information with respect to traffic jurisdiction than did SBC's previous Cellular Transiting Usage Summary Report (CTUSR). The MITG states that the rule will require carriers placing traffic on the network to also place on the network sufficient billing information for the terminating local exchange carrier to properly bill the call to the financially responsible carrier.

COMMENT: Joint Wireless Carriers presume that this section applies to transiting carriers only, and does not require wireless carriers to create billing records for the traffic they create and send to wireline carriers for termination. Joint Wireless Carriers state they would object to any such record-creation obligation. However, Joint Wireless Carriers proclaim this section to be discriminatory on its face. Joint Wireless Carriers opine that record-creation for wireless traffic is improper because no such requirements are similarly imposed on traffic originated by local exchange carriers. Joint Wireless Carriers presume the Commission is proposing tandem record-creation to facilitate the ability of rural local exchange carriers to bill the originating carrier for call termination. Joint Wireless Carriers maintain that there is no basis in logic, policy or law for the Commission to establish a new category 11-01-XX billing system to facilitate call termination, but then exempt rural local exchange carriers from such a record-creation requirement. According to Joint Wireless Carriers, competitive carriers have a right to bill rural local exchange carriers for call termination as well. Reciprocal compensation, proclaim Joint Wireless Carriers, is embedded in Section 251(b)(5) of the Act. Thus, according to Joint Wireless Carriers, if the Commission determines that the public interest would be served by use of Category 11-01-XX billing records, then this

requirement should be mandated on transiting carriers for all transiting traffic, including traffic originated on the networks of rural local exchange carriers. Joint Wireless Carriers complain that no explanation is given for such prima facie discrimination.

RESPONSE: Because it gave insufficient information, we are unable to comment on Sprint's expressed concern that our rule alters industry standards.

Joint Wireless Carriers exhibit a general lack of knowledge about the LEC-to-LEC network. The record creation obligations codified by our rules do not represent any new record creation obligations. Rather, the obligations were implemented by Missouri's transiting carriers pursuant to our Report and Order in Case No. TO-99-254. Joint Wireless Carriers do not establish any instance whereby rural carriers transmit compensable calls to wireless carriers, yet Joint Wireless Carriers inexplicably characterize this rule as discriminatory because rural carriers are not required to create billing records for calls they do not originate or transit. We determine Joint Wireless Carriers' comments on this section to be frivolous and unsubstantiated.

SBC complains that this rule establishes a no-charge records creation provision, a matter to which it objects and characterizes as confiscatory and unlawful. SBC references Qwest, another Regional Bell Operating Company (R-BOC), as charging for records, and seems to imply that SBC should also be permitted to charge for records. Yet SBC provides no comparative analysis which would permit the Commission to draw any conclusions. SBC does not even indicate whether Qwest is a price cap, rate-of-return, or free market price-deregulated carrier. In any regard, we disagree with SBC's characterization of our rule as establishing a no-charge bill creation provision. The record before us indicates that the Commission established this proviso in its ordered paragraph 3 of its Report and Order in Case No. TO-99-254, et. al. As we also stated in that Report and Order, any additional expense this will cause [SBC, Sprint, and CenturyTel] is dwarfed by the elimination of the asserted revenue losses occurring under the PTC plan.

We acknowledge the MITG claim that SBC strips off the CPN of wireless-originated calls when it creates Category 11-01-XX billing records. We acknowledge such practices render the Category 11 records as non-industry standard. We agree that such practice leaves terminating carriers with little or no more information than was previously contained in SBC's Cellular Transiting Usage Summary Report (CTUSR) summary records. We are unconvinced by the testimony at the public hearing of SBC witness Murphy, who states that it is fitting for SBC to engage in the practice of stripping CPN when it creates Category 11-01-XX billing records for terminating carriers such as the MITG member companies. First, we note Mr. Murphy was referring to creation of Automatic Message Accounting (AMA) records (i.e., "machine records"), not Category 11-01-XX billing records. We note our rules address Category 11-01-XX records and not the AMA switch records Mr. Murphy referred to in his sworn testimony. We acknowledge that part of the data contained within Category 11 billing records is dependent on source information derived from AMA records. However, we find nothing in the record before us to indicate that CPN is not a part of AMA records. Moreover, we find that Mr. Murphy's testimony presents no evidence that Telcordia Technologies

documents permit stripping of CPN when creating Category 11-01-XX billing records. We conclude that the Telcordia Technologies document referenced by Mr. Murphy simply does not address the situation complained of by the MITG.

