

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

HALO WIRELESS, INC.,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. TC-2012-0331
	)	
CRAW-KAN TELEPHONE	)	
COOPERATIVE, INC., et al.,	)	
	)	
Respondents.	)	

**DIRECT TESTIMONY
OF
TOMMIE SUE LOGES
ALMA TELEPHONE COMPANY**

Jefferson City, Missouri
June 4, 2012

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

HALO WIRELESS, INC.,)

Complainant,)

v.)

Case No. TC-2012-0331

CRAW-KAN TELEPHONE)
COOPERATIVE, INC., et al.,)

Respondents.)

AFFIDAVIT OF TOMMIE SUE LOGES

Tommie Sue Loges, of lawful age, being duly sworn, deposes and states as follows:

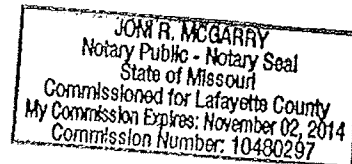
1. My name is Tommie Sue Loges. I am employed as Administrative Assistant for Alma Telephone Company, and am authorized to testify on behalf of Alma Telephone Company in this proceeding.
2. Attached hereto and made a part hereof for all purposes is my direct testimony.
3. I hereby affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct to the best of my knowledge and belief.

Tommie Sue Loges
Tommie Sue Loges

Subscribed and sworn to before me this 1 th day of June, 2012.

Joni R. McGarry Notary Public

My Commission expires: 11-2-2014



1 **Q. Please state your name, business address, and occupation.**

2 A. My name is Tommie Sue Loges and my business address is Alma Communications
3 Company d/b/a Alma Telephone Company, 102 3rd St, Alma, Missouri 64001. My
4 present position is Administrative Assistant.

5 **Q. Please describe your work experience in the telecommunications industry.**

6 A. I have been employed by Alma Telephone Company since 1987 beginning as a
7 customer service representative. During my years with the company I have
8 performed nearly every duty, either independently or with assistance, which included
9 minor outside plant work. I have taken every opportunity to gain a working
10 knowledge of the various components needed for the day to day operation of the
11 company. I have served as Administrative Assistant since 1997 and currently
12 perform a variety of duties of which includes compiling data and responding to
13 various industry data requests, regulatory filings as required by the FCC, MoPSC, and
14 NANPA. I work with consultants and our attorney in filing local tariffs. I administer
15 our local customer billing and collections. I manage employee payroll and payroll
16 functions.

17 **Q. What is the purpose of your direct testimony?**

18 A. To provide support for the blocking request of Alma Telephone Company, and to
19 provide opposition to Halo Wireless Inc.'s ("Halo") Complaint to stop this blocking
20 request. The blocking request made to AT&T, and the notice provided to Halo, are
21 attached hereto as Attachments A and B.

22 **Q. Please describe Alma's business presence in Missouri.**

1 A. Alma is an incumbent local exchange company providing local service to
2 approximately 300 customers in the single Missouri exchange of Alma. Alma is
3 located approximately 10 miles north of Concordia, Missouri. Alma's Alma
4 exchange subtends AT&T Missouri's Kansas City LATA tandem for Kansas City
5 LATA 524. Alma lies within the Kansas City MTA 34.

6 **Q. What do these blocking requests state as grounds?**

7 A. That Halo has sent landline originated traffic to AT&T destined for termination to
8 Alma over the LEC-to-LEC network, that Halo has failed to pay bills for traffic that
9 terminated after Halo's bankruptcy filing, that some of the traffic was interLATA in
10 jurisdiction, that some of the traffic was originated with the use of feature group D
11 protocol trunking arrangements, and that Halo has failed to provide, or has altered,
12 originating caller identification for this traffic.

13 **Q. How do you know that Halo has sent traffic to AT&T destined for Alma?**

14 A. In the October 2010 carrier access billing period of Alma, Halo traffic first began
15 terminating to Alma over the LEC-to-LEC network. Thereafter AT&T provided
16 Alma with monthly Halo traffic information to utilize in preparing carrier access bills
17 to Halo. This is the process AT&T and Missouri rural local exchange companies
18 (RLECs) utilize for traffic AT&T receives from CMRS providers that connect with
19 AT&T, and transits to the RLECs. The Halo traffic has continued to terminate
20 monthly since then, and continues to this day.

21 **Q. Did Alma agree to receive traffic from Halo in this fashion?**

22 A. No. The traffic just started coming without any advance notice.

23 **Q. What did you do?**

1 A. By the time Alma received the billing information from AT&T we had already been
2 providing terminating services to Halo. We had no knowledge Halo traffic had
3 terminated until we received the billing information. As Halo had not established
4 any arrangements, the only mechanism we had to apply to this traffic was our access
5 tariffs, which were in effect when the Halo traffic terminated. We billed Halo at
6 intrastate terminating traffic rates.

