

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

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

**SBC MISSOURI'S APPLICATION FOR REHEARING, AND
ALTERNATIVE REQUEST FOR TEMPORARY VARIANCE OR WAIVER**

SBC Missouri¹ respectfully applies for rehearing² of the Missouri Public Service Commission's ("Commission's") Order of Rulemaking published in the June 15, 2005 Missouri Register³ adopting the following provisions of the final Enhanced Record Exchange Rule:

- 4 CSR 240-29.040(4), which the Commission has interpreted as requiring LECs to include Calling Party Number ("CPN") in the Category 11-01-XX billing records for wireless-originated calls;
- 4 CSR 240-29.010 and 4 CSR 240-29.030(2), which restrict carriers' use of their own in-state networks to handle their customers' interLATA calls; and
- 4 CSR 240-29.050, which allows terminating carriers to require their upstream tandem carrier to establish separate trunk groups for IXC traffic even when the terminating carrier is not the one creating the billing records on that traffic (i.e., when the tandem carrier is the one creating the billing records for all downstream carriers and is the only one with a legitimate need for separate trunk groups).

In the event the Commission denies the request for rehearing on 4 CSR 240-29.040(4), SBC Missouri respectfully requests the Commission to grant a temporary

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri" or "SBC."

² SBC Missouri makes this request pursuant to Section 386.500 RSMo (2000).

³ MO Reg. Vol. 30, No. 12, issued June 15, 2005 at pp. 1373-1401.

variance or waiver of its requirement that LECs include originating CPN in Category 11-01-XX billing records for wireless-originated calls to give it sufficient time to make the necessary changes to its record creation and billing systems to comply with such a requirement when technically feasible.

APPLICATION FOR REHEARING

1. 4 CSR 240-29.040(4) - CPN Requirement for Category 11-01-XX Billing Record

In its Order of Rulemaking, the Commission interprets 4 CSR 240-29.040(4) as requiring the inclusion of CPN in the wireless Category 11-01-XX billing record:

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.⁴

This interpretation of the newly adopted Enhanced Record Exchange Rule is unlawful, unjust, unreasonable and not grounded on competent and substantial evidence.

There is nothing in the text of the rule specifically requiring Category 11-01-XX billing records for wireless-originated calls to include the originating CPN. In addition, no evidence was cited by the Commission that would provide a basis for any conclusion that the existing industry standards for Category 11-01-XX billing records for wireless-originated calls require the inclusion of CPN in the billing record. To the contrary, the only evidence presented of current industry standards for the creation of billing records for wireless-originated calls was that originating CPN was not to be captured in the billing record. Rather, current Telcordia Technologies' industry standards call for the capture and inclusion in the billing record of the billing account number (which follows the format of a telephone number) assigned to the

⁴ Order of Rulemaking, MO Reg. Vol. 30, No. 12, at p. 1389.

incoming trunk group from the responsible wireless carrier into the first point of switching on the LEC-to-LEC network.⁵

Moreover, the Commission's determination appears to rest on factual conclusions that have no basis in the record. In the Order of Rulemaking, the Commission states:

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.⁶

The Commission appears to have confused the passing of CPN through the network (CPN is one piece of call-related information passed in real time with the call via the SS7 signaling system) with the capture, recording and use of originating CPN in inter-carrier billing records that are created after the call occurs and exchanged at a later time. No evidence was presented that SBC Missouri strips off CPN from the signaling information passed to terminating carriers on wireless-originated calls. In fact, it does not do so. SBC Missouri passes through the network the CPN it receives on all calls it transits, which would allow terminating carriers to provide Caller ID-type services to their customers, to perform audits of the billing records they receive, or to create their own terminating records for billing purposes.⁷ Thus, CPN is provided in real time to terminating carriers via SS7 Signaling in the network.

With regard to billing records, SBC Missouri does not "strip off" CPN on wireless-originated calls -- SBC's network does not capture the information for the creation of the records

⁵ See, testimony of SBC witness Joe Murphy at the February 9, 2005 hearing, T. 99-101, explaining that Telcordia Technologies' Generic Requirements for Wireless Service Provider Automatic Message Accounting, GR-1504-CORE requires "the billing directory number" on Type I wireless connections and the "per trunk group billing number of the wireless provider as assigned by the LEC" on Type II wireless connections.

