

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

In the Matter of Southwestern Bell Telephone	)	
L.P. d/b/a SBC Missouri's Proposed Revision to Its	)	Case No. TT-2004-0542
PSC MO No. 36 Access Service	)	Tariff File No. JI-2004-1159

**SBC MISSOURI'S PROPOSED PROCEDURAL SCHEDULE**

Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri"), respectfully submits its proposed procedural schedule in the above-referenced case. The primary goal of SBC Missouri's proposed procedural schedule is to achieve a prompt hearing in order that its proposed tariff be considered for approval as quickly as possible. As explained further below, and consistent with the Commission's discussion at the agenda meeting when SBC Missouri's tariff was considered, this proposed schedule substitutes a "beginning-to-end live testimony" model for the traditional model which combines pre-filed testimony with live hearing-room cross-examination. SBC Missouri's proposal offers the prospect of a more manageable record, and an earlier Commission decision on the merits. Thus, SBC Missouri urges that the Commission adopt it.

1. In its May 26, 2004 Order Granting Intervention and Setting Prehearing Conference ("Order"), the Commission directed the parties to file a proposed procedural schedule. The Order required that the schedule include dates for (1) filing of a list of issues to be determined by the Commission, (2) filing of statements of position as to each issue, (3) filing of the list of witnesses list and their order of appearance and cross-examination, (4) a settlement conference, and (5) an evidentiary hearing. Order, at pp. 1-2.

2. SBC Missouri submits the following schedule, which meets each of the Commission's requirements:

**July 16, 2004 – Filing of List of Issues/Order of Witnesses/Position Statements**

**July 23, 2004 – Settlement Conference**

**July 27-29, 2004 – Hearing On the Merits**

3. This proposed schedule offers at least two distinct benefits. First, it would be expected to produce a concise and manageable record for the Commission's consideration. SBC Missouri's proposed schedule places a high premium on the parties' respective position statements. Because each party's position statement would be the only avenue by which to convey its view of the case prior to the hearing, SBC Missouri anticipates that the parties' collective statements would offer succinct yet complete discussion of the critical issues.

4. Second, the proposed schedule would allow the parties to move to a hearing on the merits more quickly because there would be no pre-filed testimony to plan for before commencement of the actual hearing. That consideration is appropriate here. Under the current tariff mechanism, interexchange carriers ("IXCs") are to "self-report" the percentage of interstate usage ("PIU") on calls where the Calling Party Number ("CPN") is not available, with that percentage being used to classify the traffic as either interstate or intrastate for access charge purposes. The difference between intrastate and interstate access charges, however, provides a significant incentive for carriers to under-report intrastate minutes of use ("MOU") associated with calls where CPN is not available, because charges for a call reported as an interstate call are billed at the much lower interstate access charge rate. As a result, SBC Missouri is deprived of revenues for intrastate access services which it provides to IXCs.

5. SBC Missouri's proposed tariff revisions would reduce the ability to game the appropriate assessment of intrastate access charges, by altering the current tariff mechanism in a limited but important respect. Specifically, the revisions provide that when the percentage of

minutes passed without CPN exceeds 10% of the total minutes passed for termination in a particular month, the “intrastate percentage” of such calls will be that of “the minutes . . . where jurisdiction can be determined,” i.e., the PIU of calls where CPN is provided is used as a surrogate for non-CPN calls. Section 2.3.13(A)(2) (emphasis added). These revisions, first offered almost three months ago,<sup>1</sup> should be considered and put in place as soon as practicable, so that SBC Missouri does not continue to suffer lost revenues from carriers who game the current system by under-reporting intrastate MOU associated with non-CPN calls.

6. Based on discussions between the parties, SBC Missouri is lead to believe that IXCs may be concerned that the foregoing schedule may not afford them sufficient time for discovery. But the Commission’s Order Further Suspending tariff was issued on May 6, 2004, and neither of the IXC intervenors have taken the opportunity to generate any discovery to date. In any case, under SBC Missouri’s proposed schedule, the parties would have sufficient time to conduct discovery.

7. In the event that the Commission does not wish to utilize a “live testimony” model, SBC Missouri offers the following “pre-filed testimony” alternative:

July 9, 2004 - Pre-filed Testimony (SBC Missouri)

July 30, 2004 - Rebuttal Testimony (Intervenors and Staff)

August 13, 2004 - Surrebuttal Testimony (All Parties)

August 20, 2004 - List of Issues/Order of Witnesses/Position Statements (All Parties)

August 17, 2004 – Settlement Conference

August 27-29, 2004 – Hearing On the Merits

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<sup>1</sup> SBC Missouri’s proposed tariff revision were filed with the Commission on March 25, 2004.

8. This alternative schedule offers a hearing on the merits sooner than the proposed procedural schedule AT&T Communications of the Southwest, Inc. ("AT&T") and MCI WorldCom Communications, Inc. ("MCI") are expected to offer. Therefore, at a minimum, it would allow SBC Missouri an earlier opportunity to eliminate the gaming that has for too long plagued the current system by under-reporting intrastate MOU associated with non-CPN calls.

9. In sum, SBC Missouri respectfully submits that the Commission should forthwith order that SBC Missouri's proposed "live testimony" procedural schedule shall govern this case. To the extent that such a schedule is declined by the Commission, then SBC Missouri urges the Commission to order that SBC Missouri's alternative "pre-filed testimony" procedural schedule shall govern this case.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of this document were served on all counsel of record by electronic mail on June 15, 2004.

  
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