7 **Q. Has Halo made any payment for these bills rendered for traffic terminating after**
8 **August 8, 2011?**

9 A. No.

10 **Q. Was Halo then the only CMRS provider that was sending traffic to Alma?**

11 A. No. In the past we received over the LEC-to-LEC network via AT&T from more
12 widely known CMRS providers such as AT&T Mobility, Verizon, Sprint, T-Mobile
13 USA, and US Cellular.

14 **Q. Were you getting paid by them?**

15 A. Yes.

16 **Q. Were you billing them terminating intrastate access rates?**

17 A. No, except for terminating inter-MTA wireless traffic, which we billed at interstate or
18 intrastate terminating access rates, we billed them reciprocal compensation rates.

19 **Q. Why is that?**

20 A. After these national CMRS providers obtained interconnection agreements with
21 AT&T, they came to the RLECs and completed the interconnection or traffic
22 termination agreement process. We negotiated agreements, based upon traffic
23 studies and cost information, that specified how much of the traffic transited via

1 AT&T would be reciprocal compensation traffic, how much would be access traffic,
2 how much of the access traffic was intrastate and interstate, the reciprocal
3 compensation rate that would apply to the intraMTA traffic, and other details of our
4 business relationship. These agreements were approved by the Missouri Public
5 Service Commission. Consequently, when AT&T provides us with the billing
6 information, we know how much access to bill and how much reciprocal
7 compensation to bill. We have been providing termination services, and being paid
8 for those services by these national CMRS providers, for years pursuant to these
9 agreements.

10 **Q. Why didn't it work that way for Halo?**

11 A. Halo claimed that it was a CMRS provider, that the charges in our invoices appeared
12 to relate to the transport and termination of intra-MTA wireless-originated traffic, that
13 we couldn't apply access rates to this traffic, and until we initiated and completed a
14 process for obtaining an interconnection agreement with Halo, Halo had no obligation
15 to pay us anything.

16 **Q. Why didn't you initiate the interconnection agreement negotiation process with**
17 **Halo?**

18 A. We had no information indicating that Halo was a CMRS provider with a customer
19 base making calls in our service areas. The large volume of Halo traffic we received
20 was not indicative of a start-up CMRS provider. There were industry reports that
21 Halo had no wireless customers of its own, and that it was attempting to characterize
22 landline-originated traffic as wireless-originated traffic in order to avoid paying
23 access charges that are usually higher than reciprocal compensation rates. We

1 decided not to initiate the negotiation process with Halo unless we obtained clear
2 information Halo was sending us its own wireless customers' traffic originated in the
3 same MTA as our customers were located.

4 **Q. Did you later receive clear information to that effect?**

5 A. No. The more we learned the clearer it became that Halo was trying to avoid access
6 charges.

7 **Q. When did you decide to initiate blocking proceedings?**

8 A. In February of 2012.

9 **Q. Why did it take you so long?**

10 A. After other Missouri rural local exchange companies blocked Halo traffic in the
11 spring of 2011, we filed cases with the Missouri Public Service Commission asking
12 for permission to block Halo traffic. Then Halo sued us in multiple federal court
13 proceedings. Then Halo filed for bankruptcy on August 8, 2011. In late October,
14 2011, the bankruptcy judge ruled that state proceedings could go forward. Then the
15 FCC's November 18, 2011 Connect America Fund Order, which transformed
16 universal service fund and inter-carrier compensation, specifically addressed the Halo
17 traffic situation and ruled that Halo's insertion of a CMRS link in the call path did not
18 convert landline traffic to CMRS traffic. After that decision we requested traffic
19 information from AT&T as to the type and jurisdiction of the Halo traffic. AT&T
20 provided us with summaries of two traffic studies. Then we requested blocking.

21 **Q. What information do you have that Halo has sent traffic to AT&T destined for**
22 **termination to Alma?**

1 A. AT&T has sent Alma Halo terminating traffic information. AT&T's information
2 designated that Halo was responsible to pay for this traffic. AT&T does not provide
3 this information unless it is transiting traffic to Alma for termination to Alma
4 customers.

5 **Q. How do you know that this traffic traversed the "LEC-to-LEC" network?**

6 A. The arrangement I described is only utilized where AT&T puts the terminating traffic
7 on the intraLATA toll network, which is also referred to as the LEC-to-LEC
8 Network. For traffic that originates or terminates utilizing an interexchange carrier
9 point of presence, we use a different billing record creation process, and bill the
10 carrier responsible for the trunk delivering the traffic to the terminating access
11 tandem. So the fact that AT&T provided us billing records establishes that the traffic
12 was placed on the LEC-to-LEC network.