⁶ Order of Rulemaking, MO Reg. Vol. 30, No. 12, at p. 1388.

⁷ SBC Missouri, however, is not able to provide CPN on transited calls when the CPN is not provided to it by the originating carrier.

made for these calls. Although the Commission correctly recognizes that what can be provided in billing records depends on what source information is captured by a carrier's switch during the creation of Automatic Message Accounting ("AMA") records (i.e., machine records),⁸ the Commission has misinterpreted the Telcordia Technologies' document that sets out the existing industry standards for the creation of AMA records. The Commission states that SBC Missouri has presented "no evidence that Telcordia Technologies' document permits stripping of CPN when creating Category 11-01-XX billing records."⁹ But those documents would not have a need to reference any "stripping of CPN," because no stripping occurs. Rather, those documents direct LECs on the specific information to be captured and included in AMA records. For wireless-originated calls, the Telcordia Technologies' standards direct the capture and recording of the billing account number, not the originating CPN.¹⁰ As industry standards do not require nor even suggest that the originating CPN to be captured in the AMA records, the originating CPN is not available to the billing systems for inclusion in the creation of billing records.

In addition, the Commission has completely misunderstood the level of detail SBC Missouri is currently providing in the industry standard Category 11-01-XX billing records for wireless-originated calls. In the Order of Rulemaking, the Commission states that the record format for these records "leaves terminating carriers with little or no information than was previously contained in SBC's . . . CTUSR. . . ."¹¹ This conclusion has no basis in the record and is false. The CTUSR was a very high level, paper, monthly summary report that only provided the total number of calls and total minutes of use originated by a particular wireless

⁸ Order of Rulemaking, MO Reg. Vol. 30, No. 12, at p. 1389.

⁹ Order of Rulemaking, MO Reg. Vol. 30, No. 12, at p. 1389.

¹⁰ T. 99-101.

¹¹ Order of Rulemaking, MO Reg. Vol. 30, No. 12 at p. 1388.

carrier terminating to a particular LEC in a month, broken down by exchange (e.g., 20 calls in January from Cingular representing 200 minutes of use terminating to Kingdom Telephone Company's Auvauvasse Exchange). The industry standard wireless Category 11-01-XX mechanized detail call billing record, on the other hand, is a 210-position computer-readable record for each call placed, containing the date the call occurred, the time the call was initiated, the call's duration, the total minutes of conversation time, the telephone number of the called party (i.e., the terminating telephone number), the responsible wireless carrier's OCN (derived from the trunk over which the call was received). None of this information was contained in the CTUSR that was formerly used. Thus, the current Category 11-01-XX mechanized billing records being exchanged for wireless-originated calls contain substantially more information than the prior CTUSR paper summary reports, which the small ILECs have previously represented to the Commission as "sufficient for billing purposes."¹² In fact, SBC Missouri itself relies on the current Category 11-01-XX mechanized records for its own billing.

The inclusion of originating CPN in the Category 11-01-XX billing record will not enhance the usefulness of this record for billing purposes. In fact, use of originating CPN for billing terminating compensation on wireless-originated calls is unreliable and often can result in erroneous billing. As the Commission is aware, some wireless carriers have spare capacity on their networks and, for their own business reasons, contract to carry other wireless carriers' traffic. Under these contractual arrangements, the carrier with spare capacity, for a negotiated fee, agrees to be responsible for terminating the other wireless carrier's calls. In those situations, the CPN of the originating carrier does not indicate the carrier that is financially responsible for termination charges on the call. Rather, the identity of the financially-responsible carrier is

¹² T. 85-86.

determined from the specific trunk over which the financially responsible wireless carrier (which had excess capacity on its facilities and agreed to handle the originating carrier's calls) delivers the call to the LEC-to-LEC network. In addition, with wireless number portability, wireless telephone numbers originally assigned to a particular wireless carrier may no longer belong to that carrier. Wireless customers can now keep their wireless telephone numbers when they change cellular providers (i.e., they port the number). In both of these situations, basing intercompany billing on the originating CPN for wireless-originated calls would result in erroneous billing. That is why existing industry standards call for the provision of the billing account number assigned to the incoming trunk used by the responsible wireless carrier to deliver the call.

