

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

Big River Telephone Company, LLC, )

Complainant, )

v. )

**Case No. TC-2012-0284**

SOUTHWESTERN BELL )

TELEPHONE, L.P. d/b/a )

AT&T MISSOURI )

Respondent. )

**BIG RIVER TELEPHONE COMPANY, LLC' POSITION STATMENT**

COMES NOW, Big River Telephone Company, LLC, ("Big River"), and in accordance with the Commission's August 20, 2012, Order Setting Procedural Schedule and Establishing Additional Procedural Requirements, respectfully submits the following Position Statement:

**Issues for Commission Determination**

ISSUE 1: Should the traffic which Big River has delivered to AT&T Missouri over the local interconnecting trunks for termination, and for which AT&T Missouri has billed Big River access charges since January, 2010 under Billing Account Number 110 401 0113 803 ("BAN 803"), be classified as interconnected VoIP traffic, enhanced services traffic, or neither?

**Big River's position is that the Commission should determine that the traffic Big River has delivered to AT&T Missouri for which AT&T Missouri has billed Big River access charges should be classified as Voice over Internet Protocol and/or enhanced services traffic but not Interconnected Voice over Internet Protocol ("I-VoIP") traffic. Big River's traffic does not meet the statutory definition of I-VoIP because Big River's service does not "require" a broadband connection from the user's location. Big River's traffic, therefore, is VoIP rather than I-VoIP. Further,**

**Big River's traffic is "enhanced services traffic" which employs computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provides the subscriber additional, different, or restructured information; or involves subscriber interaction with stored information.**

ISSUE 2: What charges, if any, should apply to the traffic referenced in Issue No. 1?

**Big River's position is that no charges should apply to the traffic referenced in Issue No. 1. Pursuant to Section 13.3 of Attachment 12 of the interconnection agreement between Big River and AT&T Missouri, VoIP and other enhanced services traffic are not subject to exchange access charges. In contrast, AT&T Missouri has asked that the Commission find that "the access charges AT&T Missouri has billed Big River since January 1, 2010 by means of BAN 110 401 0113 803" are due and owing. AT&T Missouri, however, has produced no competent evidence as to "the access charges AT&T Missouri has billed Big River since January 1, 2010 by means of BAN 110 401 0113 803." The Commission, therefore, has no basis to find that such access charges are due and owing.**

Dated: December 21, 2012

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing document were served to the below-referenced parties by e-mail on December 21, 2012.

s/Brian C. Howe

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