13 **Q. What information do you have that any of this traffic was landline originated?**

14 A. We now have three summaries of traffic studies performed by AT&T for Alma that
15 show that the following percentages of Halo traffic for the following periods were
16 landline originated:

17 March 3 to March 12, 2011: 46.5%

18 November 9 to November 17, 2011: 89.6%

19 February 26 to March 24, 2012: 86.0%

20 Copies of these traffic study summaries are attached hereto as Attachment C.

21 **Q. How do you know that Halo has failed to pay you for this traffic that terminated**
22 **after Halo's bankruptcy petition filing?**

1 A. I checked and confirmed that Alma has sent invoices to Halo's accounts payable
2 department at Halo's address for traffic terminating after August 8, 2011, and that no
3 payments have been received.

4 **Q. How do you know that some of this landline originated traffic was interLATA**
5 **traffic?**

6 A. The traffic study summary AT&T provided for the February 26 to March 24, 2012
7 study period shows that 24.1% of the landline originated traffic terminating to Alma
8 was interLATA traffic.

9 **Q. How do you know that some of this landline originated traffic was originated**
10 **using feature group D signaling or trunking protocols?**

11 A. InterLATA landline traffic is carried by interexchange carriers (IXCs). IXC traffic
12 is originated using feature group D signaling and trunking protocols.

13 **Q. Does this conclude your direct testimony?**

14 A. Yes.

Alma Attachment A



Craig S. Johnson
Andrew J. Sporleder
Attorneys at Law

February 22, 2012

Via email and certified mail, return receipt requested

Leo Bub
Counsel
AT&T Missouri
One Bell Center, Room 3520
St. Louis, MO 63101

Re: Request for Blocking of Traffic of Halo Wireless Inc. terminating to Alma Communications Company d/b/a Alma Telephone Company made pursuant to the Missouri Enhanced Record Exchange Rule of the Missouri Public Service Commission.

Dear Mr. Bub:

This is a traffic blocking request made pursuant to 4 CSR 240-29.130. The terminating carrier making this request is Alma Communications Company d/b/a Alma Telephone Company (Alma). The originating carrier whose traffic Alma is requesting AT&T Missouri to block is that of Halo Wireless Inc., OCN 429F (Halo).

Alma has invoiced Halo for post-Halo bankruptcy petition traffic termination services. Halo has failed to pay any part of those invoices. Halo has sent landline-originated traffic to Alma under the auspices of a CMRS/ILEC interconnection agreement. Halo has placed interLATA traffic on the LEC-to-LEC network for termination to Alma. Some of this traffic was originated with the use of feature group D protocol trunking arrangements. Halo has failed to provide, or has altered, originating caller identification information for this traffic. The FCC, at paragraphs 1005 -1006 of its November 18, 2011 Order 11-161 specifically analyzed and rejected Halo's contention that it "re-originated" landline toll traffic of its affiliate Transcom and converted it to intraMTA wireless traffic by inserting a wireless connection at its "base stations". Thus FCC stated that such "re-origination of a call over a wireless link in the middle of the call path does not convert a wireline-originated call into a CMRS-originated call for purposes of reciprocal compensation and we disagree with Halo's contrary position."

Alma requests that AT&T Missouri block Halo traffic from terminating over the LEC-to-LEC network to the following Alma exchange:

<u>Exchange</u>	<u>NPA-NXX</u>
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Alma	660-674
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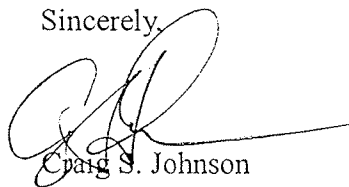
Alma Attachment A

Alma requests that this traffic be blocked on April 3, 2012, or another date that is mutually

agreeable to Alma and AT& T Missouri and is within 45 days of this request. 4 CSR 240-29.130(6).

Please let me know if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to be "CSJ", with a long horizontal flourish extending to the right.

Craig S. Johnson

cc: Russel Wiseman, President
John Van Eschen, Mgr. MoPSC Telecommunications Dept.
William Voight
Larry Sullivan

Alma Attachment B



Craig S. Johnson
Andrew J. Sporleder
Attorneys at Law

February 22, 2012

Via email and certified mail, return receipt requested

Russel Wiseman, President
Halo Wireless Inc
2351 West Northwest Highway
Suite 1204
Dallas, TX 75220

Re: Notice of Request for Blocking of Traffic of Halo Wireless Inc. terminating to Alma Telephone Corporation, d/b/a Alma Telephone Company, made pursuant to the Missouri Enhanced Record Exchange Rule of the Missouri Public Service Commission.

Dear Mr. Wiseman:

Please be notified that to Alma Telephone Corporation, d/b/a Alma Telephone Company (Alma) has requested that AT&T Missouri block Halo Wireless Traffic terminating to Alma pursuant to Missouri Public Service Commission Rule 4 CSR 240-29.130. A copy of that request is attached hereto for your reference.