As demonstrated below in SBC Missouri's alternative request for variance or waiver (which is incorporated here by reference), it will be very costly and time consuming to create a non-industry standard Category 11-01-XX billing record for wireless-originated calls that contains the originating CPN. And it is likely not even technically possible for such a record to be created from SBC Missouri's Lucent 5 ESS tandem switches, which handle approximately 50% of the wireless-originated traffic SBC Missouri receives. Due to the fact that the Commission's rule as published contained no requirement that Category 11-01-XX billing records for wireless-originated calls must include originating CPN, there was no need to file comments opposing such a requirement. SBC Missouri respectfully asks the Commission to consider whether, as SBC Missouri contends, the marginal benefit, if any, that might be gained is outweighed by the costs and potential disruption from requiring originating CPN in the Category 11-01-XX record for wireless-originated calls.

The Commission should refrain from attempting to dictate the content of intercarrier billing records, which is a function handled at the national level by an intercompany standards body: the Billing Committee of the Alliance for Telecommunications Solutions' ("ATIS") Ordering and Billing Forum ("OBF")¹³ The billing records SBC Missouri makes available on wireless-originated calls conform to current industry standards and provide all necessary information needed by terminating carriers to accurately bill the responsible wireless carrier. On rehearing, the Commission should reverse its conclusion that CPN be included in the Category 11-01-XX billing record for wireless-originated calls.

2. 4 CSR 240-29.010 and 4 CSR 240-29.030(2) - Restriction on InterLATA Traffic

Although the Commission in the Order of Rulemaking recognized that SBC Missouri is permitted to provide interLATA long distance telephone service under Section 271 of the federal Telecommunications Act and that it may do so without a separate affiliate, the Commission's final rule prohibits SBC Missouri from using its own in-state network facilities to terminate its customers' calls to another carrier in the state:

We find nothing in our rules that restricts how SBC or any other carrier may provide service over its *own* facilities to its *own* customers. Rather, we find that our rules are intended and in fact do govern instances when one carrier uses *another carrier's* facilities in conjunction with its own facilities to provide service. In particular, our rules address situations where no contract exists between a tandem company and a non affiliated terminating company . . . it is only when SBC (or another transiting carrier) chooses to send calls to another local exchange carrier that our interconnection rules intercede. In such instances, SBC is no longer merely "using its own network." Rather, SBC (and other

¹³ The OBF provides a forum for customers and providers in the telecommunications industry to identify, discuss and resolve national issues which effect order, billing, provisioning and exchange of information about access services, other connectivity and related matters. The Billing Committee is responsible for maintaining numerous industry standards documents, such as the "Access/Interconnection Records and related information in the Exchange Message Interface (EMI) document" (which provides the standards for the Category 11 records), and the Multiple Exchange Carrier Access Billing (MECAB) document which provides standards for meet point billing).

transiting carriers) are most certainly using the networks of other terminating carriers, often without the knowledge of those carriers.¹⁴

This restriction effectively precludes SBC Missouri (and other carriers) from offering interLATA long distance without a separate affiliate, as customers will want the ability to call all other customers, not just other SBC Missouri customers. It is unnecessary for the Commission to impose this unlawful restriction because SBC Missouri will (1) create and pass billing records to the terminating carrier and (2) pay Commission-approved access charges to the terminating carrier pursuant to that carrier's access tariffs. Accordingly, there is no benefit from the imposition of this obligation but there is substantial detriment to its inclusion.

This restriction is unlawful, unjust, and unreasonable. The Commission has no authority to impose such restrictions and the rule's attempt to do so impermissibly interferes with federal law. Local Exchange Carriers that operate in Missouri, including Alltel, CenturyTel, SBC Missouri and Sprint, have invested significant amounts of capital over the years to install facilities and build out their telecommunications networks to offer services to their customers and handle their customers' traffic throughout Missouri and other states. Such investment continues today and promises to bring innovative services to customers in Missouri.

This section of the rule, however, purports to impose artificial, unreasonable and unlawful restrictions on how those network facilities may be used. While the rule apparently would allow a carrier like SBC Missouri to use its own network to handle an interLATA call between two of its own customers (e.g., a call between St. Louis and Kansas City, Missouri), it would not permit SBC Missouri to handle that same Kansas City customer's call to another LEC's customer in the St. Louis LATA (e.g., to a New Florence Telephone customer) without a separate interconnection agreement with the terminating LEC. The rule would similarly prohibit

¹⁴ Order of Rulemaking, MO Reg. Vol. 30, No. 12, p. 1378 (emphasis in original).

