

**Transcript of Proceedings - February 28, 2012
Volume 2 - Technical Session**

Public Service Commission of Wisconsin
RECEIVED: 03/01/12, 1:06:49 PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

INVESTIGATION INTO PRACTICES OF)
HALO WIRELESS, INC., and TRANSCOM) Docket No.
ENHANCED SERVICES, INC.) 9594-TI-100

EXAMINER MICHAEL E. NEWMARK, PRESIDING

TRANSCRIPT OF PROCEEDINGS

FEBRUARY 28, 2012

VOLUME 2

TECHNICAL SESSION

Reported By:
JENNIFER M. STEIDTMANN, RPR, CRR
Gramann Reporting, Ltd.
(414) 272-7878

HEARING HELD:

February 28, 2012
Madison, Wisconsin
9:30 a.m.

TRANSCRIPT PAGES:

1 - 141,
151 - 307, Incl.

EXHIBITS:

Prefiled; J.S. McPhee
5; T. McCabe 17; L.
Robinson 13

Transcript of Proceedings - February 28, 2012
Volume 2 - Technical Session

94

1 only reason was to disguise.

2 A In my experience --

3 MR. FRIEDMAN: There's no question.

4 BY MR. MCCOLLOUGH:

5 Q Okay. You say in here the only reason was to
6 disguise, to deceive. Isn't it at least possible
7 that Halo was telling the world, responsible party's
8 Transcom, here's your billing telephone number?
9 Isn't that possible?

10 A It seems far-fetched, but I suppose in some world it
11 might be.

12 Q Generally when people are out there trying to
13 deceive, they're hiding something, aren't they?

14 A I believe that's true.

15 Q How is signaling additional information specifically
16 identifiable to a particular customer hiding
17 something?

18 A When it's not the original customer, it's some sort
19 of deception.

20 Q That's Halo's customer?

21 A It may or may not be Halo's customer, but it has
22 nothing to do with the originator of the call.

23 Q Granted, granted. Now, you understand Halo took the
24 position all along, even before the FCC order, based
25 on our reading of all the rules, we thought Transcom

**Transcript of Proceedings - February 28, 2012
Volume 2 - Technical Session**

95

1 was the originating party. You understand we took
2 that position, right?

3 A I've read that.

4 Q Okay. And the FCC disagreed on November 18th?

5 A I've read that, too.

6 Q So just in terms of intent, isn't it at least
7 possible that what Halo was saying is I've got an end
8 user customer and I'm going to act much like AT&T
9 does when it has an ISDN PBX customer with PRI and,
10 you know, if the charge numbers -- I mean, if the CPN
11 doesn't signify, quote, the people we think to be the
12 responsible party, we're going to signal it and
13 charge them?

14 MR. FRIEDMAN: I'm going to object on two
15 grounds. One is it was asked, albeit in a slightly
16 different form, and already answered. Second is
17 it's cumulative and argumentative. The testimony
18 says what it says. Counsel has made his point. I'm
19 not sure how much use it would be to the Commission
20 to have further debate on this.

21 EXAMINER NEWMARK: Sustained.

22 BY MR. McCOLLOUGH:

23 Q Page 8 of your direct --

24 MR. McCOLLOUGH: And by the way, Your
25 Honor, if we get to a stopping point that's

Transcript of Proceedings - February 28, 2012
Volume 2 - Technical Session

110

1 adjust down the number. You know, that's what the
2 witness said. My point, Your Honor, is, you know, I
3 had to sit here and cross-examine this guy, and he'd
4 say, okay, well, I can fix that by changing the
5 number and add to that an amount that supposedly
6 wireline originated would go down and down and down.
7 At some point that would get mighty small.

8 He's acknowledged that even the TDS
9 numbers that showed up might well have been
10 originated on a wireless unit using an ESP, Skype,
11 going to another ESP, we say Transcom and to Halo.
12 And our contention is that's originating with Halo,
13 and I don't think no matter how many times you read
14 those two paragraphs, the FCC said it is not. What
15 they were talking about is traffic that does
16 originate on other carriers' networks.

17 Now, is it true that Halo has said, sure,
18 some of these calls may have started somewhere else,
19 but if you read the rebuttal, what Mr. Wiseman said
20 was we built our business plan reading these FCC
21 rules and, oh, by the way, not just the FCC, the
22 Court of Appeals decisions out of the D.C. Circuit
23 that said ESPs are end users and originate calls.

24 I just want to make sure that the
25 Commission understands that you can't always put