Mr. Murphy also indicates that industry records for wireless traffic are different from industry records for interexchange carriers because interexchange callers make calls from home or at work. We reject the notion that all interexchange callers are stationary. We first point to footnote 31 of Joint Wireless Carriers' comments to evidence the mobility of some interexchange carrier traffic. We will also take notice of our official records – in this instance, the record developed in Case No. TT-2004-0542 and, in particular, Issue 1.a of that case. We note for the record that on September 27, 2004 SBC withdrew its access revision tariff filing in that case. As SBC is well aware, the use of CPN to determine call jurisdiction is just as controversial for interexchange traffic as it is for wireless traffic for the simple reason that a substantial amount of interexchange traffic is originated from wireless telephones. Thus, we cannot accept Mr. Murphy's pronouncement that interexchange callers are "stationary" and, with the possible exception of an Operating Company Number, we cannot accept the notion that Category 11-01-XX billing records should be different for LEC-to-LEC network traffic than for IXC traffic. The record before us indicates that both networks contain some degree of wireless roaming traffic. Given that AT&T, for example, does not have its own wireless end users, it would seem that in fact all of AT&T's wireless-originated interexchange carrier traffic is roaming traffic. Yet, SBC witness Murphy characterizes interexchange traffic as originating from "stationary" users.

We find that SBC has shown no credible evidence that the Category 11-01-XX billing records it creates for wireless-originated calls traversing the LEC-to-LEC network should be different from the Category 11-01-XX billing records it creates for wireline *and wireless*-originated calls traversing the interexchange carrier network. We also caution terminating carriers that, as used for wireless-originated LEC-to-LEC billing records, the CPN is to be used as far as practical only to determine the responsible party and that, due to possible instances of roaming, CPN cannot be used in all instances to determine call jurisdiction of wireless-originated calls. We urge all carriers to work together in formulating industry solutions that address the ability to use the SS7 Jurisdiction Information Parameter (JIP) or similar indicators to determine proper jurisdiction of traffic traversing the LEC-to-LEC network. We note, in particular, the Ordering and Billing Forum Issue 0208 and events occurring in November 2004 as a possible starting place for Missouri carriers to seek resolution of potential misjurisdictionalized wireless roaming traffic.

We thus determine that transiting carriers shall include the CPN as part of the Category 11-01-XX records created for wireless-originated traffic occurring over the LEC-to-LEC network. If any carrier determines that it cannot or should not include the originating CPN of wireless callers in the Category 11-01-XX billing record, it is free to petition the Commission to be excluded from that aspect of our rule. Based on the comments and the record before us, we see no reason to exclude wireless CPN from the billing records generated by transiting carriers. We order implementation of this section without change.

4 CSR 240-29.040 (6)

COMMENT: The Staff opines that this section would prohibit a practice whereby unscrupulous carriers may engage in the practice of stripping the correct telephone number and inserting a jurisdictionally improper telephone number into the call path or billing records.

COMMENT: SBC recommends that this section be clarified to acknowledge that in some call forwarding situations, the caller identification of the party forwarding the call is the number that is provided to the transiting and terminating carriers.

COMMENT: If the Commission ultimately finalizes the ERE rule, Sprint expresses support for this section. However, Sprint recommends adoption of only Section (1), (2), and (5). Sprint recommends deleting Sections (3) and (4).