SBC from using its network to handle its customers' interstate calls to other LEC customers (e.g., a call from an SBC customer in San Diego, California to a New Florence Telephone customer in Missouri). The rule would prohibit the provision of such services even though SBC Missouri would create and provide the specific billing records required to be provided by the national industry standard Multiple Exchange Carrier Access Billing ("MECAB") document and would pay the terminating carrier's applicable access charges. Such an artificial restriction effectively precludes SBC from offering a viable interLATA calling service.

The Commission provided no legal basis for such artificial restrictions. While federal law previously prohibited Bell Operating Companies, like SBC Missouri, from providing interLATA telecommunications services, Congress replaced those restrictions with Section 271 of the Federal Telecommunications Act, which set out a specific process under which Bell Operating Companies could obtain interLATA service authority upon a demonstration that they have opened their markets to competition. The FCC, with a positive recommendation from the Missouri Commission, granted SBC Missouri interLATA telecommunications authority for Missouri in November, 2001.¹⁵ And while federal law previously under Section 272(a) required SBC Missouri to exercise such authority through separate affiliates,¹⁶ the FCC on November 17, 2004, issued notice that the separate affiliate requirement for SBC in Missouri sunset by operation of law on November 16, 2004.¹⁷ Thus, federal law now specifically authorizes SBC

¹⁵ In the Matter of Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Arkansas and Missouri, CC Docket No. 01-194, Memorandum, Opinion and Order, released November 16, 2001, 16 FCC Rcd 20719 (2001) aff'd per curiam, AT&T Corporation v. Federal Communications Commission, slip op. No. 01-1511 (D.C. Cir. November 19, 2001).

¹⁶ 47 USC Section 272(a).

¹⁷ FCC Public Notice, FCC 04-269 "Section 272 sunsets for SBC in the states of Arkansas and Missouri by operation of law on November 16, 2004 pursuant to Section 272(i)(1)," W.C. Docket No. 02-112, released November 17, 2004.

Missouri to provide interLATA telecommunications services both on an interstate and intrastate basis.

The proposed rule would restrict SBC Missouri (and other LECs in the state) in the use of its own network to provide interLATA services and impermissibly interferes with this pre-emptive federal scheme and FCC orders that specifically authorize SBC Missouri to offer and provide interLATA services in the State. In addition, the rule unlawfully co-ops recognized management rights of Missouri LECs over their own service offerings and facilities and unlawfully impairs the financial value of LEC networks, resulting in an unlawful taking in violation of the state and federal Constitutions.

On rehearing, the Commission should remove the restrictions in 4 CSR 240-29.010 and 4 CSR 240-29.030(2) that prohibit the use of the LEC-to-LEC network to transmit interLATA (both interstate and intrastate) traffic without the use of an IXC point of presence. These artificial restrictions are inconsistent with federal law, which specifically authorizes SBC Missouri to provide interLATA services on both an interstate and intrastate basis, and no evidence supports a practical need for such restrictions. On all such calls, SBC Missouri will provide the intercarrier billing records required by the MECAB document and will pay the terminating carriers' access charges pursuant to Commission-approved tariffs.

3. 4 CSR 240-29.050 - Separate Trunk Group Requirement

In the Order of Rulemaking, the Commission correctly recognized the critical importance of separate trunk groups for accurate recording and proper billing of terminating IXC traffic as it enters the LEC-to-LEC network, because it is there that such terminating traffic is recorded and appropriate billing records are created by a tandem company (like SBC Missouri) for its own use

and use by the small LECs subtending its tandem.¹⁸ The Commission's rule, however, incorrectly permits a terminating LEC to require separate trunk groups on the other side of the large LEC's tandem (e.g., between SBC Missouri's tandem and the terminating small ILECs' end office).

This requirement is unjust, unreasonable and not grounded on competent and substantial evidence. As the undisputed record in this case reflects, the records for terminating IXC traffic are created at the large LEC tandem for use by the large LEC and the ILECs subtending that tandem. As the recording and record creation occur at the tandem, there is no need for separate trunk groups after that point.

