



May 1, 1997

Mr. Cecil I. Wright
Executive Secretary
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

FILED
MAY 1 1997
MISSOURI
PUBLIC SERVICE COMMISSION

Re: Case No. TW-97-333

Dear Mr. Wright:

Enclosed for filing with the Commission in the above-referenced case is an original and 14 copies of Southwestern Bell Telephone Company's Motion To Compel Responses To Data Requests.

Please stamp "Filed" on the extra copy and return the copy to me in the enclosed self-addressed, stamped envelope.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Leo J. Bub" with a flourish at the end.

Leo J. Bub

Enclosures

cc: Attorneys of Record

FILED

MAY 1 1997

MISSOURI
PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of an Investigation into the Provision) Case No. TW-97-333
of Community Optional Calling Service in Missouri.)

**SOUTHWESTERN BELL TELEPHONE COMPANY'S
MOTION TO COMPEL RESPONSES TO DATA REQUESTS**

Southwestern Bell Telephone Company moves the Commission to compel certain members of the Small Telephone Company Group¹ and the Mid-Missouri Group² to provide full responses to Southwestern Bell's Data Request Nos. 5 through 15. These Data Requests seek information about if and how these telephone companies (or their affiliates) use Southwestern Bell's Community Optional Calling Service (COS) when they order COS for their official telephone company lines, whether they are paying all required charges, and whether they are aggregating end user traffic over these COS-subscribed lines in violation of Southwestern Bell's COS tariff. In support of its Motion, Southwestern Bell states:

1. The Small Telephone and Mid-Missouri Groups object to Southwestern Bell's Data Request Nos. 5 through 15 on the ground that the Data Requests seek "highly confidential, customer specific information. . . ."

¹This Motion is directed to the following members of the Small Telephone Company Group: ALLTEL Telephone Service Corporation, BPS Telephone Company, Cass County Telephone Company, Craw-Kan Telephone Company, Goodman Telephone Company, Grand River Mutual Telephone Company, Green Hills Telephone Company, KLM Telephone Company, Kingdom Telephone Company, Mark Twain Rural Telephone Company, New Florence Telephone Company, New London Telephone Company and Stoutland Telephone Company.

²This Motion is directed to the following members of the Mid-Missouri Group: Chariton Valley Telephone Company, Mid-Missouri Telephone Company, Northeast Missouri Rural Telephone Company and Modern Telephone Company.

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2. The Small Telephone and Mid-Missouri Groups correctly point out that the requested information is highly confidential and customer specific. But they fail to indicate that this data belongs to Southwestern Bell. As the COS service provider, Southwestern Bell has a right to know who is using its COS service, whether their use is consistent with Southwestern Bell's COS tariff, and whether they are paying the appropriate tariff rate for the services being used. Here, these other telephone companies (and perhaps their affiliates) may be the "customers" using Southwestern Bell's COS service. They should not be permitted to hide potential tariff violations behind disingenuous claims of customer confidentiality.

3. The Small Telephone and Mid-Missouri Groups also claim the requested information is "neither relevant to the instant proceeding nor is it reasonably calculated to lead to the discovery of relevant information." Their claim has no basis. This docket, as reflected in its title, is "an Investigation into the Provision of Community Optional Calling Service in Missouri." All of Southwestern Bell's Data Requests are limited to the COS services it provides to the Small Telephone and Mid-Missouri Groups. The Commission will not be in a position to determine whether and how COS should be provided in the future if it does not know how COS is being used now.

4. Moreover, the information Southwestern Bell seeks pertains to at least two issues specifically identified by the Commission for investigation. In its Order Establishing Docket, the Commission directed participants to respond to several questions including:

- Shall all competitive LECs be required to offer this service? (Question 2); and

- What, if any, change must be made in the Primary Toll Carrier (PTC) Plan to accommodate or accomplish the proposed changes herein? (Question 3).

Southwestern Bell's Data Requests seek information to help determine whether the current COS arrangement -- under which the PTCs must provide COS to end users in secondary carrier (SC) exchanges and pay the SCs full access charges on such usage -- remains appropriate.