RESPONSE: Because Sprint provided insufficient explanation, we are unable to accept its suggestion to apply this section in a limited manner. Similarly, SBC suggests a change be made but offers no suggestion as to what form the change should take. We find nothing in this section that infringes the technical workings of multiple call-forwarding scenarios. It is to be expected that each leg of the call is reoriginated and that a new CPN may be derived on each leg of the call. We will not attempt to use the rulemaking process to address each and every possible technical scenario that may develop in the network. If the parties to this case find it necessary, they are free to work together, with or without enlisting assistance from the Staff, to develop a set of more detailed network principles to guide implementation of our Enhanced Record Exchange Rules. We will implement this section without change.

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
http://www.psc.mo.gov

May 6, 2005

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.040 Identification of Originating Carrier for Traffic Transmitted Over the LEC-to-LEC Network**

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Department of Economic Development, Public Service Commission on this 6th day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

If there are any questions regarding the content of this order of rulemaking, please contact:

Keith R. Krueger, Deputy General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102
(573) 751-4140
keith.krueger@psc.mo.gov

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission

Robin Carnahan

Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED
MAY 06 2005
SECRETARY OF STATE
ADMINISTRATIVE RULES

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-29.050
Diskette File Name Final Rule 29.050

Name of person to call with questions about this rule:
Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285
E-mail address keith.krueger@psc.mo.gov
Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969
E-mail address carla.schnieders@psc.mo.gov
Interagency mailing address GOB, 200 Madison Street, 8th Floor, J.C. MO 65102
Statutory Authority Sections 386.040 and 386.250 Current RSMo date 2000
Date filed with the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037 RSMo 2000 and Executive Order No. 97-97 (June 27, 1997)

B. CHECKLIST guide for rule packets:

- ☒ This transmittal completed
- ☒ Cover letter
- ☐ Affidavit
- ☐ Small business impact statement
- ☐ Fiscal notes
- ☐ Forms, number of pages _____
- ☐ Authority section with history of the rule
- ☐ Public cost statement
- ☐ Private cost statement
- ☐ Hearing date

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐rule, ☐amendment, ☐rescission, or ☐ termination
MUST include effective date
☐ Proposed Rulemaking (choose one) ☐rule, ☐amendment, or ☐rescission
☒ Order of Rulemaking (choose one) ☒rule, ☐amendment, ☐rescission, or ☐ termination
MUST complete page 2 of this transmittal
☐ Withdrawal (choose one) ☐rule, ☐amendment, ☐rescission or ☐emergency)
☐ Rule action notice ☐ In addition ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff

Small Business Regulatory Fairness Board (DED) Stamp	JCAR Stamp

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.050

1a. Effective Date for the Order

☒ Statutory 30 days

Specific date_____

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES ☒ NO

1c. If the answer is YES, please complete section F.
If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 29 – Enhanced Record Exchange Rules

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

4 CSR 240-29.050 Option to Establish Separate Trunk Groups for LEC-to-LEC Telecommunications Traffic **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005 (30 MoReg 49). No change is made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations.*

4 CSR 240-29.050 (1)

COMMENT: The Missouri Independent Telephone Company Group (MITG) states that an option for its member companies to have separate trunk groups for IXC and LEC-to-LEC network traffic is an improvement. According to the MITG, separate trunk groups are needed because there is a separate and distinct billing and compensation system for IXC and LEC-to-LEC network traffic. According to the MITG, in order to distinguish traffic-recording responsibilities, separate trunk groups are needed.

COMMENT: The Small Telephone Company Group (STCG) supports this section and states that this rule is particularly appropriate in a competitive environment.

COMMENT: The Telecommunications Department Staff (Staff) states this section should be implemented without change. Staff asserts that separate trunk groups for IXC and LEC-to-LEC network traffic are standard industry practice among incumbent local exchange carriers such as SBC and Sprint. Staff opines that the Commission has approved many such agreements. Staff explains that under the Telecommunications Act of 1996, new competitive companies are permitted to petition incumbent local exchange carriers for separate trunk groups but that small local exchange carriers, such as the small Missouri companies, may not avail themselves of such law. Consequently, it is up to the Commission to determine if separate trunk groups will be made optional for local exchange carriers. Staff opines that separate trunk groups are just as important to small carriers as to larger carriers such as SBC and Sprint. The Staff asserts that separate trunk groups help to assure proper compensation and that using separate trunk groups for jurisdictionally distinct traffic is common practice. Staff opines that by opposing separate trunk groups for incumbent carriers, SBC, Sprint, and CenturyTel are engaged in disparate treatment of small local exchange carriers.