The Commission appears to have based its decision, at least in part, on the misimpression that SBC Missouri's "commentary record on separate trunk groups appears to change with each case presented."¹⁹ The Commission, however, improperly contrasted SBC Missouri's position in two factually different cases. The Level 3 Arbitration concerned the necessity of separate trunks for IXC traffic as it entered the LEC-to-LEC network at SBC Missouri's tandem switches. SBC Missouri's testimony in Case No. TO-99-593, on the other hand, focused on separate trunk groups on the other side of SBC Missouri's tandem switches (where separate trunks are unnecessary because the recording and creation of records has already occurred).

The Commission lacks statutory authority to require tandem carriers to make network changes without an adjudicatory (i.e., contested case or trial type) hearing, in which the burden of producing evidence and of persuasion will be upon the complaining party.²⁰ Here, there has been no showing that separate trunk groups for handling IXC traffic between the large LEC

¹⁸ Order of Rulemaking, MO Reg. Vol. 30, No. 12 at p. 1391 (citing testimony from the SBC Missouri/Level 3 Arbitration in Case No. TO-2005-0166).

¹⁹ Id., p. 1391.

²⁰ See, Section 392.250, Section 536.070.

tandem and the subtending ILEC central offices are necessary for the recording of IXC traffic or the creation of appropriate billing records for that traffic. The courts have made clear in a very basic sense that the Commission's supervisory authority over public utilities does not embrace the general management of the utility:

The powers of regulation delegated to the Commission are comprehensive and extend to every conceivable source of corporate malfeasance. Those powers do not, however, clothe the Commission with the general power of management incident to ownership. The utility retains the lawful right to manage its own affairs and conduct its business as it may choose, as long as it performs its legal duty, complies with lawful regulation and does no harm to public welfare.²¹

In this rulemaking, the Commission has no evidence before it of any tandem company's failure to perform legal duties which have harmed the public. Generalized dissatisfaction of some companies with the present system and unsubstantiated anecdotal claims of unidentified traffic which have not been tested by oath or cross-examination are not sufficient evidence under the statutory scheme.

On rehearing, the Commission should limit the application of 4 CSR 240-29.050 to require separate trunk groups for IXC traffic at the point the traffic enters the LEC-to-LEC network, where the required Category 11-01-XX records are created for the terminating carriers on the call path. The rule should not permit terminating carriers to require separate trunk groups for IXC traffic when they are not the carrier performing the recording and record creation function.

SBC Missouri respectfully requests the Commission to grant rehearing of its Order of Rulemaking, and on rehearing, issue an Order:

²¹ State, ex rel. Harline v. Missouri Public Service Commission, 343 S.W.2d 177, 181 (Mo. App. 1960) (Upholding PSC's decision against requiring electric utility to change the proposed route for a line).

- reversing its conclusion that originating CPN be included in the Category 11-01-XX billing record for wireless-originated calls;
- removing the restrictions in 4 CSR 240-29-010 and 4 CSR 240-29.030(2) that prohibit the use of the LEC-to-LEC network to transit interLATA (interstate and intrastate) traffic without an IXC point of presence; and
- limiting the application of 4 CSR 240-29.050's authorization to require separate trunk groups for IXC traffic only to carriers performing the official recording and records creation function on that traffic.

ALTERNATIVE REQUEST FOR VARIANCE OR WAIVER

In the event the Commission denies SBC Missouri's Application for Rehearing concerning the Commission's interpretation of 4 CSR 240-29.040(4) to require the inclusion of originating CPN in Category 11-01-XX billing records for wireless-originated calls, SBC Missouri alternatively requests the Commission to grant it a variance or waiver²² of the application of the rule in order to allow SBC Missouri to perform the work necessary to implement the rule.

1. Petitioner Southwestern Bell Telephone, L.P. is a Texas limited liability partnership,²³ duly authorized to conduct business in Missouri,²⁴ with its principal Missouri office at One SBC Center, Room 3520, St. Louis, Missouri 63101. SBC Missouri is authorized to do business in Missouri as SBC Missouri and its fictitious name is duly registered with the

²² SBC Missouri makes this request for variance pursuant to 4 CSR 240-2.060(4).