5. Currently, PTCs are required to provide COS to end users in SC exchanges. The Commission has asked whether it should require all competitive LECs to offer COS. Southwestern Bell believes that if the Commission chooses to continue mandating the provision of COS at below-cost rates, all competitive LECs, including SCs, should be required to offer COS to their own customers.³ Southwestern Bell's Data Requests seek information that would support its position that each LEC should be responsible for the provision of COS to its own end users: they would help show that only the LEC actually providing the service has the ability and the financial incentive to ensure that COS tariff terms, conditions and rates are correctly applied.

6. When Southwestern Bell provides COS to its own end user customers, it has direct contact with that customer. And it is in a position, both when an initial COS service order is placed and during subsequent customer contacts, to determine how the customer is going to use or is using COS and whether that use complies with the COS tariff. For example, if a Southwestern Bell customer seeks to subscribe one line from a multiline hunt group to COS, Southwestern Bell's service representatives know that all lines in the hunt group must, under the COS tariff, be subscribed to COS because all lines in that group would be able to utilize the COS

³See, Southwestern Bell Direct Testimony of Debbie J. Bourneuf, pp. 24-26.

service.⁴ Similarly, Southwestern Bell's service representatives know that a COS subscriber cannot aggregate the toll usage from multiple lines or from other users and route that traffic over a COS line.⁵ Because of this direct end user contact, Southwestern Bell is able to ensure its customers' use of COS is permitted under the tariff and that the COS rates are appropriately applied.

7. When SCs offer PTC-provided COS to their end users, the PTC has no direct contact with the end user. And it has no ability to control or even learn whether its COS is being used consistent with its COS tariff. Instead, it is forced to rely on the SC -- which in effect acts as the PTC's agent -- to ensure end user compliance with the COS tariff and that the COS rates are appropriately applied.

8. Southwestern Bell has limited its inquiry here to how SCs themselves use PTC-provided COS when they (or their affiliates) subscribe their official company lines to COS. Southwestern Bell has not asked how each SCs' end user is using COS (although Southwestern Bell believes it has the right to do so). The limited information Southwestern Bell seeks about the Small Telephone and Mid-Missouri Groups own COS usage should help show whether these companies are complying with the conditions in the COS tariff and correctly applying the COS rates. If they are not doing so, such failure supports placing the responsibility for providing COS on the company providing local service to the end user.

⁴Southwestern Bell's Long Distance Message Telecommunications Service Tariff, P.S.C. Mo.-No. 26, paragraph 1.11.C.11.c.

⁵Southwestern Bell's Long Distance Message Telecommunications Service Tariff, P.S.C. Mo.-No. 26, paragraph 1.11.C.8.

9. The information Southwestern Bell seeks is also relevant to the Commission's question on what changes should be made to the PTC Plan to accommodate the proposed COS changes. Currently, COS is treated as a toll service. The PTCs that are required to provide COS receive the COS subscription revenue and must pay full SC originating or terminating access charges (or both) when COS calls they carry originate or terminate in an SC exchange. From Southwestern Bell's perspective, this arrangement has been unsatisfactory because it forces Southwestern Bell to pay out substantially larger amounts in access payments than it receives in COS revenue.⁶

10. In response to the Commission's questions concerning necessary changes to the PTC Plan, Southwestern Bell proposed that COS cease being provided as toll under the PTC Plan. Instead, Southwestern Bell proposed converting COS to a one-way only or one-way reciprocally available local service provided by the LECs serving the petitioning exchange (if a one-way only service) and the target exchange (for the reciprocal route if reciprocally available COS is ordered by the Commission). In either case, terminating compensation should be at Terminating Switched Access Rates, less the Carrier Common Line (CCL) element -- not at full access. These changes should remove any incentive a company may have to artificially or inappropriately increase COS usage.

11. Southwestern Bell has sought information from the Small Telephone and Mid-Missouri Group on their own use of COS to help demonstrate the existence of incentives the SCs have to disregard or misapply COS tariff terms and conditions, and the effect of those

⁶See, Southwestern Bell Direct Testimony of Richard L. Taylor, pp. 2-4.

incentives. The Data Requests Southwestern Bell sent to the Small Telephone and Mid-Missouri

Groups are:

DR No. 5: For each of your company official telephone access lines which subscribe to COS, please provide the following for each month beginning January 1996 through March 1997:

- A. Telephone number.
- B. Is usage from more than one line being attributed to the telephone number? If so, specify the number of lines or explain how that attribution occurs in the network and/or billing system. Are each of those lines subscribed to COS and being billed for COS?
- C. What COS route is the line subscribed to?
- D. COS minutes of use associated with the telephone number.