COMMENT: Sprint states that this section clearly contemplates that traffic from interexchange carriers will be combined with traffic from wireless carriers and local exchange carriers and, as such, allows separate LEC-to-LEC network and IXC trunk groups. According to Sprint, this section is therefore inconsistent with 4 CSR 240-29.010 and 4 CSR 240.29.030(4).

Sprint suggests this section is inconsistent with Sprint's PSC Mo. No. 26 tariff which states: "different types of FGC or other switching arrangements may be combined on a single trunk group at the option of the Telephone Company."

COMMENT: T-Mobile, Nextel, and Cingular (Joint Wireless Carriers) characterize separate trunk groups as needless. Joint Wireless Carriers presume the Commission is proposing this section to facilitate the ability of rural local exchange carriers to identify the wireless traffic that should be assessed interstate access charges. Joint Wireless Carriers state that this is not possible and that the only way to charge wireless carriers for call termination is to negotiate an appropriate interMTA and interstate factor.

Joint Wireless Carriers state that separate trunk groups would use antiquated Feature Group C (FGC) interface. Joint Wireless Carriers opine that costs for installing separate trunk groups might be passed on to wireless carriers in the form of higher transit costs. Joint Wireless Carriers state that these costs would be unnecessary if the Federal Communications Commission (FCC) adopts bill-and-keep for the exchange of traffic. Joint Wireless Carriers assert that separate trunk groups contravene the principle of cost-causation and distort competition as a result. According to Joint Wireless Carriers, the FCC mandates that costs be attributed on a cost-causative basis, as stated in the Verizon InterLATA Order. Joint Wireless Carriers opine that the rules are entirely imposed by the rural local exchange carriers. According to Joint Wireless Carriers, no explanation is given as to why transit carriers are to share in such costs. Joint Wireless Carriers would have terminating carriers subsume the entire cost of installing meet-point like trunks. Joint Wireless Carriers state, parenthetically, that rural local exchange carriers should not be allowed to recover their costs for installing separate trunk groups.

COMMENT: SBC opines that the Commission lacks statutory authority to require tandem carriers to make network changes through a rulemaking. SBC cites to Section 392.250, RSMo as requiring an adjudicatory hearing prior to the Commission ordering network changes. SBC states this section improperly strays into the realm of management prerogatives, and infringes on its right to use and enjoyment of its property. SBC points to its PSC Mo. No. 36 access tariff as permitting routes and facilities as only SBC may elect. SBC states that in this rulemaking the Commission has no evidence before it of any company failure to perform legal duties which have harmed the public. SBC characterizes as "generalized dissatisfaction" and "anecdotal" the claims of unidentified traffic, and states that such is not sufficient evidence under the statutory scheme.

SBC states that in previous cases before the Commission, SBC and other carriers have opposed use of separate trunk groups to handle different types of traffic. SBC asserts that engineers have testified that separate trunk groups are "extremely inefficient" and costly

to implement. As an example, SBC offers the testimony of its witness Scharfenberg in Case No. TO-99-593.

SBC also objects to Staff's reduction of the fiscal impact SBC reported for this section of the rule, and characterizes Staff's actions as improper. SBC states it reported an impact of $440,000 which Staff reduced to $219,000. SBC questions Staff's statement that Sprint and Spectra are not expected to implement separate trunk groups. According to SBC, such assumption conflicts with the express language of this section. SBC objects that the rule fails to provide any cost recovery mechanism for tandem providers who are impacted by the section. Lastly, SBC recommends placing the cost of implementing this section on the cost-causing requesting carrier.