²³ A copy of the Limited Partnership Agreement was filed with the Commission on October 12, 2001, and is incorporated here by reference. See In the Matter of the Application of Southwestern Bell Telephone Company To Transfer Property and Ownership of Stock Pursuant to Section 392.200, RSMo., Case No. TO-2002-185, October 12, 2001.

²⁴ A copy of a certificate from the Missouri Secretary of State certifying that Southwestern Bell Telephone, L.P. is a foreign limited partnership duly authorized to transact business in the State of Missouri was filed with the Commission on January 7, 2002, and is incorporated here by reference. See In the Matter of the Application of Southwestern Bell Telephone Company to Transfer Property and Ownership of Stock Pursuant to Section 392.300, RSMo., Case No. TO-2002-185, January 7, 2002.

Missouri Secretary of State.²⁵ SBC Missouri is a “local exchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020, RSMo. 2000. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

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The electronic mail address, fax number, and telephone number for SBC Missouri’s attorneys are contained in the signature block of this Application.

2. SBC Missouri does not have any pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of this Application.

3. SBC Missouri does not have any annual report or assessment fees that are overdue in Missouri.

4. SBC Missouri seeks a variance or waiver²⁶ of the Commission’s requirement to provide the originating CPN in Category 11-01-XX billing records for wireless-originated calls

²⁵ A copy of the registration of the fictitious name “SBC Missouri” was filed with the Commission on January 17, 2003, and incorporated here by reference. See In the Matter of the Name Change of Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company to Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, Case No. IN-2003-0247, January 17, 2003.

²⁶ As explained supra at page 6, SBC Missouri did not raise this technical infeasibility previously as the rue did not purport to require that originating CPN be provided on wireless-originated calls.

because it is currently technically unable to comply with this requirement by the effective date of the new rule:

(a) Lucent 5 ESS Tandem Switches. SBC Missouri has three Lucent Technologies 5 ESS tandem switches in Missouri. These switches currently handle approximately 50% of the wireless-originated traffic it receives, principally in the St. Louis area. SBC Missouri believes that these switches do not have the technical capability to append originating CPN to the AMA machine records for wireless-originated calls coming into them. SBC has contacted Lucent and its initial response was that this feature was not available in a 5 ESS tandem switch. Since AMA records are the source for Category 11-01-XX billing records, originating CPN cannot be provided in the Category 11-01-XX record if CPN cannot be captured in the AMA recordings. Lucent has agreed, however, to further investigate this for SBC.

(b) Northern Telecom DMS Tandem Switches. SBC Missouri has six Northern Telecom DMS tandem switches that serve Missouri. Unlike the Lucent 5 ESS switches, a feature is available for the DMS tandem switches that would allow originating CPN to be appended to the AMA record for wireless-originated calls coming into them. Several major projects, however, both within the data processing and network departments, would need to be completed before originating CPN could technically be included in the Category 11-01-XX record SBC Missouri provides to other carriers on wireless-originated calls handled by its DMS tandems:

- If the feature is not resident in SBC Missouri's Northern Telecom DMS tandems, the software for that feature would need to be acquired and installed in each DMS tandem switch.
- Once the features are installed, a significant programming project would need to be completed to enable the Usage Process System to accept the CPN data that will be collected by the switch and to output that data into the EMI record (i.e., the Category 11-01-XX record). This project must be

carefully planned, designed and tested before implementation because if not done correctly, usage information for all wireless-originated calls passing through the switch would error out and no EMI records would be produced. Because these systems are used to produce other billing records for the industry (e.g., the Category 11-01-XX records used to bill access charges on IXC carried traffic), extreme care must be taken in designing this new process to avoid adversely impacting the processes that produce other billing records.

- A project will need to be initiated to determine whether there is sufficient memory capacity in the disk space where AMA records are held in the switches to accommodate the additional information to be stored while the EMI records are being created. If sufficient capacity does not exist, a project will need to be initiated to determine whether the storage capacity can be augmented and to perform the augmentation if possible.
- A major programming project will need to be initiated to modify SBC Missouri's own billing system to handle a non-standard Category 11-01-XX record for wireless-originated calls that contains the originating CPN.
- Once these programming projects are completed, SBC Missouri's network translations group will need to activate this new feature by programming translation changes on each trunk group connecting a wireless carrier's network to each SBC Missouri Northern Telecom DMS tandem switch.