Pursuant to the Commission Rule, Halo Wireless is notified of the reasons for, date of, and actions it can take to avoid, this traffic blocking.

Reasons for Blocking Request

Alma has invoiced Halo for post-Halo bankruptcy petition traffic termination services. Halo has failed to pay any part of those invoices. Halo has sent landline-originated traffic to Alma under the auspices of a CMRS/ILEC interconnection agreement. Halo has placed interLATA traffic on the LEC-to-LEC network for termination to Alma. Some of this traffic was originated with the use of feature group D protocol trunking arrangements. Halo has failed to provide, or has altered, originating caller identification information for this traffic. The FCC, at paragraphs 1005 -1006 of its November 18, 2011 Order 11-161 specifically analyzed and rejected Halo's contention that it "re-originated" landline toll traffic of its affiliate Transcom and converted it to intraMTA wireless traffic by inserting a wireless connection at its "base stations". Thus FCC stated that such "re-origination of a call over a wireless link in the middle of the call path does not convert a wireline-originated call into a CMRS-originated call for purposes of reciprocal compensation and we disagree with Halo's contrary position."

Alma Hedvat B

Date Traffic is Requested to be Blocked

April 3, 2012.

Actions Halo Wireless Can Take to Prevent Blocking

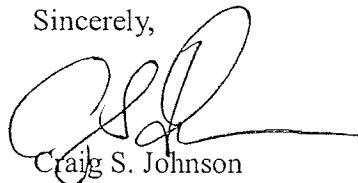
Pursuant to 4 CSR 240-Chapter 29, Halo Wireless may take any of the following actions to prevent implementation of this blocking request:

- a. use alternate means of delivering traffic subject to blocking;
- b. file a formal complaint before the Missouri Public Service Commission providing all relevant evidence refuting the stated reasons for blocking;
- c. any other means of prevention set forth in 4 CSR 240-Chapter 29.

If Halo chooses any of these alternatives, please notify myself, AT&T Missouri, and John Van Eschen no later than March 12, 2012 to avoid effectuation of traffic blocking.

If any questions or concerns arise regarding this notice, please direct them to me.

Sincerely,



Craig S. Johnson

cc: John Van Eschen, Mgr. MoPSC Telecommunications Dept.
William Voight
Larry Sullivan
Leo Bub

Alma Attachment C

DR# 2 - ALMA COMMUNICATIONS COMPANY DBA ALMA TELEPHONE CO				
3/3/11 through 3/12/11				
Terminating State	Traffic Type	Jurisdiction	Terminating Traffic Percent	Landline vs. Wireless Orig%
MO	Wireless Originated	InterMTA	10.9%	53.5%
		IntraMTA	42.6%	
	Landline Originated	Interstate	25.3%	46.5%
		Intrastate	21.2%	
9/11/11 through 9/17/11				
Terminating State	Traffic Type	Jurisdiction	Terminating Traffic Percent	Landline vs. Wireless Orig%
MO	Wireless Originated	InterMTA	7.7%	10.4%
		IntraMTA	2.6%	
	Landline Originated	Interstate	52.1%	89.6%
		Intrastate	37.5%	

Alma Attachment C - 1

Alma Telephone Company

1. Did AT&T perform any study of traffic delivered by Halo Wireless Inc. to AT&T and transited to Alma Communications Company d/b/a Alma Telephone Company after August 8, 2011 that includes the state of origin of the calls included in such study? If so please identify the personnel responsible for performing each such study, and please provide a copy of the results of such study.

Response: Yes, AT&T performed a 2/26/2012 through 3/24/2012 (DMS Switch) and a 11/9/2011 through 11/17/2011 (DMS Switch) traffic study. Please see as follows:

ALMA COMMUNICATIONS COMPANY DBA ALMA TELEPHONE CO							
State	LERG Traffic Type	Jurisdiction	Jurisdiction Percent	Landline vs. Wireless Orig %	InterLATA	IntraLATA	Traffic Study Date
MO	Wireless Originated	InterLATA InterMTA Interstate	5.3%	14.0%	32.2%	67.8%	2/26/2012 through 3/24/2012
		InterLATA InterMTA Intrastate	2.3%				
		InterLATA IntraMTA	0.4%				
		IntraLATA InterMTA Intrastate	0.4%				
		IntraLATA IntraMTA	5.6%				
	Landline Originated	InterLATA Interstate	17.1%	86.0%			
		InterLATA Intrastate	7.0%				
		IntraLATA Interstate	8.0%				
		IntraLATA Intrastate	53.8%				
Total			100.0%	100.0%	100.0%		

Responsible Persons: Stan Mensinger
Mark Neinast