RESPONSE: We reject Sprint's contention that our rule interferes with its access tariff. We find that Sprint may continue to commingle what it calls "different types of FGC or other switching arrangements" on a single trunk group. Our rules do not interfere with how Sprint handles its own traffic. However, other carriers have access tariffs too. In fact, many of the carriers with whom Sprint interconnects would prefer to apply those aspects of access tariffs that they interpret as eliminating FGC upon implementation of FGD. We note the following from Sheet 185 of Sprint's own P.S.C. Mo No 26 access tariff:

> "FGC switching is provided to the customer (i.e., providers of MTS and WATS) at an end office switch unless Feature Group D end office switching is provided in the same office. When FGD is available, FGC will be discontinued for Interexchange Carriers."

We will not permit Sprint to interpret its access tariff in such a way that imposes its traffic intermingling scheme on unwilling participants who have no market-based solution other than to use Sprint's tandem connections. We also disagree with Sprint's comment that this section contemplates intermingling of local and interexchange carrier traffic. To the contrary, this section contemplates separating the two traffic types in a manner consistent with how Sprint has voluntarily agreed to separate its traffic when interconnecting with competitive local exchange carriers.

We reject Joint Wireless Carriers' notion that separate trunk groups are useless. We are not imposing separate trunk groups to facilitate the ability of rural carriers to identify access traffic. We are empowering incumbent local exchange carriers with the tools needed to implement separate trunk groups because there are two separate networks in use, which employ two different traffic-recording mechanisms each with its own unique business relationship, and because separate trunk groups represent the standard employed in today's modern network environment. This simple fact is illustrated by wireless carriers' own use of network trunking arrangements. As demonstrated by Sprint PCS in technical meetings in this case, wireless carriers utilize three general trunk group types: Local, IXC, and Intermachine. We note these three basic trunk group types are already in place to enable the "triple screening" process that Joint Wireless Carriers claim not to utilize. The concept of using specific trunk groups for specific purposes is no different for landline carriers than it is for wireless carriers. We must reject Joint Wireless Carriers'

contention that their networks need separate trunk groups but landline carriers' networks do not.

We cannot accept SBC's complaint that Staff wrongly reduced its fiscal impact projection for separate trunk groups. We first note Staff's disallowance of costs that SBC initially attributed to separate trunk groups between SBC and its retail customers, competitive local exchange carriers, and wireless carriers. We find that Staff was correct to disallow reported costs for SBC's retail customers because our rules have nothing to do with the business trunks SBC provides to private entities. We also find that Staff was correct to disallow costs SBC attributed to competitive local exchange carriers and wireless carriers because these carriers negotiate trunks pursuant to interconnection agreements and our rules do not infringe upon such enterprise.

We conclude that Staff properly disallowed costs that SBC attributed to separate trunk groups between SBC and the other transiting carriers (Sprint and Century Tel). Given the unambiguous opposition of Sprint and CenturyTel to the establishment of separate trunk groups, it is clear that Sprint and CenturyTel do not intend to implement separate trunk groups. Such is further evidenced by special provisions in our rules that permit these carriers and SBC to continue with the Category 92 records creation process, thus negating the possibility that the former Primary Toll Carriers may engage in terminating record-creation for which the separate trunk groups are necessary. We also take official notice of the Task Force meetings and comments in which Sprint and CenturyTel spoke against separate trunk groups. Given these circumstances, we find that Staff was correct to exclude costs for establishing separate trunk groups from SBC to Sprint and CenturyTel. As the Staff instructed the Task Force participants, we again remind SBC that when calculating fiscal note costs, one should calculate what it reasonably expects will occur – not what "could" or "might" occur. We find reasonable the Staff's exclusion of Sprint and CenturyTel from the financial calculations. Lastly, we note SBC's per-trunk cost estimate of $299.00 contrasts sharply with Sprint's per-trunk cost estimate of $39.58 and CenturyTel's estimate of no fiscal impact. Given the inexplicable disparity, we find Staff's calculations with regard to SBC are more than reasonable. We also reject the contention that terminating carriers are solely responsible for the cost of implementing separate trunk groups. As is customary, we direct each involved carrier to be responsible for its individual cost of implementing the trunk groups.