DR No. 6: For any access line of one of your telephone company affiliates that subscribe to COS, please identify the affiliate and provide the following by affiliate for each month beginning January 1996 through March 1997:

- A. Telephone number.
- B. Is usage from more than one line being attributed to that telephone number? If so, specify the number of lines or explain how that attribution occurs in the network and/or billing system. Are each of those lines subscribed to COS and being billed for COS?
- C. What COS route is the line subscribed to?
- D. COS minutes of use associated with the telephone number.

DR No. 7: Are any of your company official access lines which are subscribed to COS used by your company to access the Internet?

DR No. 8: If yes to No. 7 above:

- A. How many lines are being used for Internet access?
- B. What telephone numbers are assigned to these lines?
- C. How much COS usage is generated by these lines?

DR No. 9: Are any of your company official access lines which are subscribed to COS being used in the provision of Internet access service to any of your end user customers?

DR No. 10: If yes to No. 9 above:

- A. How many lines are being used for Internet access?
- B. What telephone numbers are assigned to these lines?
- C. How much usage is generated by these lines?

DR No. 11: Other than for Internet access purposes, are any of your company official access lines which are subscribed to COS being used to aggregate the usage of multiple end users?

DR No. 12: If yes to No. 11 above:

- A. How many lines are being used for Internet access?
- B. What telephone numbers are assigned to these lines?
- C. How much usage is generated by these lines?

DR No. 13: Is your company using COS in the provision of any service, COS or other, to any customer in any non-COS petitioning exchange?

- A. If so, provide a complete description of such service(s) and identify the exchange(s) in which such service(s) is provided.
- B. Explain any specific network or billing system arrangements utilized to facilitate such service(s).

DR No. 14: Please identify each employee of your company by name and title who performed any function in establishing your company as a subscriber to COS or in determining how your company would utilize such service.

DR No. 15: (Mark Twain Telephone Company Only): When (on what dates) was Mark Twain Rural first aware that the seven COS routes subsequently implemented on September 11, 1995, passed the COS qualifying criteria? For each route, was Mark Twain's initial development of such calling study data performed at its own initiative, or pursuant to a customer request, Commission directive, or for some other reason? If pursuant to some other reason, what was that reason? For each route, did Mark Twain Rural ask or encourage the petitioning party to file the COS request or petition with the PSC?

13. As outlined above, these Data Requests seek information about how the Small Telephone and Mid-Missouri Groups are using Southwestern Bell's COS service they ordered for their own (or their affiliate's) official company lines. Specifically, the Data Requests focus on whether these companies are routing traffic from other company or end user access lines to


the company lines subscribed to COS; what was done in the company's network and billing system to set up the arrangement; whether those other lines are subscribed to and paying for COS; and the COS usage associated with any of these arrangements. They also ask whether these companies are using these COS subscribed lines to access the Internet, or to provide Internet access to their end user customers (and if so, they seek details on what is being done with Southwestern Bell's COS service and how). In addition, they ask whether these companies are using the COS-subscribed lines to aggregate the usage of multiple end users or provide any service to customers in non-COS petitioning exchanges (and again, they seek the details of any such arrangements if they exist).

14. All of these Data Requests pertain to COS services being provided by Southwestern Bell for use by the Small Telephone and Mid-Missouri Groups on their official company lines -- under service orders written by these companies acting in an agency capacity for Southwestern Bell. Whether these companies' use of COS comports with the Commission's intended use of COS is relevant to the investigation the Commission is now making in this case and should be instructive in determining how COS should be provided in the future.

WHEREFORE, Southwestern Bell respectfully requests the Commission to compel the designated members of the Small Telephone and Mid-Missouri Groups to provide and complete answer to Data Request Nos. 5 through 15.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

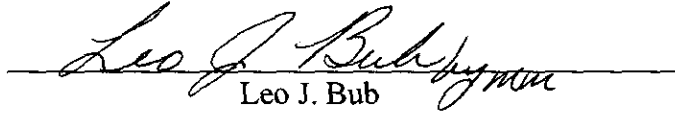
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CERTIFICATE OF SERVICE

I served this document on the parties listed below by first-class U.S. Mail postage prepaid, on May 1, 1997.


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