5. SBC Missouri respectfully requests that the Commission waive the requirement to provide originating CPN in the Category 11-01-XX billing record for wireless-originated calls for at least one year. This period is necessary to enable SBC Missouri to complete its investigation with Lucent Technologies to determine whether the 5 ESS tandem switches can practically capture originating CPN and append it to AMA recordings on wireless-originated calls; and to complete the necessary changes to its record creation and billing systems to comply with the Commission's requirement to provide originating CPN in Category 11-01-XX records for wireless-originated calls handled by SBC Missouri's Northern Telecom DMS tandem switches. As the Commission is aware, it took SBC Missouri approximately two years to develop and produce the mechanized Category 11-01-XX billing record for wireless-originated calls it is providing today. If deemed appropriate by the Commission, SBC Missouri will

provide a status report to the Commission on the progress of its efforts in six months and indicate whether additional time is required.

6. As SBC Missouri's request would preserve the status quo, there will be no public utilities experiencing a change as a result of the Commission's granting of the variance or waiver. Currently, SBC Missouri supplies LECs behind its tandems (such as CenturyTel, Fidelity Telephone, Sprint, and the individual members of the Missouri Independent Telephone Group and the Small Telephone Company Group²⁷) with individual mechanized detail call records that provide information sufficient to identify and bill the responsible wireless carrier on all calls received through SBC Missouri's network. While these individual detail records do not contain originating CPN, these records do contain the OCN of the responsible wireless carrier to whom bills for terminating the wireless traffic should be sent. These individual detail records also contain substantially more information than the former CTUSR summary reports that SBC Missouri previously supplied to the terminating carriers and which they had been using for years to bill wireless-originated traffic. The information currently provided is more than sufficient to permit the terminating carrier to bill the responsible wireless carrier, as this is exactly what these carriers and SBC Missouri use for billing purposes today.

WHEREFORE, SBC Missouri respectfully requests the Commission to grant rehearing of its Order of Rulemaking, and on rehearing, issue an Order:

- reversing its conclusion that originating CPN be included in the Category 11-01-XX billing record for wireless-originated calls;
- removing the restrictions in 4 CSR 240-29-010 and 4 CSR 240-29.030(2) that prohibit the use of the LEC-to-LEC network to transit interLATA (interstate and intrastate) traffic without an IXC point of presence; and

²⁷ The members of the MITG and STCG are listed in their comments filed February 2, 2005 in this case and incorporated here by reference.

- limiting the application of 4 CSR 240-29.050's authorization to require separate trunk groups for IXC traffic only to carriers performing the official recording and records creation function on that traffic.

In the alternative, having shown good cause, SBC Missouri respectfully requests the Commission to grant its request for temporary variance or waiver of any requirement to provide originating CPN in Category 11-01-XX billing records for wireless-originated calls for at least a one year period in order to permit SBC Missouri to complete its investigation into the capability of its Lucent 5 ESS switches and to effect the necessary changes to its record creation and billing systems to include the originating CPN in billing records for calls handled by its Northern Telecom DMS switches.

Respectfully submitted,

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VERIFICATION OF APPLICATION

I, Marlon J. Hines, Area Manager-Exchange Carrier Product Management for Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, and pursuant to 4 CSR 240-2.060(M), hereby swear and affirm that I am authorized to speak on behalf of the Applicant SBC Missouri and that the statements contained in this application are true and correct to the best of my knowledge, information and belief.

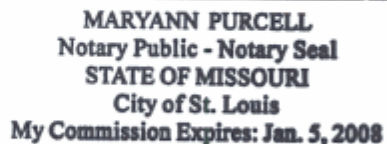
Marlon J. Hines
Marlon J. Hines

STATE OF MISSOURI)
CITY OF ST. LOUIS SS

I, Maryann Purcell, a Notary Public do hereby certify that on this 14th day of July, 2005, personally appeared before me Marlon J. Hines who declared that all of the information contained herein above is true, to the best of his knowledge and belief.

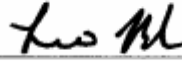
Maryann Purcell
Notary Public

My Commission Expires: January 5, 2008



CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on July 14, 2005.



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