As to SBC's trunk efficiency arguments, we find an extensive record before us that belies SBC's comments and insistence that separate trunk groups are "extremely inefficient". First, we take official notice of SBC's Commission-approved interconnection agreements (and similar agreements of CenturyTel and Sprint) in which SBC has voluntarily negotiated one trunk group for local/intraLATA traffic, and a separate trunk group for IXC network traffic. SBC's voluntary actions in this regard appear to contradict its comments in this case. And while we acknowledge SBC's comments that witness Scharfenberg has testified in Case No. TO-99-593 that separate trunk groups are inefficient, we will also acknowledge SBC witness Timothy Oyer's direct testimony in Case No. TO-2005-0166, as follows:

- "Software limitations prohibit both companies from being able to properly identify the traffic they are receiving over combined trunk groups. SBC Missouri makes terminating billing records on incoming trunk groups. All traffic that is sent over a single trunk group will generate the same type of billing record. This is where the opportunity for fraud exists. Level 3 must tell SBC Missouri what percentage of these calls should be billed at a reciprocal compensation rate as opposed to an access rate. Without the ability to identify the traffic, the parties are left no choice but to accept the word of the other as to the true jurisdictional nature of the traffic. Accurate and proper compensation is best accomplished through separate trunk groups. Separate trunk groups allow for traffic to be accurately recorded and then properly billed."
- "Level 3's proposal seeking to combine local/intraLATA toll traffic with interexchange access traffic on the same trunk group should be rejected because it would create the potential for blocking as well as significant billing problems without any discernible upside."
- "To ensure that Level 3 and SBC Missouri are properly compensated for local, intraLATA and interLATA exchange access, these different traffic types must be routed on separate trunk groups."
- "[SBC] Missouri's proposal that jurisdictionally distinct traffic be carried on separate trunk groups is consistent with what the parties' have been doing under their current interconnection agreement in this and other states in which SBC operates as an ILEC."
- "Local interconnection trunk groups must be provisioned to support the appropriate traffic. This assures proper routing per the LERG and also allows for proper tracking for compensation."
- "Specifically, under its proposed language, Level 3 could combine local/intraLATA toll traffic with interLATA IXC carried traffic on local interconnection trunk groups. SBC Missouri opposes Level 3's proposed language."
- "In other state arbitrations, Level 3 has identified several carriers that Level 3 uses for [call delivery], one of which is currently being sued by SBC for access charge avoidance by delivering access calls over local trunk groups."
- "...[C]ombining traffic [on a single trunk group] as suggested by Level 3 could potentially lead to blocked calls due to improper routing of calls."
- "...[C]ombining jurisdictionally distinct traffic on the same trunk group would create tracking and billing problems."

In summary, we find that SBC's testimony in Case No-TO-2005-0166 negates its position in this case. In one case SBC characterizes separate trunk groups as "highly inefficient," yet in another case it characterizes separate trunk groups as necessary for accurate recording and proper billing. We note that one SBC witness characterizes separate trunk groups as "[too] costly to implement," yet another witness characterizes common trunk groups as presenting "the opportunity for fraud." We conclude that SBC's commentary record on separate trunk groups appears to change with each case presented to us.

Because we find excessive contradiction in SBC's trunking statements, we will examine SBC's market-based local interconnection conduct as the best possible solution for our local interconnection rules. An examination of the interconnection agreements SBC has filed with the Commission reveals that such agreements contain provisions for separate trunk groups. We note SBC's market-based behavior in this regard and apply that concept to those instances in Missouri when we have to implement rules because incumbent carriers are not free to compel negotiation from one to the other. We will implement our rules consistent with the manner most closely resembling the market-based solutions as reflected in the interconnection agreements of SBC, Sprint, and CenturyTel. We see no reason to deny the benefits of these modern network technologies to Missouri's incumbent carriers who cannot avail themselves of the same interconnection rights guaranteed under federal law to competitive carriers. As to SBC's remaining arguments, we find that our responses would be duplicative of previous responses and we will not repeat them here. We will order implementation of this section without change.

4 CSR 240-29.050 (2)

COMMENT: Sprint recommends this section be eliminated. According to Sprint, this section seeks to change the business relationship between tandem carriers and end office carriers. Sprint opines that the carriers supporting the rule are, yet again, trying to persuade the Commission to change the business relationship. Sprint states that the proposed rule contains provisions that accomplish just that.

COMMENT: CenturyTel is opposed to those aspects of our rules that permit establishment of separate trunk groups. CenturyTel states that inclusion of this section constitutes a de facto mandate to change the business relationship between transiting and terminating carriers. CenturyTel cites to two previous occasions wherein the Commission has refused to do so.

RESPONSE: We see nothing in this section that would change the current business relationship. This section simply provides an option for tandem carriers to assume financial responsibility in the event they do not wish to honor the request of terminating carriers to install separate trunk groups.

We note that CenturyTel and Spectra's own interconnection agreements mandate separate trunk groups for competitive local exchange carriers as demonstrated by the following:

- "Spectra requires separate trunk groups from MTI to originate and terminate interLATA calls and to provide Switched Access Service to IXCs." (Paragraph 4.3.3, Interconnection Agreement between Spectra and Missouri Telecom, Inc.)
- "Neither party shall route switched access service traffic over local interconnection trunks, or local traffic over switched access service trunks." (Paragraph 4.3.3.3, Interconnection Agreement between CenturyTel and Missouri Telecom, Inc.)

We find that separate trunk groups do not interfere with the business relationship of CenturyTel and competitive local exchange carriers. Nor do we see any reason that separate trunk groups will interfere with the business relationship between CenturyTel and incumbent local exchange carriers. We will implement this section without change.

4 CSR 240-29.050 (4)

COMMENT: Sprint states, without explanation, that after traffic is separated between that which traverses an interexchange carrier point of presence and that which does not, "segregated traffic still rides the LEC-to-LEC network albeit on separate trunks." Sprint seeks clarification on what tandem providers are supposed to do with segregated traffic after it is segregated.

COMMENT: Joint Wireless Carriers state, inexplicably, that this section purports to dictate how wireless carriers must route their interstate interMTA traffic.

RESPONSE: We will clarify for Sprint that it is supposed to treat segregated traffic destined for incumbent carriers the same as it treats segregated traffic destined for the competitors with whom it has voluntarily agreed to segregate traffic. We instruct Sprint to take notice of Section 37 of its own Master Interconnection Agreement in Case No. TK-2005-0278. Section 37, titled, *Local Interconnection Trunk Arrangements*, indicates that Sprint will make available to competitors two-way trunks for exchange of combined Local Traffic, and non-equal access intraLATA toll traffic. Moreover, Sprint will make available to competitors *separate* two-way trunks for the exchange of equal-access interLATA or IntraLATA interexchange traffic. If, after examining its own interconnection agreements, Sprint is still unsure of how to treat segregated traffic, we instruct Sprint to examine its own trunking arrangements in its Lebanon, Ferrelview and Kearney end offices, which are connected to SBC tandems. We are confident that Sprint will find these trunking arrangements instructive because they utilize separate trunk groups to accommodate data, MCA, and intraLATA calls. If, after examining its own agreements and network configurations, Sprint is still uncertain on what it is supposed to do with segregated traffic, it may contact the Staff for further assistance. We order implementation of this section without change.

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
http://www.psc.mo.gov

May 6, 2005

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.050 Option to Establish Separate Trunk Groups for LEC-to-LEC Telecommunications Traffic**

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Department of Economic Development, Public Service Commission on this 6th day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

If there are any questions regarding the content of this order of rulemaking, please contact:

Keith R. Krueger, Deputy General Counsel
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102
(573) 751-4140
keith.krueger@psc.mo.gov

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission