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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
  
Evidentiary Hearing  
  
JUNE 27, 2012  
  
Jefferson City, Missouri

Volume 4

Halo Wireless, Inc., )  
)  
Complainant, )  
vs. ) File No. TC-2012-0331  
)  
Craw-Kan Telephone Cooperative, )  
Inc., Ellington Telephone )  
Company, Goodman Telephone )  
Company, Granby Telephone )  
Company, Iamo Telephone Company, )  
Le-Ru Telephone Company, )  
McDonald County Telephone )  
Company, Miller Telephone )  
Company, Ozark Telephone )  
Company, Rock Port Telephone )  
Company, Seneca Telephone )  
Company, Alma Communications )  
Company d/b/a Alma Telephone )  
Company, Choctaw Telephone )  
Company, MoKan Dial, Inc., Peace )  
Valley Telephone Company, Inc., )  
and Southwestern Bell Telephone )  
Company d/b/a AT&T Missouri, )  
)  
Respondents. )

HAROLD STEARLEY, Presiding  
DEPUTY CHIEF REGULATORY LAW JUDGE  
KEVIN D. GUNN, Chairman  
TERRY M. JARRETT,  
ROBERT KENNEY,  
STEPHEN STOLL,  
COMMISSIONERS.

REPORTED BY:  
Pamela Fick, RMR, RPR, CCR# 447:

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1 P R O C E E D I N G S

2 JUDGE STEARLEY: All right. Good  
3 morning. It's Wednesday, June 27th, 2012. We are  
4 back on the record in File No. TC-2012-0331. We will  
5 be picking up with the remainder of Craw-Kan  
6 witnesses. And as far as the schedule today, I did  
7 want to let you know I had mentioned yesterday that I  
8 might have to be called out for the Commission's  
9 regularly scheduled agenda meeting. At this point it  
10 does not look like we will have to break for agenda.

11 So the plan is to proceed and try to  
12 complete the testimony on the small telco witnesses  
13 and we will break about that time. I know a couple  
14 of the Commissioners want to be present for the  
15 testimony of Staff witness Voigt, so we will  
16 hopefully have this timed out roughly with them with  
17 the completing agenda.

18 Also wanted to announce again that  
19 Commissioner Jarrett is viewing the hearing remotely,  
20 so he is present here in spirit if not in person and  
21 may be sending me questions to ask the witnesses.

22 So are there any preliminary matters  
23 before we begin today?

24 (NO RESPONSE.)

25 JUDGE STEARLEY: Okay. Hearing none,

1 Mr. England, you may call your next witness.

2 MR. ENGLAND: Thank you, your Honor.

3 Mr. Jack Jones, please.

4 (The witness was sworn.)

5 JUDGE STEARLEY: Thank you. You may be  
6 seated, and you may proceed, Mr. England.

7 MR. ENGLAND: Thank you, your Honor.

8 DIRECT EXAMINATION BY MR. ENGLAND:

9 Q. Would you please state your name and  
10 business address for the record, please.

11 A. My name is Jack Jones. I work at IAMO  
12 Telephone Company in Coin, Iowa, 104 Crook Street.

13 Q. And what is your position with IAMO  
14 Telephone Company?

15 A. General manager and CEO.

16 Q. Mr. Jones, are you the same Jack Jones  
17 that has caused to be prepared and filed in this case  
18 prepared direct testimony that I believe has been  
19 marked for purposes of identification as Craw-Kan  
20 Exhibit 4?

21 A. Yes, I am.

22 Q. Are there any corrections or revisions  
23 that you need to make to that testimony at this time?

24 A. No, there are not.

25 Q. Is the information contained in that

1 testimony and the exhibits attached thereto true and  
2 correct to the best of your knowledge, information  
3 and belief?

4 A. Yes.

5 MR. ENGLAND: Thank you. Your Honor,  
6 I'd tender the witness for cross-examination, offer  
7 Exhibit -- Craw-Kan Exhibit 4 subject to your ruling  
8 on the motions to strike.

9 JUDGE STEARLEY: All right. Thank you.  
10 Once again, as with the prior witnesses, we'll be  
11 reserving ruling until the parties have a chance to  
12 file written responses.

13 MR. ENGLAND: Thank you.

14 JUDGE STEARLEY: All right.  
15 Cross-examination from Halo.

16 CROSS-EXAMINATION BY MR. MAJOUÉ:

17 Q. Good morning, Mr. Jones.

18 A. Good morning.

19 Q. As you know, I represent Halo Wireless  
20 and I'll, again, start with the same questions with  
21 all the folks yesterday. Did you actually write your  
22 testimony?

23 A. I got an outline from counsel, and we  
24 went over the outline and I verified the accuracy of  
25 the data and filled in the personal information when

1 it comes to my own bio and that type of information.

2 Q. And so you confirmed what he told you.  
3 Did you actually write any of the stuff other than  
4 your biographical information?

5 A. I went over it with counsel and made  
6 sure that the answers were correct.

7 Q. Meaning, though, that you didn't  
8 physically create it yourself?

9 A. Not all of it, no.

10 Q. But you created some of it?

11 A. Yes.

12 Q. Did you then help write some of the  
13 testimony for the other witnesses that --

14 A. No. I've not seen any of the other  
15 witnesses' information.

16 Q. Let's turn to page 3 of your testimony,  
17 in particular, lines 11 through 14 where you discuss  
18 how you found out about Halo delivering traffic to  
19 it. And it says that you began receiving records of  
20 that traffic from AT&T; is that correct?

21 A. Correct.

22 Q. Then earlier on at the bottom of page 2  
23 going onto page 3, lines 1 through 3, you again  
24 indicate that you received records from AT&T  
25 regarding the traffic that's at issue; is that

1 correct?

2 A. Yes.

3 Q. Then on page 6 of your testimony,  
4 starting at line 20 going onto page 7, through 5, you  
5 discuss traffic studies that you received from AT&T;  
6 is that correct?

7 A. Correct.

8 Q. All right. So all the information that  
9 you have regarding the traffic at issue is based on  
10 records and traffic studies that you got from AT&T,  
11 correct?

12 A. That's correct.

13 Q. Did you do anything to verify those  
14 traffic studies or records?

15 A. Typically they're -- they've been so  
16 accurate over the years that we've never had any  
17 reason to question. We have had traffic studies done  
18 in the past from cost consultants, and the data was  
19 extremely accurate so no reason to question it.

20 Q. Okay. And when was the last time you  
21 did a cost verification -- or a --

22 A. Probably three years ago.

23 Q. Three years ago? And how would you go  
24 about verifying -- or how would your consultant go  
25 about verifying the records of AT&T?



1           A.       They put a device on our switches that  
2 measures all the traffic and captures all the  
3 information and verifies the traffic.

4           Q.       Did you talk to anyone at AT&T about  
5 verifying the --

6           A.       Not in this case, no.

7           Q.       How -- well, how are interconnected --  
8 or are you interconnected with AT&T?

9           A.       Indirectly.

10          Q.       Do you use SS7 signaling?

11          A.       Yes.

12          Q.       And who do you get that from?

13          A.       Iowa Network Services.

14          Q.       In the billing records that you got from  
15 AT&T, did it provide the CPN and CN information for  
16 the Halo traffic that's at issue?

17          A.       We get that information from our billing  
18 company, and typically I don't see all that  
19 information.

20          Q.       Okay. So you don't know one way or the  
21 other whether that information was passed on to your  
22 company?

23          A.       I don't have personal knowledge of that,  
24 no.

25          Q.       Do you claim that the traffic at issue,

1 the Halo traffic at issue is subject to access  
2 charges?

3 A. It makes sense to me that that much  
4 traffic is -- just suddenly appears from the wireless  
5 carrier that nobody's ever heard of, but I don't have  
6 personal knowledge of that one way -- one way or the  
7 other.

8 Q. Whether it's subject to access or not?

9 A. It appears to me when the traffic  
10 appears on our network, we feel like it needs to be  
11 billed.

12 Q. Okay. And you mentioned the volume of  
13 traffic. In your opinion is volume something that's  
14 determinative of whether access is due?

15 A. No, no. All of it needs to be billed.

16 Q. Okay. But all of it needs to be billed  
17 at access rates, is that what you're telling me?

18 A. Not necessarily, just -- just depends if  
19 it's wireless or whatever.

20 Q. Now, for any traffic that you would  
21 argue that is subject to access charges, is there --  
22 does your company have an intrastate switched access  
23 tariff that it claims applies?

24 A. Yes. We adhere to the same Oregon  
25 Farmers tariff.

1 Q. Is it true that the description and  
2 terms and conditions of any access service you would  
3 claim to be providing is set forth in that tariff?

4 A. Yes.

5 Q. Let's turn to page 4 of your testimony,  
6 specifically lines 1 through 3 where you claim that  
7 Halo refused to negotiate with your company. You  
8 heard me ask this of the other witnesses yesterday.  
9 Have you seen any of the correspondence that was  
10 attached to the rebuttal testimony of Russ Wiseman?

11 A. No.

12 Q. And after hearing me ask all the folks  
13 about it yesterday, you did not go look at it  
14 yesterday?

15 A. I did not.

16 Q. Is there a reason why you didn't go look  
17 at it?

18 A. I don't have it, is one thing.

19 Q. Okay. Is that something you could have  
20 asked your attorney for?

21 A. Could have.

22 Q. And why didn't you?

23 A. Well, at this point I don't feel that  
24 it's necessary, and -- of the opinion that we're not  
25 going to see any money out of this and it doesn't

1 really matter what we do.

2 Q. Okay. Well, you understand that you're  
3 under oath, correct?

4 A. Yeah.

5 Q. And that here you've claimed that Halo  
6 refused to negotiate with your company?

7 A. Uh-huh.

8 Q. And I'm asking you about correspondence  
9 that we have asserted says we were offering,  
10 notwithstanding a dispute over the rules, to  
11 negotiate with you. Is there a reason that you have  
12 not gone and tried to verify that one way or the  
13 other to correct your testimony?

14 MR. ENGLAND: Objection, your Honor, to  
15 the form of the question. Counsel's testifying as to  
16 what they're...

17 JUDGE STEARLEY: You can rephrase.

18 MR. MAJOUE: Well, and I'll just -- I'll  
19 move on.

20 BY MR. MAJOUE:

21 Q. So do you know one way or the other  
22 whether Halo agreed -- notwithstanding any dispute  
23 about the application of rules, agreed to negotiate  
24 with your company one way or the other?

25 A. What I know is that the letters that are

1 in my testimony from counsel where counsel did  
2 contact Halo and Halo refused to do anything except  
3 ask for interconnection with the companies.  
4 That's -- that's my knowledge of it.

5 Q. Okay. So you never received any copies  
6 of proposed agreements or anything like that --

7 A. No.

8 Q. -- from Halo? And you don't know one  
9 way or the other whether they offered proposed terms  
10 notwithstanding any dispute regarding  
11 interconnection?

12 A. I don't know of any terms that were  
13 offered.

14 Q. Now, at the time that those letters were  
15 sent to you -- or that your attorney sent those  
16 letters to Halo, if you were aware that  
17 notwithstanding any dispute in the rules Halo told  
18 you we will agree to negotiate with you if you simply  
19 request interconnection from us and you agree to  
20 enter into a negotiations process under the rule, and  
21 then if you do that, we'll give you interim  
22 compensation at the applicable rates, is that  
23 something you would have done?

24 A. I would have looked at it, but it's more  
25 than likely doubtful, based on cost, that it wouldn't

1 make sense, but I would have looked at it.

2 Q. Do you know one way or the other whether  
3 there are any companies out in the industry that have  
4 requested interconnection and requested to  
5 interconnect with Halo and have received interim  
6 compensation?

7 A. I don't know of anything other than what  
8 I've heard in this meeting.

9 MR. MAJOUÉ: All right. No further  
10 questions.

11 JUDGE STEARLEY: All right. Do we have  
12 any other parties that wish to cross-examine this  
13 witness?

14 MS. McCLOWRY: No, your Honor.

15 JUDGE STEARLEY: Very well. Any  
16 questions, Commissioner Stoll?

17 COMMISSIONER STOLL: No questions, your  
18 Honor.

19 JUDGE STEARLEY: All right. Redirect.

20 MR. ENGLAND: Thank you, your Honor.

21 REDIRECT EXAMINATION BY MR. ENGLAND:

22 Q. Mr. Jones, you were asked some questions  
23 about the billing records you received from AT&T.

24 A. Uh-huh.

25 Q. I believe you indicated that you've

1 found those to be accurate over the years; is that  
2 correct?

3 A. Yes.

4 Q. And do you ordinarily receive those  
5 records in the course of your business?

6 A. Yes.

7 Q. Do you rely on those records for  
8 purposes of billing other wireless carriers besides  
9 Halo?

10 A. Yes, we do.

11 Q. Do you have any reason to believe those  
12 records are inaccurate?

13 A. None whatsoever.

14 Q. As they pertain to Halo's traffic?

15 A. No, shouldn't, no.

16 Q. When you send bills based on those  
17 records to other wireless carriers, do they pay those  
18 bills?

19 A. Yes they do.

20 MR. ENGLAND: Thank you, sir. No other  
21 questions.

22 JUDGE STEARLEY: All right. Thank you,  
23 Mr. Jones. That concludes your testimony. You may  
24 step down. At this point I'm not going to finally  
25 excuse you just like with the other witnesses in case

1 the Commissioners would have additional questions.

2 THE WITNESS: Thank you, sir.

3 JUDGE STEARLEY: And Mr. England, you  
4 may call your next witness.

5 MR. ENGLAND: Thank you, your Honor. I  
6 believe our next witness is Benjamin Jack Rickett.

7 (The witness was sworn.)

8 JUDGE STEARLEY: Thank you. You may be  
9 seated, and Counsel, you may proceed.

10 MR. ENGLAND: Thank you, your Honor.  
11 Just a second.

12 DIRECT EXAMINATION BY MR. ENGLAND:

13 Q. Would you please state your name and  
14 business address for the record, please.

15 A. Benjamin Jack Rickett and I work at  
16 McDonald County Telephone Company at 704 Main Street,  
17 Pineville, Missouri.

18 Q. And what's your position with  
19 McDonald --

20 A. I'm the CEO technician.

21 Q. Thank you. Mr. Rickett, did you cause  
22 to be prepared and filed in this case direct  
23 testimony that I believe has been marked for purposes  
24 of identification as Craw-Kan Exhibit No. 6?

25 A. Yes.



1           Q.       And do you have any corrections or  
2       revisions that you need to make to either that  
3       testimony or the exhibits attached thereto?

4           A.       No.

5           Q.       Is the information contained in that  
6       testimony and attached as exhibits true and correct  
7       to the best of your knowledge, information and  
8       belief?

9           A.       Yes.

10                  MR. ENGLAND: Thank you, sir. I have no  
11       other questions of the witness, would tender him for  
12       cross-examination, offer Craw-Kan Exhibit No. 6  
13       subject to your supplemental ruling on the motions to  
14       strike.

15                  JUDGE STEARLEY: All right. Thank you,  
16       Mr. England. Cross-examination by Halo.

17                  MR. McCOLLOUGH: Your Honor, is it  
18       permissible to appear without my --

19                  JUDGE STEARLEY: It is.

20                  MR. McCOLLOUGH: Thank you.

21       CROSS-EXAMINATION BY MR. McCOLLOUGH:

22           Q.       How are you today, sir?

23           A.       Sure, I'm great.

24           Q.       My name is Scott McCollough. I'm  
25       counsel for Halo Wireless. You've worked with

1 McDonald for how many years?

2 A. This is my fifth year.

3 Q. Okay. You appear to be someone with  
4 some technical background --

5 A. Yes, sir.

6 Q. -- based on your indication of  
7 background. You run the systems there as CEO  
8 technician?

9 A. Yes, sir.

10 Q. One of the things that you say you do  
11 with McDonald is verifying billing and usage. That  
12 appears on page 1 of your testimony.

13 A. That is correct.

14 Q. Explain to me how it is you verify  
15 billing and usage.

16 A. We'll take the records from AT&T. If  
17 there's any doubt, we'll compare them with our own  
18 billing records. It's a long, tedious process, takes  
19 several days to verify that the information we get  
20 from AT&T matches the billing records we get in our  
21 own switch.

22 Q. When you say your "own billing records,"  
23 are you referring to AMA records generated by your  
24 switch?

25 A. That is correct.

1 Q. Okay. AMA stands for automated message  
2 and accounting [sic]?

3 A. That's correct.

4 Q. Let's talk a little bit about how AMA  
5 records are generated because I believe there was  
6 discussion of that earlier with a prior witness.  
7 When a call comes in, the setup information is  
8 delivered to a class 5 switch. Somehow or another  
9 the SS7 point code has been decided that a call needs  
10 to go to this particular switching point, SSP, right?

11 A. Correct.

12 Q. And SSP is basically a switching entity,  
13 correct --

14 A. Correct.

15 Q. -- in the SS7 network? So a signaling  
16 system 7 STP will send a message to the SSP or end  
17 office and it will say, I want to set up a call with  
18 you and the SSP will then typically send back a  
19 message over the SS7 network and go, okay, I'm here,  
20 put it on this trunk, correct?

21 A. Correct.

22 Q. And so the SS7 network more or less  
23 mediates the setup of a call?

24 A. Correct.

25 Q. And among other things, there is

1 information that is provided through the SS7 process.  
2 In addition to just calling/called number, there are  
3 a host of parameters which are used in the initial  
4 address message which is basically the invite,  
5 correct?

6 A. Yes, sir.

7 Q. Okay. Then the SSP will tell the STP,  
8 okay, have your switching entity put it on this trunk  
9 and the two switching entities, perhaps a tandem and  
10 the end office, will then mutually wait for a call to  
11 go on the bearer side where the voice information is?

12 A. Yes, sir.

13 Q. Okay. And you have a communications  
14 link established?

15 A. Yes.

16 Q. As part of that process, the switch,  
17 your end office switch is generating information  
18 about what has happened, correct?

19 A. Yes.

20 Q. Including, among other things, perhaps  
21 the calling number and, of course, the called number?

22 A. Yes.

23 Q. While the call is holding, the switch is  
24 holding this information and continuing to record  
25 information in a register, right?

1 A. Yes.

2 Q. Typically at the end of a call when the  
3 call is torn down, then the end office switch will  
4 write to a more permanent record all of the  
5 information that you as a technician have told it to  
6 maintain for purposes of generating whatever records  
7 you need associated with that call?

8 A. Yes.

9 Q. And typically that is produced in what  
10 ultimately becomes an AMA record?

11 A. Yes, sir.

12 Q. Now, the AMA record includes information  
13 beyond just what was in the SS7 stream, right?

14 A. I'm not sure I understand.

15 Q. Well, certainly we'll have more  
16 information than appeared in the initial address  
17 message, won't we?

18 A. You'll have to define the information  
19 you're describing.

20 Q. It may have call start time, call end  
21 time?

22 A. Yes.

23 Q. So duration can be computed?

24 A. Yes.

25 Q. Now, the call end time is not in the

1 initial address message, is it?

2 A. Correct.

3 Q. Okay. So the switch itself, the end  
4 office switch also generates information that is  
5 recorded and ultimately appears in the AMA record?

6 A. Yes.

7 Q. After the AMA record is generated, it is  
8 held in storage at the end office switch for use  
9 later, right?

10 A. Yes.

11 Q. The process then for billing is that the  
12 AMA record, along with many, many other AMA records  
13 that have been generated during whatever period of  
14 time, are sent for processing, correct?

15 A. Yes.

16 Q. They are rolled up into a certain  
17 category of records, aren't they? Have I lost you?  
18 Have I gone beyond where you are now?

19 A. Yeah.

20 Q. Okay. Ultimately, however, after  
21 processing, the AMA record may turn into what shows  
22 up in a carrier access billing system bill, right, a  
23 CABS bill?

24 A. Yes.

25 Q. And a CABS bill is what is used for

1 access charges, yes?

2 A. I don't know.

3 Q. You don't?

4 A. I'm not in the billing department.

5 Q. So then your job description here really  
6 just kind of stops at verifying what your end office  
7 switch has recorded?

8 A. Correct.

9 Q. And when you get the information from  
10 AT&T, what you are doing is comparing the AT&T tandem  
11 switch records to what your own switch has generated?

12 A. Correct.

13 Q. Now, an end office switch can only  
14 record the information that it either receives or  
15 generates on its own, right?

16 A. Correct.

17 Q. Let me now go through a short line  
18 that's very similar to what you probably heard from  
19 my compatriot, Mr. Majoue, if we could. Did you  
20 actually write your testimony?

21 A. With the facts that my counsel had gave  
22 me and I, we worked together.

23 Q. The information that you rely on in your  
24 testimony regarding the nature and volume of  
25 AT&T's -- of Halo's traffic, that's all based on the

1 information provided to you by AT&T, isn't it?

2 A. A majority of it is, yes.

3 Q. Okay. You did not perform any of the  
4 verification that we discussed right at the beginning  
5 of your testimony for this particular traffic?

6 A. I did perform some short verification of  
7 the records.

8 Q. And tell me about that if you would.

9 A. We took the records that we got from  
10 AT&T and the AMA records along with clean data that  
11 we had in our switch and compared and lined up calls  
12 and can verify which calls came in from a landline  
13 and which lines were not.

14 Q. Using your switch information?

15 A. Along with AT&T's.

16 Q. Now, your switch information would have  
17 the SS7 information including the point code  
18 information, right?

19 A. Yes.

20 Q. Do your AMA records record point codes?

21 A. No.

22 Q. Just for those of us who are perhaps  
23 less technically minded, a point code is an address  
24 that is used by an entity such as an SSP or end  
25 office switch, right?



1 A. Correct.

2 Q. So you do not record point codes?

3 A. No.

4 Q. What you have -- what you basically saw,  
5 then, was the calling and called number in your  
6 switch records?

7 A. Yes, sir.

8 Q. Did you also see any information related  
9 to charge number?

10 A. No.

11 Q. There was no charge number information?

12 A. Correct.

13 Q. Do you have any knowledge as a  
14 technician what might have happened to any charge  
15 number information that Halo populated and sent to  
16 AT&T before it got to you?

17 A. I understand charge numbers are inserted  
18 from the billing from AT&T based on the arrangement  
19 with the carrier.

20 Q. I see. So to you, the charge number  
21 would be the information AT&T would put in there?

22 A. Correct.

23 Q. Not necessarily what Halo would have  
24 populated in the SS7?

25 A. I don't know.

1 Q. You don't know. Okay. But you did see  
2 CPN information, did you not?

3 A. Yes.

4 Q. And this is what you have characterized  
5 as some being landline?

6 A. Yes.

7 THE COURT REPORTER: As what? I'm  
8 sorry.

9 MR. McCOLLOUGH: Some being landline.

10 THE COURT REPORTER: Thank you.

11 BY MR. McCOLLOUGH:

12 Q. Therefore, what you might have seen --  
13 and we've used this example throughout the hearing,  
14 you might have seen a telephone number associated  
15 with a rate center held by some CO code owner in  
16 California, little Suzie in the example?

17 A. It's possible.

18 Q. Okay. Would you agree with me, then,  
19 that it is highly likely that Halo did, in fact,  
20 populate calling party number information when it was  
21 signaling to AT&T?

22 A. During my study, yes.

23 Q. Who is it that provides your STP  
24 functionality for SS7?

25 A. AT&T.

1 Q. Which particular AT&T STP do you use, do  
2 you know?

3 A. It is AT&T Missouri Southwestern Bell.

4 Q. Do you use the same STP that AT&T does?

5 A. I do not know.

6 Q. You don't know. You don't know whether  
7 it's a partitioned STP or you're getting a port on  
8 the same STP that perhaps is used --

9 A. I do not know.

10 Q. -- for the intraLATA network?

11 A. I don't know.

12 Q. Now, are you of the opinion or position  
13 that some of the Halo traffic at issue in this case  
14 is subject to access charges?

15 A. Yes, sir.

16 Q. McDonald has an access tariff, and maybe  
17 just in the interest of time, let me try to lead you  
18 a little bit. McDonald concurs in the Oregon Farmers  
19 Mutual Telephone Company tariff?

20 A. Yes, sir.

21 Q. However, you maintain your own specifics  
22 which access element rates --

23 A. Yes.

24 Q. -- that appear in your tariff?

25 (HALO EXHIBIT NO. 17 A AND 17 C WERE

1 MARKED FOR IDENTIFICATION BY THE COURT REPORTER.)

2 BY MR. McCOLLOUGH:

3 Q. Okay. Sir, let's start with what's been  
4 marked as Halo Exhibit 17 C. You see that, sir?  
5 It's the short one.

6 A. Yes, sir.

7 Q. Does that appear to be McDonald County  
8 Telephone Company's PSC Missouri tariff No. 5?

9 A. Yes, sir.

10 Q. Have you looked at the tariff in the  
11 past?

12 A. Vaguely. Not -- it's not my department  
13 to look at tariffs and billings, so...

14 Q. Okay. You had mentioned that McDonald  
15 County concurs in the Farmers Mutual Telephone  
16 Company tariff. Does that appear to be what is  
17 represented on 14 B on the first page?

18 A. Is it 14 B? It's not marked.

19 Q. I'm sorry. Section 14 B on the very  
20 first page of Halo Exhibit 17 C.

21 A. Yes.

22 Q. And then the third page of the exhibit,  
23 do those appear to be the McDonald County intrastate  
24 switched access rate elements?

25 A. Yes, they do.

1 MR. McCOLLOUGH: I will represent that  
2 we pulled this off the Missouri Commission's website  
3 over the weekend.

4 MR. ENGLAND: Well, as a matter of fact,  
5 those are the same tariff sheets we've asked the  
6 Commission to take official notice of.

7 MR. McCOLLOUGH: Okay. Offer 17 C.

8 JUDGE STEARLEY: All right. We have  
9 taken official notice of them, but I can take them as  
10 an exhibit.

11 MR. McCOLLOUGH: If they're already in,  
12 it matters not to me which vehicle is used.

13 JUDGE STEARLEY: All right. Well, we  
14 can go ahead and formally admit it even if it's  
15 redundant and it will be into the record.

16 MR. McCOLLOUGH: That way I can refer to  
17 my own exhibit.

18 JUDGE STEARLEY: You may.

19 MR. McCOLLOUGH: Okay.

20 (HALO EXHIBIT NO. 17 C WAS RECEIVED INTO  
21 EVIDENCE AND MADE A PART OF THE RECORD.)

22 BY MR. McCOLLOUGH:

23 Q. Can you now turn to what's been marked  
24 as Halo Exhibit 17 A?

25 A. Would that be this sheet here that's not

1 marked?

2 Q. The one that has written on it "Oregon  
3 Farmers Mutual Telephone Company Access Services, PSC  
4 Missouri No. 6."

5 A. Okay.

6 Q. Does that appear to be excerpts from the  
7 Oregon Farmers tariff in which your company concurs?

8 A. Appears to be.

9 MR. McCOLLOUGH: Again, I will represent  
10 to counsel that I've pulled this off of the Missouri  
11 Commission website.

12 MR. ENGLAND: Yeah, we have no objection  
13 if it's a true copy of what's on file with the  
14 Commission. I would point out it's a little  
15 different from the prior exhibit.

16 We had asked the Commission to take  
17 official notice of the entire terms and conditions of  
18 the Oregon Farmers Mutual Telephone Company access  
19 tariff which I believe is roughly 140 or 150 pages in  
20 length. So I assume this is -- these are just  
21 certain pages, this is not the complete tariff.

22 MR. McCOLLOUGH: Why don't we do it this  
23 way just so that we don't burden the record, your  
24 Honor. I don't need to formally offer this. We have  
25 no problem with their official notice.

1 JUDGE STEARLEY: All right.

2 MR. McCOLLOUGH: But perhaps we can use  
3 this just perhaps for cross-examination.

4 JUDGE STEARLEY: That's acceptable.

5 BY MR. McCOLLOUGH:

6 Q. Sir, if you could turn to the third page  
7 of this demonstrative exhibit of the tariff. It's  
8 first revised sheet 11. Do you see that?

9 A. Yes, sir.

10 Q. Now, Mr. Majoue's been asking all of the  
11 prior witnesses whether the terms, conditions of  
12 switched access service that -- to the extent that it  
13 is -- Halo's traffic is deemed to be access would be  
14 covered by the access tariff that would be consistent  
15 with 1.1 says, using your layman's understanding,  
16 wouldn't it?

17 MR. ENGLAND: Objection, your Honor. I  
18 don't think there's been any foundation for the  
19 witness to answer the question. He's indicated that  
20 he's, one, not that familiar with his own access  
21 tariff concurrence and the rates of the McDonald  
22 County tariff which was the prior exhibit, and  
23 there's been no foundation that he has any knowledge  
24 of the Oregon Farmers access tariff terms and  
25 conditions. And I think the tariff speaks for

1     itself, and it may be getting into probably asking  
2     for a lay opinion, and it still may be getting into  
3     more of a legal conclusion.

4                   MR. McCOLLOUGH:  No, I think now that  
5     counsel has made that assertion, I can change the  
6     question and we can deal with this in a far more  
7     efficient --

8                   JUDGE STEARLEY:  You can probably lay  
9     some foundation also.

10    BY MR. McCOLLOUGH:

11            Q.     You don't purport to be knowledgeable of  
12    the tariff, what it says, how it works?

13            A.     No, sir.

14            Q.     Okay.  The arrangement between McDonald  
15    County and AT&T for purposes of traffic that flows  
16    over what the ILECs have been saying is -- goes over  
17    the LEC-to-LEC network, let's talk a little bit about  
18    how that is billed when AT&T sends, for example, you  
19    the records.  Let's see how far we can go with your  
20    knowledge.

21            A.     Okay.

22            Q.     So AT&T will send you its tandem  
23    records, and you will take those records and you will  
24    identify certain relevant information for it.  For  
25    example, you will look and see for each call who the



1 carrier is that AT&T says is the originating carrier  
2 for purposes of the call, right?

3 A. Correct.

4 Q. In this instance in the records that  
5 AT&T provided to you, Halo was identified as the  
6 originating carrier, correct?

7 A. Yes.

8 Q. And then your company will take that  
9 information and figure out what rate applies,  
10 correct?

11 A. I assume so.

12 Q. The billing, then, after the rate  
13 determination is made will be for those portions of  
14 the service that your company provides, correct?

15 A. Clarify for me.

16 Q. Well, you would -- you would bill, for  
17 example, end office switching?

18 A. Yes.

19 Q. If your company has a portion of the  
20 transport link between your company and the access --  
21 and the tandem that AT&T uses, you would bill for a  
22 portion of that transfer?

23 A. I don't know.

24 Q. You don't know. Well, your bills do not  
25 charge the customer that you believe is at issue here

1 for the entirety of the call, including the portion  
2 provided by AT&T, does it?

3 A. I don't know.

4 Q. You don't know. Do you know the purpose  
5 of switched access as described in the tariff?

6 A. No, sir.

7 Q. Have you ever seen what switched access  
8 for as described in the tariff?

9 A. No, sir.

10 Q. For that traffic that you believe access  
11 applies, what specific switched access feature group  
12 do you think is being provided to Halo?

13 A. Provided to Halo?

14 Q. Yes.

15 A. I guess I don't understand.

16 Q. Well, switched access is a service,  
17 correct?

18 A. Yes.

19 Q. It has a service definition?

20 A. Yes.

21 Q. Do you know how many types of switched  
22 access there are?

23 A. No.

24 Q. You've never heard of Feature Group A,  
25 Feature Group B, Feature Group C, Feature Group D?

1 A. Yes, sir.

2 Q. Okay. So you are familiar with those  
3 four feature groups?

4 A. Yes, sir.

5 Q. Do you know of any other feature groups?

6 A. No, sir.

7 Q. That's it, right?

8 A. Yes, sir.

9 Q. Which of those four is it that McDonald  
10 County is providing to Halo for that traffic that you  
11 contend is subject to access?

12 A. They appear to come in Feature Group C.

13 Q. So your position would be then that for  
14 this traffic that is subject to access, McDonald  
15 County is providing switched access Feature Group C  
16 to Halo?

17 A. To the best of my knowledge.

18 Q. Do you know whether Halo is using  
19 interim NXX translation or 800 database service  
20 provided by McDonald County?

21 A. Do not know.

22 Q. You do not know. So you're not contending  
23 that Halo is using either of those options?

24 A. I don't know Halo's business model. I  
25 don't know what they use.

1 Q. What I'm really -- perhaps I was not  
2 clear. What I'm really asking is whether you think  
3 you are providing those things to Halo.

4 A. Redefine the things that we're  
5 providing.

6 Q. Do you know whether as part of the  
7 arrangement Halo is using anything that looks like  
8 interim NXX translation?

9 A. Halo has no arrangement with us.

10 Q. Okay. So then you're probably not,  
11 right?

12 A. Probably not.

13 Q. Okay. What about 800 database access,  
14 same answer?

15 A. We don't have an 800 database.

16 Q. Do you contend that Halo is a provider  
17 of MTS or WATs?

18 A. I do not know.

19 Q. Your end office, is it capable of  
20 providing equal access IXCs?

21 A. Yes, sir.

22 MR. FRIEDMAN: Excuse me. I'm sorry. I  
23 meant to impose an objection. Our -- AT&T's interest  
24 is in expediting the proceeding.

25 JUDGE STEARLEY: Could you use your

1 microphone, make sure it's on, Mr. Friedman?

2 MR. FRIEDMAN: Sure. The green light is  
3 on. I believe that we've been at this for 25  
4 minutes, and I believe that the limit is 15. And  
5 although certainly AT&T -- I don't represent the  
6 witness, but AT&T Missouri does have an interest in  
7 expediting the proceeding.

8 MR. ENGLAND: Your Honor, I guess I  
9 better weigh in. I did not want to raise that issue  
10 because, quite honestly, Halo's counsel has  
11 accommodated me on some other things, so obviously I  
12 do not want to cut off his cross-examination at least  
13 insofar as this witness is able to answer those  
14 questions.

15 JUDGE STEARLEY: I think we can allow a  
16 little latitude here as long as we don't get into an  
17 excessive amount of time.

18 MR. McCOLLOUGH: Quite frankly, your  
19 Honor, this is the last question that I was going to  
20 ask with regard to the tariff, and then I was going  
21 to just move back into the same questions.

22 JUDGE STEARLEY: All right.

23 BY MR. McCOLLOUGH:

24 Q. Do you contend that Halo is a provider  
25 of MTS or WATS service?

1           A.       I do not know.

2           Q.       You can set aside that exhibit. Now, a  
3 couple of the prior witnesses in the Craw-Kan Group  
4 have indicated that their bills to Halo have been not  
5 the access-related charges but instead this  
6 Commission's reciprocal compensation -- wireless  
7 reciprocal compensation rates set in prior  
8 arbitrations. Is it the same for you?

9           A.       That's true.

10          Q.       On page 3 of your testimony, line 15,  
11 you state your understanding that, "Halo refused to  
12 negotiate primarily because our company did not  
13 specifically request interconnection with Halo." Do  
14 you see that?

15          A.       Yes, sir.

16          Q.       I'm not going to get into you about just  
17 what may or may not be required concerning requesting  
18 interconnection. I just want to get your  
19 understanding of what it was that actually transpired  
20 between your company representatives, including your  
21 lawyers and Halo, okay?

22          A.       (Nodded head.)

23          Q.       You attached to your testimony  
24 correspondence from your counsel. Did you see any of  
25 the responsive letters that Halo sent to your

1 counsel?

2 A. No, sir.

3 Q. Since the time that the parties were  
4 exchanging correspondence a year or so ago, have you  
5 had occasion to ask for or look at any of the  
6 correspondence that Halo sent?

7 A. No, sir.

8 Q. You did not look at it before you put  
9 your testimony together?

10 A. Just the letters that our attorneys had  
11 sent.

12 Q. Okay. So you saw what you sent, you  
13 never saw what you got?

14 A. No, sir.

15 Q. You didn't see the correspondence that  
16 was attached to Mr. Wiseman's testimony?

17 A. No, sir.

18 Q. So then you do not personally know  
19 whether Halo did, in fact, offer to negotiate with  
20 your company for terms and conditions on an  
21 interconnection agreement, do you?

22 A. Personally no. I'm just a technician.

23 Q. And you don't know whether Halo told  
24 your representatives, if you guys just do what 20.11  
25 of the FCC rule says, request interconnection, invoke

1 the negotiation and arbitration procedures contained  
2 in Section 252 of the Act, we will negotiate with you  
3 and we will pay you interim compensation at the rate  
4 set by this Commission; you don't know that?

5 A. I do not know.

6 Q. Do you know why it is that your  
7 representatives chose to not do the two things that  
8 we said were required in order for you to get paid?

9 MR. ENGLAND: Objection, your Honor.  
10 Form of the question. One, the witness has indicated  
11 he's not familiar with the correspondence; two, may  
12 get into confidential attorney/client privilege.

13 MR. McCOLLOUGH: I'm sorry, your Honor.  
14 The second part of his objection is correct,  
15 certainly. It did sound like I was asking for  
16 privileged information.

17 JUDGE STEARLEY: You may rephrase.

18 MR. McCOLLOUGH: Thank you.

19 BY MR. McCOLLOUGH:

20 Q. If you had heard that Halo had indicated  
21 it would pay interim compensation if the Commission  
22 set rates if your company would request  
23 interconnection and invoke the negotiation and  
24 arbitration procedures in the Act, is that something  
25 you would have been interested in?



1 MS. McCLOWRY: Excuse me. I think that  
2 question has been asked and answered more than once.

3 MR. McCOLLOUGH: Not of this witness.

4 JUDGE STEARLEY: I don't believe it has  
5 of this witness. I'll overrule it.

6 THE WITNESS: I'd give that information to  
7 my counsel and he would be the advice for our company.

8 MR. McCOLLOUGH: Okay. That's all I  
9 have, your Honor.

10 JUDGE STEARLEY: All right. Any other  
11 party wish to cross-examine this witness?

12 MS. McCLOWRY: No, Judge.

13 JUDGE STEARLEY: Okay. Questions,  
14 Commissioner Kenney?

15 COMMISSIONER KENNEY: No, thank you.

16 JUDGE STEARLEY: Commissioner Stoll?

17 COMMISSIONER STOLL: No questions.

18 JUDGE STEARLEY: Okay. I have a few  
19 questions that Commissioner Jarrett has sent me for  
20 you.

21 THE WITNESS: Okay.

22 JUDGE STEARLEY: You testified this  
23 morning that at times you run your own tests to  
24 verify AT&T's records; is that correct?

25 THE WITNESS: Yes, sir.

1 JUDGE STEARLEY: Based on that testimony,  
2 have you found their records to be accurate?

3 THE WITNESS: Yes, sir.

4 JUDGE STEARLEY: Generally have you  
5 found AT&T's records to be accurate?

6 THE WITNESS: Yes, sir.

7 JUDGE STEARLEY: Have you received any  
8 complaints from any other carriers requesting AT&T's  
9 records?

10 THE WITNESS: No.

11 JUDGE STEARLEY: All right. Those are  
12 Commissioner Jarrett's questions. Any recross based  
13 on questions from the bench?

14 MR. McCOLLOUGH: If I may, just very  
15 short.

16 JUDGE STEARLEY: Okay.

17 RE-CROSS-EXAMINATION BY MR. McCOLLOUGH:

18 Q. The information that AT&T sends to you  
19 can be correlated to the information that is  
20 contained in your switch?

21 A. Yes.

22 Q. Calling and called number, that is  
23 essentially all that you can verify, correct?

24 A. There's some -- a little more  
25 information but that is the basic, yes.

1           **Q.       And so you can only verify what your STP**  
2           **and your end office switch get from AT&T, right?**

3           A.       That's not all I can verify.

4           **Q.       What else can you verify?**

5           A.       I can verify in some instances where the  
6           call originated.

7           **Q.       Based on?**

8           A.       Based on that that number was tied to a  
9           direct line card out of our switch.

10          **Q.       I see.  When you say "a direct line**  
11          **card," you mean a call that started on the line side**  
12          **of your switch?**

13          A.       We have two switching centers, so a  
14          call -- we have seen calls that are originating in  
15          one switching center from a line card which is  
16          directly tied to a pair to a physical customer's  
17          house, leave on a Feature Group D trunk, go to an IXC  
18          carrier and return to the other switching center as a  
19          Halo wireless call, but we have verified that it is a  
20          wireline call.

21          **Q.       Who was the IXC?**

22          A.       I don't know that I'm allowed to give  
23          that information.

24                   MR. McCOLLOUGH:  I'd like to get that  
25          information.

1 JUDGE STEARLEY: Is that information  
2 considered confidential? We can go in-camera,  
3 Counsel.

4 MR. ENGLAND: In an abundance of  
5 caution, I would suggest yes. It sounds to me like  
6 he has the name, but just to be careful, I'd say  
7 let's go in-camera.

8 JUDGE STEARLEY: All right. We will go  
9 in-camera and the parties need to clear the gallery  
10 as necessary.

11 (Reporter's Note: At this point, an  
12 in-camera session was held, which is contained in  
13 Volume 5, pages 401 through 409 of the transcript.)

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15  
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1 JUDGE STEARLEY: And you may proceed,  
2 Mr. England.

3 MR. ENGLAND: We may have some people  
4 coming into the room. I'll give them a chance to get  
5 settled if you don't mind.

6 JUDGE STEARLEY: That's quite all right.

7 MR. ENGLAND: Thank you, your Honor.

8 REDIRECT EXAMINATION BY MR. ENGLAND:

9 Q. Mr. Rickett, I want to follow up with  
10 some questions regarding your study and the  
11 comparison of your switch records with the records  
12 you receive from AT&T. First of all, when was that  
13 study performed?

14 A. I believe it was March the 26th.

15 Q. Of this year?

16 A. Yes.

17 Q. Okay. Thank you. The AMA record that  
18 you pulled from your switch, is that something that  
19 you pull at the time the call was made or after the  
20 fact?

21 A. It's logged for a certain amount of  
22 time, so we go back and pull it after the call has  
23 already been made.

24 Q. Okay. And in order to match it up with  
25 the billing record you get from AT&T, I think you

1 indicated there are certain common pieces of  
2 information; for example, the called party?

3 A. Correct.

4 Q. How about the duration of the call?

5 A. True.

6 Q. So that would give you the start time  
7 and the start end of the call?

8 A. Correct.

9 Q. What other pieces of information is your  
10 switch able to capture and match against the AT&T  
11 record?

12 A. The time of day of the call -- the date,  
13 the time of day and the trunk group that it arrives  
14 on.

15 Q. What about the calling party number?

16 A. The calling party cannot be matched  
17 because it doesn't exist in the AT&T record.

18 Q. Okay. But it does in your switch?

19 A. Correct.

20 Q. Okay. And that's how you were able to  
21 determine whether or not other subscribers of  
22 McDonald County Telephone Company may have made a  
23 long distance call terminating to another customer of  
24 McDonald County Telephone Company?

25 A. Yes, sir.

1 Q. Okay. Thank you. Similar to other  
2 questions of other small company witnesses, are these  
3 AT&T records received by you in the normal course of  
4 business?

5 A. Yes.

6 Q. And are they customarily used by you for  
7 purposes of billing other wireless carriers in  
8 addition to Halo?

9 A. Yes.

10 Q. And I'm probably plowing some ground  
11 that Commissioner Jarrett already did, but have you  
12 received any objections from other wireless carriers  
13 for bills based on those records?

14 A. No.

15 MR. ENGLAND: Thank you, sir. I have no  
16 other questions.

17 JUDGE STEARLEY: All right. Thank you,  
18 Mr. England. Thank you, Mr. Rickett. You may step  
19 down. As with the other witnesses, I'm not going to  
20 finally excuse you yet at this time, though, in case  
21 the Commissioners would have additional questions for  
22 you. And Mr. England, you may call your next  
23 witness.

24 MR. ENGLAND: Thank you, your Honor.  
25 Kevin Johnson, please, your Honor.

1 (The witness was sworn.)

2 JUDGE STEARLEY: Thank you. You may be  
3 seated and you may proceed.

4 MR. ENGLAND: Thank you, your Honor.

5 DIRECT EXAMINATION BY MR. ENGLAND:

6 Q. Would you please state your name and  
7 business address.

8 A. My name is Kevin Johnson from Granby  
9 Telephone Company, Granby, Missouri. That's 126  
10 South Beaver Avenue.

11 Q. And what is your position with the  
12 Granby Telephone Company?

13 A. Central office manager.

14 Q. Thank you, sir. Are you the same Kevin  
15 Johnson that has caused to be prepared and filed in  
16 this case direct testimony as well as some exhibits  
17 that are attached thereto?

18 A. I am.

19 Q. I believe it's been marked for purposes  
20 of identification as Craw-Kan Exhibit No. 3?

21 A. That's correct.

22 Q. Okay. Do you have any corrections or  
23 revisions to that testimony at this time?

24 A. No, I do not.

25 Q. Is the information contained in the



1     **direct testimony as well as the exhibits attached**  
2     **thereto true and correct to the best of your**  
3     **knowledge, information and belief?**

4             A.       Yes, they are.

5                     MR. ENGLAND:   Thank you sir.   Again, I'd  
6     tender the witness for cross-examination, offer  
7     Craw-Kan Exhibit 3 subject to your rulings on the  
8     motions to strike.

9                     JUDGE STEARLEY:   All right.   Thank you,  
10    Mr. England.   Cross-examination by Halo.

11    CROSS-EXAMINATION BY MR. MAJOUÉ:

12             Q.       And you said you're appearing on behalf  
13    of Granby, correct?

14             A.       That's correct.

15             Q.       And the same question as the other  
16    folks.   Did you actually write your testimony?

17             A.       I worked with my counsel in preparing  
18    it, yes, I did.

19             Q.       In connection with working with your  
20    counsel, did you work with any of the other witnesses  
21    in preparing their testimony?

22             A.       No, I did not.

23             Q.       Have you reviewed any of the testimony  
24    that they've submitted?

25             A.       No, I have not.

1 Q. And do you know one way or the other  
2 whether it's similar or identical to the testimony  
3 you've prepared?

4 A. I have no way of knowing. I haven't  
5 read theirs.

6 Q. You're not a lawyer, correct?

7 A. No, I am not.

8 Q. Now, let's turn to page 2 of your  
9 testimony, in particular lines 14 through 17 where  
10 you discuss how Halo's delivering traffic to your  
11 company. Is it correct that you rely on the records  
12 you receive from AT&T to determine that?

13 A. Yes, we do.

14 Q. Let's turn to page 6 of your testimony,  
15 lines 12 through 20, where you discuss traffic  
16 studies regarding the amount of traffic that Halo  
17 was terminating to your company. Is it correct  
18 that in making your opinions here in this testimony  
19 that you've relied on the traffic studies as well of  
20 AT&T?

21 A. Yes, we have relied on AT&T's  
22 information.

23 Q. So all of the information you have  
24 regarding your belief of the nature of Halo's  
25 traffic, the amounts and whatnot, that's all based on

1     **either the traffic records or the traffic studies?**

2           A.     Yes, that's correct.

3           **Q.     Are you interconnected with AT&T?**

4           A.     Yes, we are.

5           **Q.     Do you use SS7 signaling?**

6           A.     Yes, we do.

7           **Q.     And who provides that SS7 functionality?**

8           A.     AT&T.

9           **Q.     Do you know one way or the other whether**  
10 **in the traffic or billing records or SS7 information**  
11 **that AT&T passed on the CPN and CN information of the**  
12 **Halo traffic that's at issue?**

13          A.     No, I do not.

14          **Q.     Do you claim that any of the Halo**  
15 **traffic at issue is subject to access charges?**

16          A.     Yes, we do.

17          **Q.     And based on that response, do you claim**  
18 **that your company has an intrastate switched access**  
19 **tariff that is applicable to this traffic?**

20          A.     Yes, I do. I believe we have one.

21          **Q.     Can you tell me which tariff that is?**

22          A.     I'm not in the tariff department. I do  
23 believe to my best ability it's the Oregon Farmers  
24 Mutual.

25          **Q.     Is it your position that the description**

1 and terms and conditions of the access service you  
2 claim to be providing is set forth in that tariff?

3 A. I would assume so, yes.

4 Q. Let's turn to page 3 of your testimony,  
5 specifically line 16 through 18 where you assert that  
6 Halo refused to negotiate with your company.

7 A. That was my understanding.

8 Q. Have you reviewed any of the  
9 correspondence that was attached to the rebuttal  
10 testimony of Russ Wiseman?

11 A. No, I have not.

12 Q. Were you at this hearing yesterday?

13 A. Yes, I was.

14 Q. Did you hear the discussion of that  
15 correspondence?

16 A. I heard you ask other witnesses about  
17 it, yes.

18 Q. Was there a reason why you didn't go  
19 attempt to look at that?

20 A. Didn't feel it was necessary.

21 Q. Why not?

22 A. I get all my information from my  
23 counsel.

24 Q. And do you know one way or the other in  
25 that correspondence whether Halo did, in fact, agree

1 to negotiate?

2 A. I do know that I was told that they  
3 would only consider direct trunking and we won't  
4 consider that.

5 Q. And who told you that?

6 A. My counsel.

7 Q. Okay. But you didn't look at any of the  
8 correspondence one way or the other?

9 A. No, I did not.

10 Q. And so, in fact, when you say that Halo  
11 refused to negotiate, you don't know one way or the  
12 other whether they refused or not?

13 A. I would -- I would again say I was  
14 acting on the advice of my counsel, but to me that's  
15 not negotiating.

16 Q. What's not negotiating?

17 A. Stipulating demands that we direct  
18 connect. And we are connected. We talk just fine to  
19 AT&T SBC.

20 Q. Did you ever review any proposed terms  
21 or agreement that are along the lines you're  
22 suggesting?

23 A. No, did not.

24 Q. So you don't know one way or the other  
25 whether that's, in fact, what Halo offered?

1           A.       Again, all I know is what my attorney  
2 counseled, and that's what I was told.

3           Q.       And your attorney never did give you any  
4 agreement that Halo offered?

5           A.       No.

6           Q.       Now, had Halo told you, we will agree to  
7 negotiate with you if you simply request  
8 interconnection with us and request negotiations, and  
9 if do you that, we'll pay you interim compensation,  
10 is that something your company would have agreed to?

11          A.       No.

12          Q.       Do you know one way or the other whether  
13 there are any companies in the industry to whom Halo  
14 has said, if you request interconnection and request  
15 negotiations, we'll enter negotiations and pay you  
16 interim compensation?

17          A.       No, I'm not aware of any others.

18          Q.       And you don't know one way or the other  
19 whether those companies that may have followed those  
20 steps are receiving interim compensation today as we  
21 speak?

22          A.       No, I do not.

23                   MR. MAJOUÉ: No other questions.

24                   JUDGE STEARLEY: Any other parties wish  
25 to cross-examine? Mr. Johnson.

1 MR. JOHNSON: Thank you, your Honor.

2 CROSS-EXAMINATION BY MR. JOHNSON:

3 Q. Mr. Johnson, I'm Brother Johnson. I  
4 want to ask you a few questions. Granby has two  
5 exchanges, Diamond and Granby?

6 A. Yes.

7 Q. Okay. And looking at the map that  
8 Mr. England used during the opening statement  
9 yesterday, it appears to me that those two exchanges  
10 are very close to the MTA boundary line between  
11 Kansas City and St. Louis.

12 A. Okay. If you say so.

13 Q. Are you not familiar with the MTA  
14 boundary?

15 A. Not entirely, but --

16 Q. I'll get away from that. Let me ask you  
17 this. Do you have -- does Granby have  
18 interconnection agreements with known CMRS providers  
19 such as AT&T Wireless, Verizon Wireless, T-Mobile, US  
20 Cellular?

21 A. To the best of my knowledge, yes. I  
22 know we have towers because I work on them.

23 Q. Have those agreements been approved by  
24 this Commission?

25 A. It is my understanding they have.

1           Q.       Do you know whether or not any of those  
2 have interMTA factors whereby you bill those wireless  
3 carriers access traffic for a portion of the traffic  
4 that terminates to you?

5           A.       I'm not sure. I believe the answer is  
6 yes, but I'm not sure.

7           Q.       Do you know whether or not if you've  
8 required any of those national wireless carriers for  
9 interMTA traffic to order access from you before they  
10 can send it to you?

11          A.       No, none of them have.

12                   MR. JOHNSON: That's all I have, your  
13 Honor.

14                   JUDGE STEARLEY: All right. Any other  
15 cross?

16                   (NO RESPONSE.)

17                   JUDGE STEARLEY: Okay. No questions  
18 from the bench so there's no recross. We're at  
19 redirect.

20 REDIRECT EXAMINATION BY MR. ENGLAND:

21           Q.       Mr. Johnson, let me follow up on some  
22 questions regarding the billing records. Do you  
23 receive those from AT&T in the normal course of your  
24 business?

25          A.       Yes, we do.



1           Q.       Do you have any reason to doubt their  
2 accuracy?

3                   MR. MAJOUE:  Objection, your Honor.  
4 That's outside the scope of our cross-examination.  
5 In this particular witness we never raised the  
6 verification issue like we did with the other  
7 witnesses.

8                   JUDGE STEARLEY:  Mr. England?

9                   MR. ENGLAND:  Well, if they didn't, then  
10 I guess I'm not entitled to redirect on that.

11                   JUDGE STEARLEY:  I don't recall that  
12 they did.  If anyone else does, they can correct me  
13 on that.

14                   MR. ENGLAND:  I was assuming that  
15 Mr. Majoue was following his script.

16                   MR. MAJOUE:  Just wanted to keep it  
17 lively for everybody.

18                   MR. ENGLAND:  I would appreciate -- I  
19 would appreciate it if he does deviate from his  
20 script in the future that he'd let me know.  I have  
21 no other redirect examination.

22                   JUDGE STEARLEY:  All right.  Very well.  
23 Mr. Johnson, that concludes your testimony then.  You  
24 may step down.  However, as with the other witnesses,  
25 I'm not finally excusing you yet in case the

1 Commissioners would have some additional questions.

2 THE WITNESS: Thank you.

3 JUDGE STEARLEY: If you review the  
4 transcript and find that that's not the case --

5 MR. ENGLAND: I think we know what the  
6 answers -- the questions and answers are, your Honor.  
7 Thank you.

8 JUDGE STEARLEY: All right. You may  
9 call your next witness.

10 MR. ENGLAND: Bob Hart, please.

11 JUDGE STEARLEY: Mr. Hart, if you'll  
12 raise your right hand.

13 (The witness was sworn.)

14 JUDGE STEARLEY: You may be seated, and  
15 you may proceed.

16 MR. ENGLAND: Thank you, your Honor.

17 DIRECT EXAMINATION BY MR. ENGLAND:

18 Q. Would you please state your name for the  
19 record.

20 A. Robert Hart.

21 Q. And your business address, please?

22 A. Lu-Ru Telephone Company at 555 Carter  
23 Street, Stellar, Missouri.

24 Q. And what is your -- in what capacity are  
25 you employed by the Le-Ru Telephone Company?

1 A. General manager.

2 Q. And I'm sure everyone here wants to know  
3 how the Le-Ru Telephone Company got its name. Can  
4 you describe or tell us about that?

5 A. Yes. My stepfather bought the telephone  
6 company in 1962. His name is Leon and my mother's  
7 name is Ruth, Le-Ru. There it is.

8 Q. Thank you.

9 A. It's a family thing, you know.

10 Q. Thank you. Mr. Hart, did you cause to  
11 be prepared the written direct testimony of Bob Hart  
12 that was filed in this case?

13 A. Yes.

14 Q. And I believe it's been marked as  
15 Craw-Kan Exhibit No. 5?

16 A. Uh-huh.

17 Q. Are there any corrections or changes to  
18 that testimony that you need to make at this time?

19 A. No.

20 Q. Is the information contained in that  
21 testimony and the exhibits attached thereto true and  
22 correct to the best of your knowledge, information  
23 and belief?

24 A. Yes.

25 MR. ENGLAND: Thank you. No other

1 questions. We'd tender the witness for  
2 cross-examination and offer Craw-Kan Exhibit No. 5,  
3 again, subject to your ruling on the motions to  
4 strike. Thank you.

5 JUDGE STEARLEY: Thank you, Mr. England.  
6 Cross-examination by Halo.

7 CROSS-EXAMINATION BY MR. MAJOUÉ:

8 Q. Okay. Mr. Hart, same group of questions  
9 here. Did you actually write your own testimony?

10 A. Most of it.

11 Q. Most of it?

12 A. Most of it, yes. Some of it was already  
13 available to my attorney, and he went ahead and  
14 filled it in, and then he called me and we worked on  
15 the results.

16 Q. In preparing your testimony with your  
17 attorney, did you work with any of the other  
18 witnesses in preparing theirs?

19 A. No, I did not.

20 Q. Do you know one way or the other whether  
21 your testimony is similar or identical to theirs?

22 A. I have no idea. I still haven't seen  
23 any of them.

24 Q. And you're not a lawyer, correct?

25 A. That's correct.

1 Q. Turning to page 2 of your testimony  
2 where you discuss how do you know Halo's delivering  
3 traffic to your company, you say that's based on  
4 records from AT&T Missouri?

5 A. Yes.

6 Q. And I believe in the general course of  
7 these questions, your counsel's identified these are  
8 just records you've received in the ordinary course  
9 of business, correct?

10 A. That's correct.

11 Q. And then on page 6 of your testimony,  
12 lines 12 through 20, you discuss traffic studies that  
13 you received from AT&T, correct?

14 A. Yes.

15 Q. So your understanding regarding the  
16 nature of Halo's traffic and the amounts and the  
17 percentages that you identify is based on those  
18 records that you receive in the ordinary course of  
19 business and these traffic studies, correct?

20 A. From the traffic studies, that's  
21 correct, uh-huh.

22 Q. Are you interconnected with AT&T?

23 A. Yes, we are.

24 Q. Do you use SS7 signaling?

25 A. I really don't know. I'm not a

1 technical guy, so I really don't know what kind of a  
2 circuit that is.

3 Q. Do you know what CPN is?

4 A. Huh-uh.

5 Q. What about CN?

6 A. No.

7 Q. Do you know generally one way or the  
8 other whether AT&T sends some type of signaling that  
9 might provide the calling parties' number who  
10 initiated a call?

11 A. Yeah. We have caller ID, we have that.  
12 And I couldn't tell you how it works.

13 Q. Okay. Is it your position that the Halo  
14 traffic that's at issue or at least some portion of  
15 it is subject to access charges?

16 A. Yes.

17 Q. Do you claim that your company has an  
18 intrastate switched access tariff that is applicable  
19 to this traffic?

20 A. Yes. We concur in the Oregon Farmers  
21 tariff.

22 Q. Is it your position that the description  
23 and terms and conditions of the access service you  
24 claim to be providing are set forth in that tariff?

25 A. Yes.

1 Q. Let's turn to page 3 of your testimony,  
2 lines 14 through 16 where you discuss or claim that  
3 Halo refused to negotiate. Have you reviewed the  
4 correspondence that was attached to the rebuttal  
5 testimony of Russ Wiseman?

6 A. I have not.

7 Q. Were you in this hearing yesterday?

8 A. Yes.

9 Q. Did you hear me discuss with the other  
10 witnesses or ask them about that correspondence?

11 A. I did.

12 Q. Is there a reason why you did not go  
13 look at that correspondence in light of those  
14 questions?

15 A. I didn't think it applied to me.

16 Q. And why not?

17 A. I've made -- I knew we were getting  
18 traffic coming in that was a lot more than what the  
19 normal is, and I was told that it was through this  
20 study. I didn't know how to interpret it or  
21 anything, but I was told that it was some traffic  
22 that we didn't have agreements, tariffs with. And so  
23 I didn't -- we sent -- my attorney sent a letter to  
24 Halo to ask for -- to have -- talk about it, you  
25 know, negotiations. And as far as I'm concerned from

1 my viewpoint, I heard no result from that letter.

2 Q. Okay. So you -- you've attached to your  
3 testimony letters that your attorney sent on your  
4 company's behalf, correct?

5 A. Yes. Yes, that's correct.

6 Q. And to your knowledge you did not  
7 receive any responses to those letters?

8 A. No, did not.

9 Q. And you don't know one way or the other  
10 whether Halo did attempt to negotiate with your  
11 attorney on this dispute?

12 A. No, I sure don't.

13 Q. And you don't know one way or the other  
14 whether they ever offered any type of agreement of  
15 any kind?

16 A. Huh-uh.

17 Q. Now, had Halo, in fact, offered to pay  
18 you an interim compensation rate if you would agree  
19 to request interconnection and agree to enter into  
20 negotiations, is that something your company would  
21 have done?

22 A. I don't think that we would have  
23 considered it, considering we have circuits already  
24 set up with AT&T and everybody else has been using  
25 it. And we've -- we've not ever had any special



1 circuits into our place, data circuits, except for  
2 maybe from Joplin and places like that, local  
3 companies.

4 Q. And you're claiming Halo, though, owes  
5 you money, correct, for --

6 A. That's right.

7 Q. But you don't know one way or the other  
8 whether they actually offered to pay you any money?

9 A. I tell you, if you don't mind me being  
10 candid here, the first month that we started getting  
11 Halo traffic, we got -- I did not have a clue that  
12 there was traffic coming in until we got a CABS bill,  
13 and I thought, oh, we've got a new carrier.

14 So I told the girls to watch it real  
15 careful and -- since it's new, so -- because there's  
16 supposed to be an agreement on this before they start  
17 sending traffic in here. Before, not after.

18 And so the second month came along and  
19 the -- my accounts receivable lady, she came in the  
20 room, my office and she said, "We have not got paid  
21 for the first month yet."

22 Q. Okay. Well -- and I don't want to cut  
23 you off, but it's gone a little bit beyond and we are  
24 tight on time. I just -- I understand that there was  
25 some traffic --

1           A.       The point is -- the point is, a carrier  
2 with good -- with good intentions gets these things  
3 set up ahead of time before spinning a bunch of  
4 stuff --

5                   MR. MAJOUÉ:  Objection, your Honor.  I  
6 move to strike.  This is nonresponsive to my question  
7 which is do you know whether they offered to pay you  
8 at any point.  So I move to strike.

9                   JUDGE STEARLEY:  Any response,  
10 Mr. England?

11                   MR. ENGLAND:  Yes.  I think Mr. Hart's  
12 trying to put in perspective in response to  
13 Mr. Majoué's hypothetical of whether he'd consider a  
14 certain arrangement or why he would not consider that  
15 arrangement in this case.

16                   MR. MAJOUÉ:  Well, and that's two  
17 questions ago.  I asked him a specific question, do  
18 you know one way or the other whether they offered  
19 you any money, and he said, well, you know, I'll be  
20 candid, I'll give you some context.  But all that  
21 context is about why he's upset and why -- you know,  
22 the whole history, and I believe some of his history  
23 is already outlined in his testimony.  And the  
24 question asks for a simple yes or no and then we're  
25 getting a whole narrative.

1 JUDGE STEARLEY: All right. Well, you  
2 didn't object when he began his narrative. I'm going  
3 to overrule the objection. I think it was responsive  
4 as the best this witness can interpret your  
5 questions.

6 MR. FRIEDMAN: Can he finish his answer  
7 then?

8 BY MR. MAJOUE:

9 Q. And again, the question is, did Halo --  
10 do you know one way or the other whether they offered  
11 to ever pay you any money?

12 JUDGE STEARLEY: Since we've refocused  
13 the question here, I'm going to ask that you do  
14 specifically answer that question.

15 THE WITNESS: After the -- after several  
16 months of not being paid and then I found out from my  
17 attorney that we were having a problem with the  
18 carrier, and so I put that in their hands. And in  
19 the meantime, we got no response from Halo as to if  
20 they were going to pay us intermediately until we got  
21 some kind a final setup done or whatever. We heard  
22 nothing and no offer to pay the bills, period.

23 BY MR. MAJOUE:

24 Q. Okay. And that is responsive. Do you  
25 know one way or the other whether there are any

1 companies in the industry that Halo has gone to and  
2 agreed to pay interim compensation if they would  
3 request interconnection and request negotiations?

4 A. No.

5 Q. And do you know one way or the other  
6 whether there are any such carriers who have gone  
7 through that process and are currently being paid  
8 interim compensation from Halo?

9 A. No.

10 MR. MAJOUE: No further questions.

11 JUDGE STEARLEY: Any other party wish to  
12 cross-examine this witness? Mr. Johnson.

13 MR. JOHNSON: Yes.

14 CROSS-EXAMINATION BY MR. JOHNSON:

15 Q. Does Le-Ru knowingly agree to take  
16 reciprocal compensation on traffic for which you're  
17 entitled to access compensation?

18 A. Yes, we would.

19 MR. JOHNSON: That's all.

20 JUDGE STEARLEY: All right. Any other  
21 cross?

22 (NO RESPONSE.)

23 JUDGE STEARLEY: Hearing none, there's  
24 no questions from the bench. Redirect, Mr. England.

25 MR. ENGLAND: Thank you, your Honor.

1 REDIRECT EXAMINATION BY MR. ENGLAND:

2 Q. I note that -- I was paying attention  
3 this time and I noted that Mr. Majoue asked a couple  
4 of my questions, so -- not all of them. Mr. Hart, do  
5 you have any reason to dispute the accuracy of the  
6 billing records you get from AT&T?

7 A. No.

8 Q. And when you bill from those records to  
9 the other wireless carriers, have they paid those  
10 bills based on the AT&T --

11 A. Yes, they have.

12 MR. ENGLAND: Thank you. No other  
13 questions.

14 JUDGE STEARLEY: All right. Thank you,  
15 Mr. Hart. That concludes your testimony. You may  
16 step down. As with the other witnesses, I'm not  
17 finally excusing you yet just in case the  
18 Commissioners would like to ask you some additional  
19 questions. And you may call your next witness.

20 MR. ENGLAND: Your Honor, our last  
21 witness is Debbie Choate with the Miller Telephone  
22 Company, and I visited with counsel for Halo before  
23 the hearing. She had a family commitment that caused  
24 her to be out of town. She thought she could be back  
25 in time for the hearing, but that has just not

1 happened, so she is unavailable.

2 I would propose to offer her testimony  
3 with the understanding, one, it's subject to the  
4 motions to strike and that her answers would be  
5 essentially the same to the questions that Mr. Majoue  
6 has asked of the other similarly situated witnesses.

7 JUDGE STEARLEY: All right.

8 MR. MAJOUE: And Halo has discussed that  
9 with her counsel, and we agree to that.

10 JUDGE STEARLEY: Okay. And you agree to  
11 that -- foregoing cross-examination, then?

12 MR. MAJOUE: Well, that our  
13 cross-examination would be the same, so we forego it  
14 under the stipulation that her answers would be  
15 consistent with the answers of the other witnesses.

16 JUDGE STEARLEY: Okay. All the parties  
17 are in agreement with that? No other parties wanting  
18 to cross-examine this witness?

19 (NO RESPONSE.)

20 JUDGE STEARLEY: All right. Just want  
21 to be sure everyone's waiving cross and I understand  
22 there's an agreement reached by counsel here. All  
23 right. Very well. I believe we have one witness  
24 from Alma; is that correct?

25 MR. JOHNSON: Yes, your Honor. Tommie

1 Sue Loges.

2 (The witness was sworn.)

3 JUDGE STEARLEY: Thank you. You may be  
4 seated, and you may proceed, Counsel.

5 MR. JOHNSON: Thank you, your Honor.

6 DIRECT EXAMINATION BY MR. JOHNSON:

7 Q. Would you tell us your name, please.

8 A. Tommie Sue Loges.

9 Q. And what's your business address?

10 A. 102 Third Street, Alma, Missouri.

11 Q. And what's your capacity with Alma?

12 A. Administrative assistant.

13 Q. Ms. Loges, did you and I cooperate in  
14 drafting testimony that you signed and refiled here  
15 as Exhibit No. 2 in this proceeding?

16 A. Yes, we did.

17 Q. And if I were to ask you the same  
18 questions that show up in writing on Exhibit 2, would  
19 the answers that you've prepared also -- that show up  
20 on Exhibit 2, would they be the same today if we were  
21 doing this verbally?

22 A. Yes.

23 Q. Okay. And are those answers true to the  
24 best of your knowledge?

25 A. Yes.

1 MR. JOHNSON: Your Honor, I would offer  
2 Exhibit No. 2 subject to the outstanding motions and  
3 tender Ms. Loges for cross-examination.

4 JUDGE STEARLEY: All right.  
5 Cross-examination by Halo.

6 CROSS-EXAMINATION BY MR. MAJOUÉ:

7 Q. Would you pronounce your last name for  
8 me again?

9 A. Loges.

10 Q. Loges. Okay. Ms. Loges, were you  
11 present at the hearing yesterday?

12 A. No.

13 Q. But you've been here this morning,  
14 correct?

15 A. Yes, sir.

16 Q. So I'm going to go through the same  
17 group of questions with you. And I note that your  
18 counsel did identify that you worked with him in  
19 preparing your testimony; is that correct?

20 A. Yes.

21 Q. Did you actually write any portions of  
22 this testimony?

23 A. The bio. The rest we discussed.

24 Q. Do you know one way or the other whether  
25 your testimony is similar or identical to the other



1 witnesses represented by your counsel?

2 A. From listening this morning, I would  
3 assume that.

4 Q. Ms. Loges, you're not an attorney,  
5 correct?

6 A. Correct.

7 Q. Is your company interconnected with  
8 AT&T?

9 A. Yes. They're a tandem.

10 Q. Does your company receive SS7 signaling?

11 A. Yes, we have links through our tandem.

12 Q. Do you know who provides the SS7  
13 signaling functionality?

14 A. The links are through Bluebird.

15 JUDGE STEARLEY: Okay. And I want to  
16 remind counsel and the witness that you're doing  
17 pretty well, but please do speak into your  
18 microphones.

19 BY MR. MAJOUÉ:

20 Q. Do you know one way or the other whether  
21 the signaling information that you received, the SS7  
22 signaling information, contains CPN and CN  
23 information for the Halo traffic that's at issue?

24 A. I have nothing that indicates that off  
25 of my reports that I receive.

1 Q. Okay. So it would be correct that you  
2 don't know one way or the other whether that  
3 information was in the SS7 signaling information you  
4 received?

5 A. Based on the data that I receive.

6 Q. Let's turn to page 4 of your testimony,  
7 in particular lines 13 through 20 where you discuss  
8 how you believe you know that Halo has sent traffic  
9 to AT&T -- AT&T destined for Alma. Is it correct  
10 that you received billing records from AT&T in the  
11 ordinary course of business?

12 A. The reports that we receive from AT&T  
13 are transmitted, retrieved electronically to our bill  
14 vendor. The bill vendor takes those electronically  
15 and puts them into a format and then sends us a  
16 report.

17 Q. Okay. But it's based on data from  
18 AT&T's system, correct?

19 A. Correct.

20 Q. And the information that is sent from  
21 AT&T to your billing vendor, that's an ordinary  
22 course transaction that you do, correct?

23 A. Yes.

24 Q. Let's turn to page 8 of your testimony,  
25 lines 1 through 22 and then going to page 9, lines 1

1 through 8. You discuss again the billing records  
2 from AT&T and traffic studies from AT&T. Did you  
3 review the traffic studies from AT&T?

4 A. I did.

5 Q. And are the percentages that you discuss  
6 in your testimony on pages 8 and 9, those are based  
7 on your understanding of the AT&T records and traffic  
8 studies, correct?

9 A. Yes.

10 Q. And so in forming your opinions today,  
11 you're relying on the billing, the traffic studies  
12 from AT&T, correct?

13 A. Correct.

14 Q. Do you claim that the Halo traffic  
15 that's at issue is subject to access charges?

16 A. In the absence of an agreement, we bill  
17 access rates.

18 Q. And you claim that your company has an  
19 intrastate switched access tariff that is applicable  
20 to the traffic that's at issue?

21 A. Yes.

22 Q. Can you tell me what tariff that is?

23 A. I don't have the tariff in front of me,  
24 but I do keep that at home in a record and I  
25 reference back to that. It would have been

1 documented probably back in '87, '88. I think we  
2 have two different ones.

3 Q. Is it your company's position that the  
4 description and terms and conditions of the access  
5 service you claim to be providing are set forth in  
6 that tariff?

7 A. Can you repeat that?

8 Q. Sure. Is it your company's position  
9 that the description of the services you're  
10 providing, the access services and the terms and  
11 conditions of how it's provided are set forth in the  
12 tariff that you referenced?

13 A. Yes.

14 Q. Is it your understanding that Halo  
15 refused to negotiate with your company regarding  
16 setting up some type of billing arrangement?

17 A. Yes.

18 Q. Have you reviewed the correspondence  
19 that was attached to the testimony -- the rebuttal  
20 testimony of Russ Wiseman?

21 A. Briefly.

22 Q. And what correspondence in particular  
23 did you review?

24 A. His testimony and the rebuttal, I  
25 briefly read through them.

1           **Q.       Okay. And did you read any of the**  
2           **letters that were attached?**

3           A.       Yes, but I didn't see our company listed  
4           in any of those letters, and to my knowledge  
5           internally within our company, the only  
6           correspondence that I have found where we have had  
7           correspondence with Halo was a postal delivery card  
8           providing us with a change in bill-to address.

9           **Q.       And do you know one way or the other**  
10          **whether your counsel ever did speak with counsel for**  
11          **Halo regarding attempts to negotiate interconnection**  
12          **agreements or attempts to get interim compensation**  
13          **for your company?**

14          A.       Again, I would have to assume. We hire  
15          a competent counsel. I'm sure that he has followed  
16          through. However, my position, we had a manager -- a  
17          different manager between January, and when all of  
18          this started going on, then he resigned. So if there  
19          was something that he discussed with our attorney  
20          that I have no knowledge of, I can't state on that.  
21          But to my knowledge, no.

22          **Q.       Okay. And so do you know one way or the**  
23          **other whether Halo did offer to pay some rate to your**  
24          **company in exchange for your company requesting**  
25          **interconnection and requesting to enter negotiations?**

1           A.       If they contacted our company, no. To  
2 my knowledge they never contacted our company  
3 directly.

4           Q.       But did they ever contact your  
5 counsel -- let me back up. Do you know one way or  
6 the other whether they contacted your counsel  
7 requesting -- or advising that they would agree to  
8 pay interim compensation if your company would  
9 request interconnection and request negotiations?

10          A.       If they did, I do not have a document to  
11 support that.

12          Q.       So as you sit here today, you don't have  
13 a document, but do you know one way or the other  
14 whether that ever occurred?

15          A.       No, I have no document to support it.

16          Q.       You're claiming that Halo does as of  
17 today owe you money for termination of traffic,  
18 correct?

19          A.       Correct.

20          Q.       Now, had Halo come to your company  
21 directly and said, we will pay you for all the  
22 traffic if you request interconnection from us and  
23 enter negotiations, is that something your company  
24 would have agreed to?

25          A.       We would have advised -- gone into

1 advisement with counsel, as we have with others. If  
2 they would have sought an interconnection agreement  
3 with us, to my knowledge we would have advised with  
4 the counsel. As I'm not a manager and have  
5 previously not been involved in that end of  
6 negotiations, I can't say one way or the other  
7 whether then we would have advised with counsel and  
8 proceeded from there.

9 Q. Do you know one way or the other whether  
10 there are any other carriers in the industry whom  
11 Halo has agreed to pay interim compensation rates if  
12 that carrier requested interconnection and requested  
13 negotiations?

14 A. I do not know others. All I know is for  
15 us.

16 Q. Do you know one way or the other whether  
17 there are any carriers with whom Halo has agreed and  
18 is paying interim compensation after they requested  
19 interconnection or requested negotiations?

20 MR. JOHNSON: Objection, your Honor.  
21 It's irrelevant and immaterial to this case.

22 JUDGE STEARLEY: Any response?

23 MR. MAJOUÉ: Well, she has already  
24 testified that she isn't quite sure what she would  
25 have done one way or the other. I'm simply -- if

1 Halo had offered these things -- and I'm trying to  
2 see if she has any knowledge just to determine  
3 whether that would have affected her decision-making.  
4 I mean, it's the same question that we've asked all  
5 the witnesses and prior witnesses haven't been  
6 objected to at this point.

7 JUDGE STEARLEY: I'll overrule. She can  
8 answer to the extent that she can answer that  
9 question based on her position. She's already  
10 indicated she wasn't in a managerial position.

11 THE WITNESS: My position would only be  
12 to gather the information, the data, work with  
13 counsel and follow through with the proper paperwork.  
14 I can't make the decisions in my job capacity. I  
15 can't sign off on an agreement.

16 MR. MAJOUE: All right. I have no  
17 further questions.

18 JUDGE STEARLEY: All right. Any other  
19 party wish to cross-examine this witness?

20 (NO RESPONSE.)

21 JUDGE STEARLEY: All right. Hearing  
22 none, there's no questions from the bench. Redirect,  
23 Mr. Johnson?

24 MR. JOHNSON: No, your Honor.

25 JUDGE STEARLEY: Thank you very much for



1 your testimony. All right. At this time we're going  
2 to recess until about 10:30 and we'll pick back up  
3 with Staff's witness, Mr. Voight, and I believe the  
4 Commissioners are wrapping up their agenda meeting,  
5 so we may have a couple of them with us on the bench.

6 (A RECESS WAS TAKEN.)

7 JUDGE STEARLEY: All right. We are back  
8 on the record, and Staff, you may call your witness.

9 MS. McCLOWRY: Staff calls William  
10 Voight.

11 JUDGE STEARLEY: Mr. Voight, please  
12 raise your right hand.

13 (The witness was sworn.)

14 JUDGE STEARLEY: Thank you. You may be  
15 seated, and Counsel, you may proceed.

16 DIRECT EXAMINATION BY MS. McCLOWRY:

17 Q. Good morning, Mr. Voight. Will you  
18 please state your name for the record?

19 A. William L., Bill, Voight.

20 Q. And by whom are you employed?

21 A. I'm employed by the Missouri Public  
22 Service Commission.

23 Q. And in what capacity?

24 A. I'm the supervisor of the rate and  
25 tariff section of the telecommunications work unit.

1 Q. Are you the same William Voight who  
2 prepared and caused to be filed direct testimony in  
3 this matter filed on June 4th, 2012, marked as Staff  
4 Exhibit 1?

5 A. Yes.

6 Q. And are you the same William Voight who  
7 prepared and caused to be filed rebuttal testimony in  
8 this matter filed on June 19th, 2012, marked as  
9 Exhibit -- Staff Exhibit 2?

10 A. Yes.

11 Q. Do you have any corrections to your  
12 testimony?

13 A. Yes, I have one correction to my direct  
14 testimony and two corrections to my rebuttal  
15 testimony. First of all, in my direct testimony on  
16 page 2, there's references to schedules 1 and 2.  
17 Those were inadvertently left out of the electronic  
18 filing, and I believe you have supplied copies of  
19 those. So I wanted to add those to my direct  
20 testimony. That's a summary of my work experience.

21 The second correction -- or there are  
22 two to my rebuttal testimony. And first of all, on  
23 page 2, line 5 of my rebuttal testimony, there's a  
24 reference to Halo that's only supposed to send  
25 traffic that is originated by its own endusers. I'd

1 like to change that to Halo's only supposed to send  
2 wireless-originated traffic.

3 Second correction. On page 16 are -- an  
4 example can be found on page 16 of my rebuttal  
5 testimony at lines 3 and lines 9. There may be some  
6 other instances throughout my testimony, but any  
7 time -- I reference Halo's traffic. Any time I  
8 reference the word "reorigination," I would like for  
9 the word reorigination to be surrounded by quotation  
10 marks.

11 Q. Okay. Aside from those corrections, do  
12 you have any more?

13 A. No.

14 Q. Is the testimony that you have filed in  
15 this matter true and accurate to the best of your  
16 knowledge and belief?

17 A. Yes.

18 Q. And if asked the same questions today as  
19 were contained in your testimony with the  
20 corrections, would your answers be the same?

21 A. Yes.

22 MS. McCLOWRY: Okay. And at this time I  
23 would move for admission of Mr. Voight's direct  
24 testimony and rebuttal testimony marked as Staff  
25 Exhibits 1 and 2 subject to the pending objections.

1 JUDGE STEARLEY: All right. Thank you,  
2 Counsel.

3 MR. McCOLLOUGH: My assumption, your  
4 Honor, is that the result is going to be essentially  
5 the same as the prior witnesses. We did file some  
6 objections.

7 JUDGE STEARLEY: Yes, and we'll reserve  
8 a ruling until we get written responses on that. If  
9 we may proceed with cross-examination beginning with  
10 AT&T.

11 MR. BUB: Thank you, your Honor. We  
12 just have a couple of questions.

13 CROSS-EXAMINATION BY MR. BUB:

14 Q. Mr. Voight, we noticed on Staff's  
15 position statement that it took no position on AT&T's  
16 request to be excused from performance under the  
17 AT&T/Halo ICA agreement. Does Staff oppose the  
18 requested relief? Let me --

19 A. I'm not following, Mr. Bub. I'm sorry.

20 Q. Sure. Let's go to Staff's position  
21 statement.

22 A. And I don't have a copy of that. I  
23 would appreciate seeing a copy of that. Thank you.

24 Q. What I'm talking about, Mr. Voight,  
25 is -- it's the second portion. It starts on page 2.

1 The first page begins the issues of blocking issues,  
2 and then underneath that, section 2 at the bottom --  
3 page 2, bottom of the complaint, AT&T's ICA complaint  
4 and Staff's set of issues.

5 The first issue No. 6, Staff indicated  
6 that its position on question 6, Has Halo delivered  
7 traffic to AT&T Missouri that was not originated  
8 through wireless transmitting and receiving  
9 facilities as provided by the parties' ICA, has Halo  
10 delivered that type of traffic?" Staff there says,  
11 "Yes, Halo was delivering traffic which is not  
12 covered by the interconnection agreement."

13 Is that Staff's position on that issue?

14 A. Yes, that's Staff's --

15 MR. McCOLLOUGH: Object as to  
16 cross-examination from an incomplete -- a document  
17 that's not in evidence.

18 MR. BUB: I'm just asking about Staff's  
19 position. Is that Staff's position, that's my  
20 question.

21 JUDGE STEARLEY: I'll overrule the  
22 objection --

23 MR. McCOLLOUGH: Even if it's to refresh  
24 the witness's recollection, your Honor, it needs to  
25 be admitted.

1 MR. BUB: I think I'm entitled to ask  
2 and cross-examine Staff on its own position.

3 JUDGE STEARLEY: And indeed you are.  
4 I'm overruling the objection.

5 THE WITNESS: The answer, Mr. Bub, is  
6 yes, that is Staff's position on No. 6.

7 BY MR. BUB:

8 Q. And on No. 7, the question is -- at  
9 issue is, "Has Halo paid the appropriate compensation  
10 to AT&T Missouri as prescribed by the parties' ICA?  
11 If not, what compensation, if any, would apply?"

12 And Staff's position according to the  
13 written position is, "No, Halo has not paid the  
14 appropriate compensation. Intrastate switched access  
15 is the appropriate compensation for such traffic."

16 Could you confirm whether or not that is  
17 Staff's position on that issue?

18 A. Traffic that's subject to switched  
19 access charges is payable for switched access. If  
20 it's reciprocal comp-type traffic, then it's subject  
21 to reciprocal comp.

22 Q. Okay. And then the final issue, "Has  
23 Halo committed a material breach of its ICA with AT&T  
24 Missouri? If so, is AT&T Missouri entitled to  
25 discontinue performance under the ICA?" Do you see

1 that?

2 A. Yes, I see that.

3 Q. Okay. And what I'd like to ask you  
4 specifically about is that the remedy that AT&T's  
5 asking to be excused from performance. Does Staff  
6 oppose the requested relief?

7 A. No, not as I understand the relief.

8 Q. In Staff's view, is the requested relief  
9 something that the Commission could appropriately  
10 grant if the Commission deemed warranted?

11 A. Absolutely.

12 MR. BUB: Thank you. Those are all the  
13 questions that AT&T has.

14 JUDGE STEARLEY: Cross-examination from  
15 Craw-Kan.

16 MR. ENGLAND: Thank you, your Honor.

17 CROSS-EXAMINATION BY MR. ENGLAND:

18 Q. Good morning, Mr. Voight.

19 A. Good morning, Mr. England.

20 Q. At page 2 of your rebuttal testimony,  
21 lines 3 and 4, you reference the interconnection  
22 agreement between Halo and AT&T and the fact that it  
23 has been approved by the Commission. Do you see  
24 that?

25 A. Yes.

1           Q.       Now, am I correct in understanding that  
2 typically when an interconnection agreement is filed  
3 with the Commission for approval, the Commission  
4 issues notice to affected parties to include  
5 third-party carriers such as my clients? Is that  
6 your understanding?

7           A.       Yes, that's my understanding. I think  
8 possibly and particularly in instances where an  
9 amendment, for example, has not been previously  
10 approved by the Commission. But certainly it's my  
11 understanding that a case is docketed and the matter  
12 is noticed up.

13          Q.       Okay. Well -- and I'll take it in two  
14 pieces. With respect to the original agreement which  
15 I understand was an adoption of an existing agreement  
16 between AT&T and at that time Voice Stream that Halo  
17 was opting into, do you know if the Commission sent  
18 any notice to the industry about the filing of that  
19 agreement in its request or the parties' request for  
20 approval?

21          A.       No, I do not know categorically if that  
22 was noticed up. I don't know.

23          Q.       And sort of the same question with  
24 respect to the subsequent amendment that was filed,  
25 do you know if there was any notice issued to third



1 parties?

2 A. No, I would have to check. I don't  
3 know.

4 MR. ENGLAND: Okay. Thank you. No  
5 other questions.

6 JUDGE STEARLEY: All right.

7 Cross-examination, Alma?

8 MR. JOHNSON: No cross, thank you.

9 JUDGE STEARLEY: Cross-examination,  
10 Halo?

11 MR. McCOLLOUGH: Thank you, your Honor.

12 CROSS-EXAMINATION BY MR. McCOLLOUGH:

13 Q. I want to make sure I don't mispronounce  
14 your name. And if I do, please accept my apologies.  
15 Is it Voight?

16 A. Yes, that's correct.

17 Q. You provided a supplement to your  
18 testimony with your summary of work experience?

19 A. Yes, sir.

20 Q. Can we visit about that for a second?

21 A. Yes.

22 Q. First of all, I want to ask you a couple  
23 of questions about what doesn't seem to appear here.

24 A. Okay.

25 Q. I notice that there is no listing of any

1 work in relation to the proceeding that gave rise to  
2 the ERE Rules. Were you involved in the development  
3 of those rules?

4 A. Yes, I was involved.

5 Q. They just don't happen to be listed  
6 here?

7 A. Apparently not.

8 Q. There were some proceedings of this  
9 Commission in the early 2000s related to wireless  
10 traffic that traversed what you have referred to as  
11 the LEC-to-LEC network regarding AT&T's provision of  
12 transit service and how that would work with relation  
13 to the ILECs. Are you aware of those proceedings?

14 A. Yes, generally.

15 Q. Were you involved in any of those?

16 A. Well, the most significant one was what  
17 I would call the mega arbitration, the mega  
18 interconnection agreement between AT&T and  
19 Southwestern Bell, and transiting traffic, I believe,  
20 was involved in that issue. But I was not involved  
21 in that case. There are other cases involving  
22 transiting traffic where I have been involved.

23 Q. I'm specifically asking about the series  
24 of proceedings that involved, for example, the  
25 wireless termination tariffs that many of the nonAT&T

1 ILECs filed prior to the FCC's so-called T-Mobile  
2 decision. Were you involved in those?

3 A. I certainly reviewed and undoubtedly  
4 wrote recommendations to approve those tariff sheets,  
5 so yes, to some extent I would have been involved. I  
6 honestly don't recall testifying in any of the  
7 contested proceedings. Perhaps I was, I just don't  
8 recall.

9 Q. Were you involved in any of the  
10 arbitrations between the nonAT&T ILECs that may have  
11 been -- that are in this case and some of the  
12 wireless carriers like T-Mobile, Verizon, AT&T  
13 Mobility?

14 A. I apologize that my arbitration --  
15 serving on arbitration advisory staff experience is  
16 not listed, but I honestly don't recall if I was or  
17 not.

18 Q. I gather, then, that what's listed here  
19 is cases where you actually provided testimony?

20 A. Yes. What I would call contested case  
21 proceedings where I would appear in a -- what I would  
22 call an adversarial role advocating for one point of  
23 view or another.

24 Q. I gather, then, there were some other  
25 proceedings where you had an involvement perhaps in

1 an advisory capacity to the full Commission where you  
2 did not provide testimony but were assisting them in  
3 their decision-making regarding the terms and  
4 conditions of, say, an interconnection agreement?

5 A. I've certainly been on the arbitration  
6 advisory staffs. I do not recall if any issues  
7 were -- involved wireless traffic. I just honestly  
8 don't recall.

9 Q. Understood. There's one particular  
10 listing on your schedule 2.2 that I want to ask you a  
11 few questions about. It appears on the second page  
12 of your testimony experience, the third page of...

13 A. I'm there.

14 Q. Okay. The proceeding down near the  
15 bottom on the third page, TC-2000-0111, Staff of the  
16 Public Service Commission and State of Missouri,  
17 Plaintiff versus Comcast IP Phone. You see that?

18 A. Yes.

19 Q. You were a Staff witness in that case?

20 A. I feel certain I was, yes.

21 Q. Without going into great detail, could  
22 you describe for me what the basic issues were, why  
23 the Staff brought a complaint against Comcast  
24 IP Phone?

25 A. Yes. My recollection is that there was

1 a law passed in Missouri which essentially says that  
2 IP-type traffic is subject to access charges in the  
3 same respects as is TDM-based traffic. As I recall,  
4 Comcast IP Phone probably did not have a certificate  
5 or a tariff, and I think the Staff filed a complaint  
6 on that basis. That's the best I remember of that.

7 **Q. Do you remember generally how that case**  
8 **turned out, what the decision or disposition was?**

9 A. No. Best of my knowledge Comcast  
10 IP Phone is now certificated and/or registered as a  
11 VoIP provider in Missouri. I don't recall if that  
12 case actually went to the hearing phase or if the  
13 parties settled. I honestly don't remember.

14 **Q. You can't remember whether it was**  
15 **settled or the contested case went to decision, and**  
16 **if so, what the ultimate result was other than you**  
17 **now know that Comcast is either certificated or**  
18 **registered?**

19 A. Yes, yes.

20 **Q. Let's start out with a new topic, your**  
21 **testimony -- your rebuttal testimony on page 7.**

22 A. Okay. I'm there.

23 **Q. You indicate there beginning on line 4**  
24 **that Transcom was certificated as an interexchange**  
25 **carrier in 2003?**

1 A. Correct.

2 Q. You say "Transcom." Do you mean to say  
3 **Transcom Enhanced Services, Inc.?**

4 A. No, sir. Clarify that right now, if we  
5 may. That was Transcom Communications, Inc.

6 Q. **We can shorten a whole bunch of this --**

7 A. Sure.

8 Q. **-- if you just acknowledge that that was**  
9 **a completely different entity.**

10 A. Yes. If I may say, I anticipated some  
11 of your questions, and I've done some additional  
12 research since I wrote that testimony a few weeks  
13 ago.

14 Q. **So your testimony when you wrote it, you**  
15 **now know was incorrect?**

16 A. No, I don't -- I mean, as far as the  
17 word Transcom, no, I don't think there's any of my  
18 testimony that I need to correct other than some  
19 additional clarification that the company I was  
20 referring to was Transcom Communications, Inc. which  
21 has some of the same common ownership as Transcom  
22 Enhanced Services. They operate in the greater  
23 Dallas/Fort Worth Metroplex area. I think it's --  
24 legally they do have two different names. Some of  
25 the ownership is the same, though.

1 Q. So you did not check, for example, the  
2 motion to cancel certificate of service authority  
3 filed by Transcom Communications, Inc. that you  
4 referred to in your testimony?

5 A. I'm not sure I understand the question.  
6 Yes, that's -- that was checked. At what point are  
7 you talking about, when we wrote the recommendation  
8 to cancel it or when I wrote my testimony? I'm not  
9 sure that I follow your question.

10 Q. Well, you refer on -- in response to the  
11 question that's at the bottom of page 7, your answer  
12 on page 8, correspondence advising of the  
13 cancellation status mailed to Transcom's address in  
14 Irving, Texas was returned to the post office by the  
15 Missouri Public Service Commission.

16 Did you check the records to see whether  
17 there was a motion to cancel certificate of service  
18 authority filed by Transcom Communications, Inc.?

19 A. Yes, yes. There was a motion, I  
20 believe, Mr. McCollough, that canceled their  
21 authority. I believe it was filed by Kelley Drye &  
22 Warren.

23 Q. I've handed you what's been marked Halo  
24 Exhibit 27. Does this appear to be the motion to  
25 cancel certificate of service authority that you just

1 referred to?

2 A. Excuse me. The letter we received was  
3 from Kelley Drye & Warren. Yes, this is  
4 Ms. Hernandez, Staff Counsel's motion to cancel the  
5 certificate of Transcom Communications, Inc.

6 (HALO EXHIBIT NO. 27 WAS MARKED FOR  
7 IDENTIFICATION BY THE COURT REPORTER.)

8 JUDGE STEARLEY: All right. You may  
9 continue, Counsel.

10 MR. McCOLLOUGH: Thank you. I offer  
11 Halo Exhibit 24 [sic].

12 JUDGE STEARLEY: All right. Any  
13 objection to admission of Halo Exhibit No. 27?

14 MR. McCOLLOUGH: I'm sorry. I said 24.  
15 I meant 27.

16 MS. McCLOWRY: No objection.

17 JUDGE STEARLEY: Hearing none, it shall  
18 be admitted and received into the record.

19 (HALO EXHIBIT NO. 27 WAS RECEIVED INTO  
20 EVIDENCE AND MADE A PART OF THE RECORD.)

21 BY MR. McCOLLOUGH:

22 Q. Let's take a look at the bottom of Halo  
23 Exhibit 27, the indented portion of paragraph 3.

24 A. I'm there.

25 Q. "Although Transcom, ellipse, intended to



1 provide service in Missouri Transcom's parent  
2 company, Vyke Communications, PLC, a publicly traded  
3 company incorporated in the United Kingdom has  
4 decided to withdraw most of its operations. "

5 A. Yes.

6 Q. Is it your understanding that Transcom  
7 Enhanced Services, Inc. is owned by Vyke  
8 Communications, PLC, a publicly traded company  
9 incorporated in the United Kingdom?

10 A. No. It's my belief that the current  
11 ownership of Transcom Enhanced Services is shown in  
12 the Wisconsin exhibit attachment of some testimony in  
13 this case.

14 Q. And is not Vyke Communications, PLC a  
15 United Kingdom company?

16 A. Correct.

17 Q. So then based on Exhibit 27, it does  
18 appear that there is not, in fact, common ownership,  
19 does it?

20 A. No, I wouldn't say that at all. First  
21 of all, those are the representations not of Staff  
22 but of Transcom Communications, Inc.'s counsel at the  
23 time. The certificate of application for Transcom  
24 Communications, Inc. does show that Mr. Scott  
25 Birdwell and Mr. Britt Birdwell were owners and

1 officers of Transcom Communications, Inc. and are  
2 also owners and officers of Transcom Enhanced  
3 Services.

4 Q. Did you do any diligence to determine  
5 whether perhaps the ownership interest of the  
6 Birdwell individuals you just mentioned had been  
7 transferred to Vyke Communications, PLC?

8 A. I'm relying on the exhibit from  
9 Wisconsin to establish ownership of Transcom Enhanced  
10 Services.

11 Q. I'm now referring to Transcom  
12 Communications Services.

13 A. Forgive me. May I ask you to restate  
14 your question?

15 Q. Sure. Did you do any diligence to  
16 determine whether perhaps the persons, the Birdwells,  
17 for example, had sold their interest in Transcom  
18 Communications, Inc. to Vyke Communications, PLC  
19 sometime in the past?

20 A. Well, I believe the answer is no. We  
21 relied on the representations that were presented to  
22 the Commission in 2003 to establish ownership of  
23 Transcom Communications, Inc.

24 Q. Do you -- did you attempt to determine  
25 whether sometime after the application, the

1 **Birdwells' interest in Transcom Communications, Inc.**  
2 **had been transferred to Vyke?**

3 A. I'm going to have to answer yes, I did  
4 some -- I attempted to do some research on the  
5 Internet, for example, Transcom -- there are numerous  
6 references to Transcom and its ownership, some of it  
7 fairly recent. It continues. For example, Bloomberg  
8 Business Week, it looks like as much as -- as  
9 recently as June of this year, talks about  
10 Mr. Birdwell's founding of Transcom in 1999. It  
11 doesn't say anything about transferring ownership to  
12 Vyke, V-y-k-e.

13 Q. Does that article refer to Transcom  
14 Enhanced Services, Inc. or Transcom Communications,  
15 Inc.?

16 A. That is -- I only presume that it refers  
17 to Transcom Enhanced Services because Transcom  
18 Communications, Inc. left the country in 2005.

19 (HALO EXHIBIT NO. 26 WAS MARKED FOR  
20 IDENTIFICATION BY THE COURT REPORTER.)  
21 BY MR. MCCOLLOUGH:

22 Q. Sir, I've handed you what's been marked,  
23 I believe, as Halo Exhibit No. 26. Do you have that?

24 A. Yes.

25 Q. Does this appear to be an order by the

1 Wireline Competition Bureau in WC docket 05229  
2 released DA 072948, released July 2nd, 2007, reported  
3 at 22 FCC record 111849?

4 A. I'm sorry. May we refer to this as a  
5 transfer of control document or --

6 Q. Yes, sir. I'm just trying to  
7 authenticate the document.

8 A. Sure.

9 Q. Are you familiar with the process that  
10 is used at the FCC for licensure of domestic common  
11 carrier?

12 A. No.

13 Q. Have you ever heard of a 214  
14 application?

15 A. I don't recall.

16 Q. You don't. Okay. Does this document  
17 just on its face -- and again, I'm trying to  
18 authenticate here -- appear to address domestic 214  
19 filed for the transfer of control of Maskina  
20 Communications from Transcom Holdings, LLC to Vyke  
21 and Vyke Communications, PLC nonTranscom pleading  
22 cycle established?

23 MR. FRIEDMAN: Objection. A document  
24 cannot be authenticated by asking the witness if it  
25 looks like something.

1 MR. McCOLLOUGH: This is just --

2 MR. FRIEDMAN: A document can be  
3 authenticated by asking a witness if he has seen the  
4 document before, and based on his familiarity with  
5 the document, if he can attest that it is what it  
6 appears to be. This is not authentication. It's not  
7 a relevant question.

8 JUDGE STEARLEY: I have to agree with  
9 counsel, Mr. Friedman. It's not the way we  
10 authenticate documents.

11 MR. McCOLLOUGH: Very well, your Honor.

12 JUDGE STEARLEY: You can ask if this  
13 witness recognizes this document. You can have him  
14 read it and ask if he has some understanding of what  
15 he's reading, but --

16 MR. McCOLLOUGH: I'll back up.

17 JUDGE STEARLEY: -- I don't believe he's  
18 a proper custodian of some type of record that can  
19 identify or authenticate this document.

20 MR. McCOLLOUGH: Actually, your Honor, I  
21 was just simply trying to authenticate under the  
22 public records exemption --

23 JUDGE STEARLEY: All right.

24 MR. McCOLLOUGH: -- but that's fine.

25 BY MR. McCOLLOUGH:

1 Q. Sir, did you undertake to check FCC  
2 records regarding Transcom Communications, Inc. and  
3 its federal licensure to determine whether there  
4 continued to be common ownership and control of  
5 Transcom Communications, Inc. and Transcom Enhanced  
6 Services, Inc.

7 A. No, Mr. McCollough, I did not check  
8 federal records.

9 Q. Do you routinely look at FCC orders as  
10 part of your job duties and responsibilities?

11 A. Certain subject matters, yes.

12 Q. Do you know what the Wireline  
13 Competition Bureau is?

14 A. I have an idea.

15 MR. MCCOLLOUGH: Your Honor, I'm going  
16 to either seek for admission or request judicial  
17 notice of this document. It was on our list that was  
18 filed on Monday.

19 JUDGE STEARLEY: All right. Are there  
20 any objections? It's been offered for admission as  
21 Halo Exhibit No. 26.

22 MS. DALE: We have no objection to the  
23 Commission taking judicial notice of it.

24 JUDGE STEARLEY: All right. Since  
25 you've given me an alternative and there's no

1 objections to notice, we'll take official notice of  
2 this exhibit.

3 BY MR. McCOLLOUGH:

4 Q. Let's just take a look very briefly to  
5 the last full paragraph on the first page. Could you  
6 just read that to yourself?

7 A. Yes. It speaks of ownership of Transcom  
8 Holdings.

9 Q. Okay. And do you see the name Birdwell  
10 there, Scott Birdwell?

11 A. Yes, sir.

12 Q. Okay. Is that the same -- probably the  
13 same individual you were referring to earlier?

14 A. I would expect so, yes.

15 Q. So then if we assume that sometime prior  
16 to 2005 the ownership of Mr. Birdwell is 35 percent,  
17 or whatever ownership it was, and Transcom  
18 Communications, Inc. was transferred to Vyke  
19 Communications, Inc., then would you agree with me  
20 that your information in your testimony regarding  
21 Transcom being a certificated carrier in Missouri as  
22 late as 2009 -- now I say Transcom Enhanced Services,  
23 Inc. -- was not, in fact, correct? There was no  
24 longer any ownership?

25 A. I don't know if that's the case. I

1 don't know why in -- I believe 2003 the  
2 representation was made that Mr. Birdwell was a  
3 principal owner. I just don't know. But relying on  
4 your document, I think it appears to state something  
5 differently than what was presented to the Commission  
6 when Transcom Communications, Inc. applied for its  
7 certificate.

8 Q. So it's at least possible based on what  
9 you've seen here that sometime after the certificate  
10 was issued here, that the ownership of Transcom  
11 Communications, Inc. was transferred out to this  
12 foreign corporation, Vyke?

13 A. That could be, yes, sir.

14 Q. You have some testimony on pages 16, 17,  
15 19 and 20 of your rebuttal, and I'm just giving  
16 you-all the page references because they all address  
17 mostly the same thing, but I think we can focus in a  
18 very particular part of your testimony on page 19 to  
19 20. We're talking about delivery of CPN.

20 A. Very well.

21 Q. Caller identification information, I  
22 believe, is the definition in the ERE Rules. Do you  
23 have a copy of the ERE Rules with you?

24 A. Yes, I do.

25 Q. Let's turn to that very quickly if we



1 can. It would be originating caller identification  
2 as defined -- I have a hard time finding my  
3 reference.

4 A. I believe it would be definition No. 28,  
5 29.020. It would be on page 4.

6 Q. Thank you. Your understanding is what  
7 I'm going to ask for here. Would you agree with me  
8 based on your understanding that originating caller  
9 identification as used in ERE Rule 240-29.020(28) is  
10 CPN?

11 A. I certainly won't quibble that caller ID  
12 and CPN are the same thing.

13 Q. Well -- and let's just talk a little bit  
14 of technology for a second.

15 A. Okay.

16 Q. When the SS7 network does what it does  
17 and there is information in the CPN parameter of the  
18 ISDN user part initial address message, and say an  
19 enduser, a subscriber to basic telephone service has  
20 caller ID capability including the little display.  
21 When the caller looks down on the caller ID and sees  
22 a number there, that is the number that was  
23 transmitted in the CPN parameter, isn't it?

24 A. Yes, that would be my understanding.

25 Q. And we can talk about how it gets to

1     there some other day, perhaps, where we put on our  
2     propeller heads and talk about when it shows up and  
3     all of that, but basically speaking, what people see  
4     that you say is important to consumers is the content  
5     that's in the CPN parameter?

6             A.       Yes.

7             Q.       Okay.  You've been here during the whole  
8     hearing, haven't you?

9             A.       Yes.

10            Q.       Have you heard the testimony -- go  
11     ahead.

12                    MS. DALE:  I just need to add that he  
13     did absent himself during the last in-camera because  
14     he was afraid that he might hear something that might  
15     be -- have a bearing on a different case.

16                    MR. McCOLLOUGH:  And that's fine, your  
17     Honor, because the stuff that was taken up then does  
18     not pertain to my questions.

19                    JUDGE STEARLEY:  All right.  Very well.

20     BY MR. McCOLLOUGH:

21             Q.       You've heard the various witnesses, AT&T  
22     witnesses, the other ILEC witnesses all testify that  
23     Halo was, in fact, populating the CPN parameter and  
24     that they all received it, haven't you?

25             A.       Yes.

1 Q. So then do you still take the position  
2 that Halo was not delivering originating caller  
3 identification as defined in the ERE Rules?

4 A. You may need to point me to my  
5 testimony. And I don't know that I was necessarily  
6 taking that position as I was attempting to  
7 characterize the position of somebody else. Part of  
8 my job, I try to understand -- as a Staff person I  
9 try to understand all the parties' points of view.

10 Q. Well, I mean, you know, do you now take  
11 a position on whether Halo was, in fact, supplying  
12 information that might meet the definition of  
13 originating caller identification as defined in the  
14 rule?

15 A. Well, I think the short answer is yes.

16 Q. Okay. Thank you.

17 A. I mean, I think that it's being  
18 delivered in the SS7 bit stream to the terminating  
19 end office is what it sounds like to me.

20 Q. And that's what the ERE asks people to  
21 do, right?

22 A. Yes.

23 Q. Okay. So just so that we don't have to  
24 go through it, therefore, the Commission should not  
25 take your testimony to state or imply in any way that

1 regardless of whatever else we may talk about in the  
2 rule, you're not trying to suggest to the Commission  
3 that Halo was manipulating or failing to transmit CPN  
4 originating caller identification information in any  
5 way?

6 A. No, I don't believe I've ever said that.  
7 Forgive me if I may have given that impression. I  
8 think the issue has more to do with insertion of a  
9 charge number and how that may impact the AMA  
10 records, the category 1101 records that are being  
11 created at the tandem is my general understanding.

12 But based on the testimony and evidence  
13 in this case, it sounds to me like Halo's populating  
14 or passing the calling party number, caller ID,  
15 passing that to the terminating end office via the  
16 SS7 signaling parameters. That that is my  
17 understanding.

18 Q. Thank you. Now, you mentioned 1101  
19 records.

20 A. Yes.

21 Q. What are the last couple of digits after  
22 1101 that you were referring to?

23 A. They're undefined pursuant to the rule.  
24 They're denoted by placeholders, if I understand your  
25 question correctly.

1 Q. Well, the specific records that AT&T  
2 provides to the ILECs that are behind its tandem on  
3 what you call the LEC-to-LEC network, the records  
4 that they receive, those are not, in fact, industry  
5 standard 1101 X records, are they? They're  
6 specifically designed for this state?

7 A. I believe the answer to that is yes. I  
8 think it's what we would characterize as a  
9 Missouri-specific category 1101.

10 Q. It is a variation on other types of 1101  
11 records?

12 THE COURT REPORTER: 1101 what?

13 MR. McCOLLOUGH: 1101 records.

14 THE COURT REPORTER: Records. Okay.

15 THE WITNESS: Well, I don't know if  
16 that's a question. It has to do with the OCN and the  
17 CIC.

18 BY MR. McCOLLOUGH:

19 Q. Understood.

20 A. Okay.

21 Q. 1101 records are, in fact, records that  
22 are defined -- various types of records that are  
23 defined by an industry group, isn't it, the OBF, the  
24 order and billing form?

25 A. Yes, that would be my understanding.

1 Q. And 1101 records are generated from  
2 processed AMA information; isn't that true?

3 A. Yes.

4 Q. So I believe, then, what your testimony  
5 would be is that when AT&T gets a call that is placed  
6 on what you call the LEC-to-LEC network and when it  
7 is creating the tandem records that it provides to  
8 the other ILECs, it creates a special record that is  
9 unique to Missouri and it may not be including the  
10 original CPN information that was transmitted,  
11 correct?

12 A. Well, I agree completely with everything  
13 up to the very last thing that you said, and I simply  
14 don't know what's occurring at that point.

15 Q. Okay. So you don't know if these 1101  
16 XX records have the CPN-type information anywhere in  
17 there?

18 A. No, I do not know. It sounds like it  
19 may not, but I don't know.

20 Q. Wasn't there a proceeding at this  
21 Commission about that very question? Didn't AT&T  
22 come up here and ask for a special order from the  
23 Commission saying that it didn't have to produce or  
24 provide that CPN information in these 1101 records?

25 A. You may have to refresh my memory.

1 Q. If you don't remember, that's fine, sir.

2 A. Yeah, I don't think I remember that.  
3 Which is not to say that when we made the ERE Rule  
4 there was a lot of discussion on who should do what,  
5 but I'm not sure if that's what you're referring to  
6 or not.

7 Q. In fact, as part of this 1101 XX  
8 Missouri-specific process, what AT&T does is it  
9 identifies the carrier that it says is the  
10 originating carrier using a -- what is the equivalent  
11 of a charge number for the carrier that AT&T is  
12 interconnected with; here Halo, right?

13 A. They certainly do identify what I would  
14 characterize as the entity who placed the call onto  
15 the LEC-to-LEC network. Whether or not it's called a  
16 charge number, I don't know.

17 Q. Well, we're going to discuss in a minute  
18 whether the entity is the one who placed the call on  
19 the LEC-to-LEC network.

20 A. Fair enough. I thought you might ask me  
21 that.

22 Q. But let's just see if for now we can  
23 agree the entity that handed the call to AT&T.

24 A. Sure.

25 Q. Okay. Over interconnection trunk.

1 A. Okay.

2 Q. All right. And that identifier, isn't  
3 it true that it looks like a phone number?

4 A. Well, the charge number certainly looks  
5 like a phone number. I think what the rule talks  
6 about, though, are OCN, and I think it talks about an  
7 originating company number in bit positions 167  
8 through 170 of this record, and that would not be a  
9 telephone number.

10 Q. Halo has an OCN as far as you know,  
11 right?

12 A. Well, no. I thought I read somewhere in  
13 the testimony where -- I don't remember if it's Halo  
14 and/or Transcom that didn't have CICs and OCNs. Go  
15 ahead and refresh my memory. Okay. If Halo has an  
16 OCN, fine.

17 Q. Well, you have to have an OCN in order  
18 to get telephone numbers from NANPA, don't you?

19 A. Oh, okay. I'm following you. Yes,  
20 and -- yeah.

21 Q. I think what you may be referring to is  
22 that neither Halo nor Transcom have a CIC, which is  
23 carrier identification code.

24 A. Fair enough.

25 Q. And then a CIC is something that an IXC



1 has.

2 A. Correct.

3 Q. An OCN is something that at an exchange  
4 carrier has.

5 A. Yes, sir.

6 Q. While my compatriot was cross-examining  
7 one of the witnesses, I believe it was one of  
8 Mr. England's clients, I notice that a call came in  
9 on a monitor. Did you see that?

10 A. Yes, I was -- I did notice that.

11 Q. Did you notice that it said "call coming  
12 in" down at the bottom, and it said "analog" and then  
13 it said "unknown caller at..." Did you read that?

14 A. I was not able to -- I saw some writing  
15 at the bottom of the screen, but I didn't know what  
16 it said.

17 Q. You understand technology somewhat?

18 A. A little bit.

19 Q. The indication "unknown caller" meant  
20 that there was no CPN, didn't it?

21 A. In all likelihood, yeah, that's what it  
22 meant.

23 Q. And it also said down at the bottom  
24 "analog." Did you see that?

25 A. No, but -- yeah, I -- I can certainly

1 accept that. An unknown analog telephone number --  
2 an unknown telephone number was coming into these  
3 facilities, I guess, over an analog facility of some  
4 sort.

5 MR. McCOLLOUGH: Great, because that  
6 takes me to my next question. If I can get close to  
7 the witness? I'm sorry.

8 JUDGE STEARLEY: You may.

9 BY MR. McCOLLOUGH:

10 Q. This unit right here is a Polycon unit,  
11 correct? I'm referring to the speaker phone. Is  
12 that connected to the phone system here at the  
13 Commission?

14 A. Yes, that's connected to what I would  
15 call the State Centrex system.

16 Q. State Centrex system?

17 A. Yes, Centrex.

18 Q. Centrex being --

19 A. A fancy PDX.

20 Q. Well, is it Centrex CO or Centrex CU?

21 A. I think it's CO, but I don't know what  
22 CU is.

23 Q. CU was the original on-premise switching  
24 system that the telephone companies developed before  
25 there was competitive PBX.

1 A. Oh, this is Central Office-based.

2 Q. So CenturyTel is the provider?

3 A. Yes, sir.

4 Q. Are the links between the Commission and  
5 CenturyTel, are they digital or analog?

6 A. I would expect them to be completely  
7 digital. Whether or not they're timed division  
8 multiplexing or Internet protocol session-initiated,  
9 I don't know. I would expect they're TDM digital  
10 circuits.

11 Q. They may be T-1s.

12 A. I expect T-1s, yes.

13 Q. Does the Commission have some kind of  
14 switching intelligence here on premise? Does it have  
15 its own key system or some kind of IP-based system  
16 that it uses to distribute to stations?

17 A. No.

18 Q. Do you know --

19 A. Not for voice, no.

20 Q. Do you know whether the Centrex service  
21 that CenturyTel provides to the Commission is using  
22 IP-based technologies or whether they're TDM?

23 A. No, I don't know that.

24 MR. McCOLLOUGH: Your Honor, if I may, I  
25 want to do a demonstration. In order to do so, we're

1 going to need to have a cell phone on. May I have  
2 your permission to do that?

3 JUDGE STEARLEY: Certainly. Hopefully  
4 that won't interfere with our webcast.

5 BY MR. MCCOLLOUGH:

6 Q. Sir, if you would just take a -- watch  
7 what happens with that. I'm handing you the cell  
8 phone of Mr. Johnson, and I'm going to ask Mr. Johnson  
9 to use his Laptop Client to launch a call. Would you  
10 watch as it comes in?

11 A. Yes.

12 Q. Do you recognize that phone number?

13 A. Yes. That's my telephone number in my  
14 work area.

15 Q. That's the number that's associated with  
16 your landline station at your desk, I gather?

17 A. Yes. I've had it for almost 20 years.

18 Q. We don't need to get into what that  
19 number is, although it's obviously public because we  
20 found it.

21 A. Yes.

22 Q. Okay. Now, did you just make a phone  
23 call to yourself or to that cell phone there?

24 A. No, I didn't generate that call.

25 Q. Probably that phone sitting on your desk

1 wasn't used to make that call, was it?

2 A. No, no.

3 Q. Just to confirm, that is a -- that  
4 number that you saw that is your number, that's a  
5 Century Telephone wireline number listed as such in  
6 the LERG associated with the rate center that serves  
7 this Commission, isn't it?

8 A. Yes.

9 Q. I'm going to ask Mr. Johnson to hold up  
10 for just a moment the device that he used to launch  
11 this call. A laptop, right?

12 A. Yes.

13 Q. Okay. With a device attached to it,  
14 doesn't that look like it's just a broadband Verizon  
15 Wireless unit?

16 A. Well, it certainly does -- I don't know  
17 how broad the broadband is, but yes.

18 Q. You don't see any wires coming from  
19 that?

20 A. No.

21 Q. So was that a wireline call or a  
22 wireless call?

23 A. I think it's a wireless call.

24 Q. Turn to page 5 of your rebuttal.

25 A. Okay. I'm there.

1 Q. On lines 1 to 2 you're asked whether  
2 Halo's high-volume wireless connection to Transcom is  
3 a broadband offering?

4 A. Correct.

5 Q. And you answered on line 3, "No, not on  
6 my experience"?

7 A. Correct.

8 Q. Let's just do a couple of introductory  
9 questions. What's your definition of broadband that  
10 you were using for purposes of this answer?

11 A. What's my definition of broadband, was  
12 that -- is that the question?

13 Q. Yes, sir. You were asked whether the  
14 service that Halo -- the connection between Halo and  
15 Transcom is a broadband offering and you say no.

16 A. Right.

17 Q. Well, what is broadband as used in this  
18 question and your answer according to you?

19 A. It's a service offered to an enduser  
20 that is greater than -- equal to or greater than  
21 1.544 megabits.

22 Q. Is this -- 1.544, first of all, that's  
23 the equivalent of a T-1?

24 A. Essentially, yes.

25 Q. Is that a state-specific capacity

1 threshold or is that something that you use for  
2 acquiring what the FCC has defined as broadband?

3 A. I -- neither one. I understood the  
4 question to be what do I consider it to be.

5 Q. And that's fine. If you think that it's  
6 got to be 1.544 to be broadband, that's fine. I was  
7 just asking the source.

8 A. Yeah, I don't know. As long as we're  
9 talking about this question, I mean, this is between  
10 two entities. Whether or not they're  
11 telecommunications companies or whether they're  
12 wireless companies or however we want -- whatever box  
13 we want to put them into, Mr. McCollough, T-1 line --  
14 high-capacity lines between two entities, OC 3 or  
15 OC 12, all of these high-capacity lines has never  
16 really been -- even a T-1 line has never really been  
17 looked at as broadband.

18 Q. Okay. To you it's not broadband unless  
19 it's delivered to an enduser?

20 A. Yes.

21 Q. So if the customer is an enduser and if  
22 the capacity of the system is a T-1 or greater and  
23 it's IP, then it's broadband?

24 A. And -- yes. And I understand Transcom's  
25 position that it is an enduser.

1 Q. We're going to get to that in a second.  
2 I just wanted to get the technical issue out of the  
3 way.

4 A. Sure.

5 Q. The 3650 to 3700 band that Halo has its  
6 license --

7 A. Okay.

8 Q. -- do you know the capacity of that  
9 particular spectrum?

10 A. No. As of now you're beginning to  
11 exceed my knowledge.

12 Q. And that's fine. The difference between  
13 3650 and 3700 is 50 megahertz, right?

14 A. Yes.

15 Q. Fifty megahertz of wireless spectrum can  
16 get you some pretty decent throughput, can't it?

17 A. I'm sure it can, yes.

18 Q. Probably greater than 1.5?

19 A. Yes.

20 Q. So then when you say it's not broadband,  
21 it's not because it -- it's not 1.5, and not IP, it  
22 is because of the status of the entities?

23 A. Yes, as the term broadband is commonly  
24 used, yes, and as I've used it here, yes.

25 Q. And I'm really just trying to get at



1     **what it is you're getting at and your purpose and**  
2     **attempt.**

3             A.     Right.

4             **Q.     Do you know anything about the session**  
5     **initiation protocol?**

6             A.     The short answer is no, I've not  
7     received technical training on session initiation  
8     protocol, nor have I received formal training on the  
9     SS7 network. The only thing I know about Internet  
10    protocol is that it's a pack of switching technology,  
11    that's about all. I don't know SIP.

12            **Q.     Have you ever done any research into the**  
13    **way that the Internet protocol stack operates?**

14            A.     No, not beyond the line of questioning  
15    that's occurred here yesterday.

16            **Q.     Do you know what the OSI layers are?**

17            A.     No, I really don't.

18            **Q.     Do you know what the TCP IP layers are?**

19            A.     No, sir, I don't.

20            **Q.     So you don't know --**

21            A.     I'm just drawing a blank on that.

22            **Q.     Have you ever heard of the application**  
23    **layer?**

24            A.     Yes.

25            **Q.     Do you have an understanding of what**

1     **that might be?**

2           A.     Not really, not an informed  
3     understanding.

4           **Q.     Do you have an understanding about other**  
5     **types of Internet protocol-based applications that**  
6     **handle media and specifically audio?**

7           A.     I honestly do not.

8           **Q.     So you've never studied H323?**

9           A.     No, sir.

10          **Q.     You've never studied Megaco?**

11          A.     No.

12          **Q.     Have you used Skype?**

13          A.     No, I have not. I realize a lot of  
14     people do, but I haven't.

15          **Q.     Do you know how many people use Skype?**

16          A.     I'm sure it's in the millions if not  
17     tens of millions worldwide.

18          **Q.     Do you know how many in Missouri use**  
19     **Skype?**

20          A.     No.

21          **Q.     Would it surprise you if there are**  
22     **millions of minutes of use from Missouri customers --**  
23     **or users of Skype that originate to -- originate from**  
24     **a Skype user or terminate to...**

25          A.     It's extraordinarily popular, and no, it

1 wouldn't surprise me whatever the data show.

2 Q. Pardon me just a second. All right.

3 Sir, I'm going to show you my tablet computer.

4 Happens to be an Android system.

5 A. Sure.

6 Q. Not the new Google one that we read

7 about in the paper today. Does it appear to be

8 running Skype?

9 A. I know you've got -- I know you're on a  
10 time here. I just want to make sure. It says

11 "Skype" on it, sure.

12 Q. Still got that phone?

13 A. Yes, sir.

14 MR. McCOLLOUGH: I misdialed. Fat  
15 fingers. I apologize. As big as those buttons are,  
16 your Honor, I hit two wrong ones. My apologies.

17 THE WITNESS: I think I'm about to  
18 receive a Skype call from my desk, no doubt.

19 BY MR. McCOLLOUGH:

20 Q. No, sir, not this time.

21 A. Well, we have an incoming call. There's  
22 a question mark, there's a ten-digit number. May be  
23 an MPA NXX.

24 Q. Okay. Could you just read into the  
25 record what that number is that's being displayed?

1           A.       000, dash -- excuse me. It timed out.  
2 I didn't answer it. It timed out.

3           **Q.       I apologize.**

4           A.       To me it was certainly unidentified.

5           **Q.       It was not a ten-digit telephone number?**

6           A.       Well, it was ten digits that looked  
7 like -- well, no, it did not conform to the North  
8 American dialing plan because the area code was 000.

9                   MR. McCOLLOUGH: I know this is becoming  
10 tedious, your Honor, but I promise you this is my  
11 last demonstration.

12 BY MR. McCOLLOUGH:

13           **Q.       Okay. Sir, I've keyed in the number for**  
14 **this. Just so that you can see, I'm using my**  
15 **T-Mobile phone.**

16           A.       Okay.

17           **Q.       And I've keyed in the number and it's**  
18 **giving me an option. Do you see what the option is?**

19           A.       Yes.

20           **Q.       It says "call with" --**

21           A.       "With or without Google Voice."

22           **Q.       Let's hit Google Voice.**

23           A.       You took the device away.

24           **Q.       Did I take the phone? Okay. Very**  
25 **quickly, if you could take a look and see what number**

1     **you're seeing.**

2           A.       Okay.  So the incoming call, from area  
3     code (210) 646-1457.

4           **Q.       Okay.**

5           A.       But it does not say Google Voice or it  
6     doesn't tell me any more than just gives me the phone  
7     number.

8           **Q.       That's right.  Did that appear to be**  
9     **a -- and I can take it back because we're done**  
10    **playing with our phones.**

11          A.       Okay.

12          **Q.       That appeared to be a regular telephone**  
13    **number, didn't it?**

14          A.       Yes.

15          **Q.       Associated with a 210 area code?**

16          A.       Yes.  And Google is a registered VoIP  
17    provider in Missouri, so I'm sure that's fine.

18          **Q.       If that 210 number that you read into**  
19    **the record is registered in the local exchange**  
20    **routing guide as a wireline number, would that LERG**  
21    **designation be consistent with the type of call we**  
22    **just did?  In other words, we just did a wireless**  
23    **call, but that's a wireline number, correct?**

24          A.       Sure, yeah.  I understand.

25          **Q.       Let's see if we can't knock out a couple**

1 of other things noted in your testimony. I believe  
2 you question on -- looking for the reference. I  
3 thought I had it and I apologize. I believe you  
4 questioned on page 14 and elsewhere in your rebuttal  
5 whether Halo does, in fact, have an FCC license for  
6 CMRS service. Do you recall that testimony?

7 A. Yes, I recall that testimony.

8 Q. Okay. Did you have an opportunity to  
9 examine what's already been admitted into the record  
10 as Halo Exhibit 2?

11 A. Exhibit 2? I didn't examine it. I  
12 accept it for what it is.

13 Q. So you acknowledge, then, that Halo does  
14 have a radio station authorization issued by the FCC  
15 to provide common carrier services?

16 A. Could you point me to where it says  
17 common carrier?

18 Q. Yes, sir, under "Regulatory status" on  
19 the right-hand side near the top.

20 A. I see, okay. Very well. Yes.

21 Q. Now, do you know what that designation  
22 means under the FCC rules?

23 A. No, I honestly do not.

24 Q. So you don't know whether designation  
25 and regulatory -- regulatory status common carrier

1 means that you can then be -- seek and obtain  
2 interconnected status as a CMRS provider? You just  
3 don't know?

4 A. No, I don't know. I know that wireless  
5 carriers have a right under the Telecommunications  
6 Act to interconnect, I believe, both directly and  
7 indirectly. Whether or not that right comes from  
8 your status of a common carrier in this letter, I  
9 presume it does.

10 Q. You don't know. Do you know the source  
11 of this right to interconnect? If you don't know,  
12 for example, that it's 332(c)(1)(B) of the Act and  
13 20.11 of the FCC rules, that's fine.

14 A. Sure. Yeah, fine.

15 Q. So do you still question whether Halo  
16 was providing CMRS service as part of the calls that  
17 are at issue in this case?

18 A. The only thing I really question is the  
19 definition under Missouri laws whether or not -- the  
20 only question is about the status of how you use a  
21 radio license, whether or not you provide it to  
22 endusers. But no, I don't quite -- the short answer  
23 to your question is no, I don't question that Halo  
24 has a license from the FCC, granted a CMRS license,  
25 no.

1           Q.       As part of your testimony in this case,  
2       are you asking the Commission to make a determination  
3       whether with regard to the traffic at issue, Halo is  
4       acting within the scope of its FCC licensure?

5           A.       No, I don't have any reason to believe  
6       that Halo is acting outside the scope of its FCC CMRS  
7       license unless there's something I've overlooked  
8       about providing -- this question of providing service  
9       to endusers and the whole status of Transcom being,  
10      you know, that -- that -- with that exception, no, I  
11      don't have any reason to believe that Halo's  
12      operated --

13                 MS. McCLOWRY: I'm going to interject  
14      here -- sorry, Mr. Voight -- that Mr. McCollough has  
15      gone over his time.

16                 JUDGE STEARLEY: I was going to bring  
17      that up myself. I let you go a little bit over an  
18      hour, and I was going to see if you were about ready  
19      to wrap it up.

20                 MR. McCOLLOUGH: I'm trying to, your  
21      Honor, I'm trying to. Could I have five more  
22      minutes?

23                 JUDGE STEARLEY: I'll give you five more  
24      minutes and that will be it.

25                 MR. McCOLLOUGH: Thank you very much.



1 BY MR. McCOLLOUGH:

2 Q. You're not asking the Commission to  
3 check whether there's some enduser requirement in the  
4 FCC license, are you?

5 A. No, I'm not asking that.

6 Q. Okay. You don't know whether under FCC  
7 rules a CMRS provider is authorized to provide  
8 exchange access services, do you?

9 A. No, that was a new one on me. I had  
10 never thought of wireless carriers as providing  
11 exchange access service.

12 Q. You don't know whether as part of the  
13 authorization, CMRS providers can provide telephone  
14 exchange service, do you?

15 A. No, that's really a strange concept, the  
16 idea that a wireless carrier might be bound by an  
17 exchange boundary line.

18 Q. Well, I said provide telephone exchange  
19 service.

20 A. Even the mention of the word exchange  
21 associated with wireless service is a new concept to  
22 me.

23 Q. Understood. So you don't recall the  
24 FCC's discussion of this in the 1996 local  
25 competition order?

1 A. No.

2 Q. Okay. Then we just saved some cross.  
3 On page 10 of your testimony you say in a couple of  
4 places here and elsewhere that Halo is somehow  
5 getting telephone service for free. Do you recall  
6 that testimony?

7 A. Yeah.

8 Q. What telephone service is Halo receiving  
9 from the ILECs at issue?

10 A. It's a general statement. It's an  
11 attachment to the Feature Group C network, the  
12 LEC-to-LEC network, call termination services  
13 provided by the local exchange carriers, both  
14 incoming and competitive.

15 Q. Okay. So as a Staff expert here, you  
16 consider interconnection to be a service rather than  
17 a duty?

18 A. I don't know -- I don't know that those  
19 terms are in conflict with each other. The service  
20 is defined in Missouri statute. That's what I go by.

21 Q. Since I'm about to run out of time, you  
22 have expressed the opinion that part of the traffic  
23 that Halo has here is subject to the exchange access  
24 tariffs of the various ILECs. Have you reviewed  
25 their access tariffs to find out which specific

1 exchange or switched access service that you believe  
2 Halo is receiving?

3 A. Yes.

4 Q. Which one do you think it is?

5 A. Local switching carrier, common line,  
6 local transport, Feature Group C.

7 Q. There. Okay, Feature Group C. The rest  
8 that you listed were elements that are associated  
9 with a particular feature group. But you said  
10 Feature Group C?

11 A. Yes.

12 Q. And that is because the technical  
13 characteristics of the arrangement match up with  
14 Feature Group C?

15 A. No. It has to do more with the  
16 characteristics -- and Feature Group C, as you know,  
17 is a specific signaling protocol. The whole notion  
18 of LEC-to-LEC network and utilizing Feature Group C  
19 protocol is -- it comes actually from the access  
20 tariff of the incumbents, and all that terminology  
21 comes from the access tariffs of incumbents.

22 Q. You haven't actually sat down, though,  
23 and looked through these tariffs and looked at the  
24 Feature Group C service description and the technical  
25 characteristics and said, yep, that's what Halo has,

1     **have you?**

2           A.       I really don't understand the question.  
3     That's what Halo has.  Yeah, I've looked at the  
4     tariffs many times, and Halo's attaching to that  
5     network.  I understand it's a type 2 wireless  
6     connection.  I understand that when you program your  
7     switches, you program with certain characteristics.  
8     You may not -- your software may not call it Feature  
9     Group C.

10          **Q.       Well, Feature Group C under the tariffs**  
11     **is only available to providers of MTS and WATs, isn't**  
12     **it?**

13          A.       No, not to my knowledge.

14          **Q.       Well, we can look at the tariff and see**  
15     **that, I guess.**

16          A.       Yes.

17          **Q.       Okay.  Would you contend that Halo is**  
18     **providing message telephone service or wide area**  
19     **telephone service?**

20          A.       Those words are not defined in Missouri  
21     statutes, so I don't even know if they're defined in  
22     the tariffs.

23          **Q.       You're not taking the position here**  
24     **today, though, that Halo was providing either of**  
25     **those things?**

1           A.           Certainly not providing WATs service,  
2 Mr. McCollough.

3                       MR. MCCOLLOUGH:   That's all I have.

4                       JUDGE STEARLEY:   Okay.  Questions from  
5 the bench?  Commissioner Kenney, do you have  
6 questions of this witness?

7                       COMMISSIONER KENNEY:   I do.

8                       QUESTIONS BY COMMISSIONER KENNEY:

9                       Q.           How are you?

10                      A.           Good morning.

11                      Q.           Let me -- I want to ask some questions  
12 and work backwards.  The demonstrations that were  
13 just done, the first one, it was to demonstrate that  
14 a wireless call can be made over a wireline call, is  
15 that your understanding?

16                      A.           Yes.  Not only can be made to look like  
17 a wireline call but can be made to look like it comes  
18 from someplace where it really did not come from.

19                      Q.           And then the Google Voice demonstration,  
20 Google Voice allows you to pick or create a telephone  
21 number or do you know?

22                      A.           I don't know.

23                      Q.           The demonstration and the number that  
24 came in, the 210 number, could you just tell by  
25 looking at that whether that was a wireline or a

1 wireless number?

2 A. No, I couldn't tell.

3 Q. And then the Skype number, how did it  
4 appear?

5 A. It appeared like a, quote/unquote,  
6 normal telephone call.

7 Q. So just so I can understand as a  
8 technically unsophisticated viewer of these  
9 demonstrations, the point of all three of those was  
10 to demonstrate that a wireline call can look like a  
11 wireless and maybe vice versa?

12 A. Yes, I think that was part of the point.

13 Q. Okay. And then the discussion that you  
14 were having regarding Transcom Communications and  
15 Transcom Holdings, Transcom Holdings and I think  
16 there was a document that was referred to as a 214  
17 proceeding of some sort, what -- is Transcom  
18 Communications -- are Transcom Communications and  
19 Transcom Holdings the same entity, if you know?

20 A. Today was the first I became aware of  
21 Transcom Holdings. The line of questioning had to do  
22 with the Missouri certificated entity was Transcom  
23 Communications, Inc. who exited the market at some  
24 point in time and what -- and the entity that's here  
25 today which is Transcom Enhanced Services.

1           **Q.       What's the relationship between those**  
2 **three entities?**

3           A.       Well, my point was that there was some  
4 common ownership and some other similarities. His  
5 point of cross-examination was that the common  
6 ownership, I think, no longer exists.

7           **Q.       Because Transcom Holdings was sold to**  
8 **this British company or something?**

9           A.       I think, if I understood it correctly,  
10 or that the -- the owners transferred their ownership  
11 to someone else.

12           **Q.       Of Transcom Holdings, which may or may**  
13 **not have some relationship to Transcom Communications**  
14 **and which may or may not have some relationship to**  
15 **Transcom Enhanced Services?**

16           A.       Yes.

17           **Q.       Okay. Is there anything about that**  
18 **exchange and that discussion and that**  
19 **cross-examination that changes anything in your**  
20 **testimony?**

21           A.       No.

22           **Q.       Okay.**

23           A.       No. In particular, the question is --  
24 the question was leading up to is the company called  
25 Transcom, should they be certificated in the state of

1 Missouri currently. That was really the question.  
2 And nothing in this cross-examination causes me to  
3 change, you know, questioning that.

4 Q. All right. Now, I want to -- I want to  
5 step back and make sure -- and the point of my  
6 questions is just to make sure that I'm understanding  
7 what Staff's contention is or what those contentions  
8 are. And my first question is, is it Staff's  
9 contention that Halo and Transcom Enhanced Services  
10 are related entities?

11 A. Yes, as shown in the exhibit of the  
12 Wisconsin document.

13 Q. Was that a document that's attached to  
14 your testimony?

15 A. No. It was a document attached, I  
16 believe, to the direct testimony of an AT&T Missouri  
17 witness.

18 Q. Okay. And is it Staff's contention or  
19 belief that Transcom was set up specifically to avoid  
20 paying access or interconnection charges to local  
21 Missouri companies?

22 A. Yes, I made that allegation. It's a  
23 serious allegation and I recognize the seriousness of  
24 it given the totality of the circumstances and the  
25 evidence in this case. I cannot arrive at any other



1 conclusion.

2 Q. And I'm going to ask -- this may be a  
3 legal -- I may be asking you for a legal opinion, and  
4 maybe somebody will object if I ask the question, but  
5 I'm going to ask it anyway. But if you can't answer  
6 it, I understand. I mean, my -- is it Staff's  
7 contention that that is somehow fraudulent or  
8 illegal, or conversely, is it merely that they've  
9 figured out a way within the confines of the law to  
10 beat the system? I mean, it's kind of a legal  
11 question and it's kind of just your opinion.

12 A. Well, my contention is that what they're  
13 doing violates the Commission's rules, number one.

14 Q. Which one of our rules?

15 A. The Enhanced Record Exchange Rule. And,  
16 in particular, this network we're talking about  
17 should be limited in the traffic that is put onto it.  
18 In particular, interstate/interLATA

19 landline-originated calls should not be appearing  
20 there. So that's the first Staff contention that --

21 Q. Say that again.

22 A. Interstate, the call we've seen, for  
23 example, from California and Grandma and so forth,  
24 that type of call should not be put onto this  
25 network. If Halo and Transcom or anyone else wanted

1 a waiver of the Commission's rules, then, you know,  
2 Staff would consider that, but they haven't. They  
3 haven't asked for a waiver. So we have to go by the  
4 rule.

5 And it precludes carrying the type of  
6 traffic that Halo and Transcom are putting onto the  
7 network. That's our first contention. I am not  
8 making any contention about fraudulent intentions or  
9 anything of the sort. I also believe that Halo and  
10 Transcom believe that they have found a unique way to  
11 carry traffic over the networks of some of the call  
12 examples that we've seen today.

13 **Q. By the creation of Transcom as an**  
14 **intermediary that transforms the call from a wireline**  
15 **call into a wireless call?**

16 **A. Yes.**

17 **Q. And I think this question was answered,**  
18 **but I'm not sure. Does Halo have a CMRS license or**  
19 **no?**

20 **A. Yes, they do. I questioned that in my**  
21 **testimony because until yesterday, they had not**  
22 **provided any such documentation into this record.**  
23 **Yesterday they introduced Halo's Exhibit 2 which is**  
24 **their common carrier CMRS license.**

25 **Q. They just produced it yesterday?**

1 A. Yes.

2 Q. When was the actual license obtained?

3 A. It became -- it was granted on  
4 January 27th, 2009, and became effective on  
5 April 16th, 2011. It expires on November 30th, 2018.

6 Q. Has Staff taken a position on whether or  
7 not Halo's breached its interconnection agreement  
8 with AT&T?

9 A. Yes, we have taken a position. We  
10 believe that they have breached their interconnection  
11 agreement. The reason is they -- the agreement  
12 limits traffic exchange to wireless-originated  
13 traffic.

14 COMMISSIONER KENNEY: All right. That's  
15 all the questions I have. Thank you for your time.

16 JUDGE STEARLEY: Questions,  
17 Commissioners?

18 COMMISSIONER STOLL: I have no  
19 questions, thank you.

20 JUDGE STEARLEY: Mr. Voight, I think I  
21 have one. On the issue of Transcom in its current  
22 entity, whatever it may be called, as it's currently  
23 located in Missouri, does Staff have an opinion as to  
24 whether or not it should be certificated for the type  
25 of activity it's doing?

1 THE WITNESS: Yes, it's the Staff  
2 position that both Halo and Transcom are providing  
3 interexchange telecommunications services as defined  
4 by Missouri statutes, and they both should be  
5 certificated.

6 JUDGE STEARLEY: All right. Thank you.  
7 No other questions from the bench. Recross based on  
8 questions from the bench, starting with AT&T.

9 MR. McCOLLOUGH: If I could have just a  
10 moment, I have two very short things.

11 JUDGE STEARLEY: I'm going in order,  
12 Mr. McCollough.

13 MR. McCOLLOUGH: I apologize, your  
14 Honor. I apologize.

15 JUDGE STEARLEY: Going to start with  
16 AT&T first.

17 MR. McCOLLOUGH: My apologies.

18 RE-CROSS-EXAMINATION BY MR. FRIEDMAN:

19 Q. Hi, Mr. Voight. I'm Dennis Friedman  
20 with AT&T. I think I have just one question by way  
21 of follow-up to Commissioner Kenney's questions. As  
22 you mentioned in response to, I think, one of his  
23 very last questions, you testified to the view that  
24 Halo has breached its interconnection agreement with  
25 AT&T by sending AT&T traffic that is not

1 wireless-originated.

2           You also indicated in response to a  
3 question by Commissioner Kenney that to your  
4 understanding, the purpose of the demonstration  
5 Mr. McCollough did with some of the gadgetry was to  
6 show that it's possible to make a call that's  
7 wireless-originated look landline-originated; is that  
8 right?

9           A.       Yes, I believe that was my answer.

10          Q.       My question is, after that -- did that  
11 cross-examination cause you to want to change your  
12 testimony, your view that Halo is, in fact, sending  
13 AT&T landline-originated traffic?

14          A.       No. I think the evidence in this case  
15 is -- I don't think that I've even heard Halo or  
16 Transcom deny that some of these calls are  
17 landline-originated. Did I understand your question  
18 correctly?

19                   MR. FRIEDMAN: Yes, sir, you did, and  
20 you've answered it. Thank you.

21                   JUDGE STEARLEY: All right. Recross,  
22 Craw-Kan?

23 RE-CROSS-EXAMINATION BY MR. ENGLAND:

24          Q.       Mr. Voight, couple of quick questions.  
25 We've talked about calls via Skype, via Google Voice,

1 wireless looking like wireline and wireline looking  
2 like wireless. Are there any people out there like  
3 me that still make plain old telephone calls on their  
4 landline equipment?

5 A. Yes, there are many people like you,  
6 Mr. England.

7 Q. You don't know how comforting that makes  
8 me feel because most people tell me that's not the  
9 case. On the CMRS license in response to a question  
10 from Commissioner Kenney, you indicated that it  
11 became effective on April 26th, 2011?

12 A. A document that Mr. McCollough handed me  
13 says effective date, April 16th, 2011.

14 Q. Thank you. Does that, to your nonlegal  
15 way of thinking, indicate to you that any traffic  
16 that was delivered by Halo prior to April 16th, 2011,  
17 to my clients, for example, was done so without an  
18 appropriate CMRS license?

19 A. Yes, it certainly calls that into  
20 question.

21 MR. ENGLAND: Thank you. No other  
22 questions.

23 JUDGE STEARLEY: All right. I've got a  
24 question from Commissioner Jarrett, so before I  
25 continue with recross, let me get this one out there.

1 Commissioner Jarrett is asking if the FCC agrees on  
2 whether or not the call being routed through Transcom  
3 somehow -- I believe the word you used is reoriginate  
4 or converts a wireline to a wireless call.

5 THE WITNESS: It's my understanding that  
6 the Federal Communications Commission very recently  
7 has said no, that so-called wireless in the middle  
8 does not constitute wireless traffic for purposes --  
9 well, for any purpose that I'm aware of.

10 JUDGE STEARLEY: All right. That's his  
11 question, so let me back up for just a second. AT&T,  
12 would you have any recross based on that question?

13 MR. FRIEDMAN: Thank you, no.

14 JUDGE STEARLEY: All right.

15 MR. ENGLAND: We would have none either.

16 JUDGE STEARLEY: All right. Now I can  
17 get to you, Mr. Johnson, for Alma.

18 MR. JOHNSON: Thank you, your Honor.

19 RECROSS-EXAMINATION BY MR. JOHNSON:

20 Q. Mr. Voight, I wanted to go back to  
21 Exhibit No. 2, Halo Exhibit 2, the radio station  
22 authorization. Just ask you, how familiar are you  
23 with the different types of frequency licensing and  
24 station authorizations that the FCC permits?

25 A. I'm not familiar with that.

1 Q. I believe at some point you agreed with  
2 Mr. McCollough that this document gave Halo a  
3 commercial mobile radio station authorization. Do  
4 you know whether or not this document authorized them  
5 to conduct mobile wireless operations?

6 A. Well, no, I don't. The word mobile I  
7 don't believe appears on here.

8 Q. Okay. So you weren't intending to  
9 suggest to this Commission that any wireless  
10 offerings of Transcom or Halo were really mobile,  
11 were you?

12 A. No.

13 MR. JOHNSON: That's all I have.

14 JUDGE STEARLEY: All right. Now,  
15 Mr. McCollough.

16 MR. McCOLLOUGH: Sometimes when you're  
17 having fun, you just get too anxious.

18 RE-CROSS-EXAMINATION BY MR. McCOLLOUGH:

19 Q. Two very short things. Commissioner  
20 Kenney asked you some questions, one of which was  
21 whether Transcom was set up to avoid access charges.  
22 I'm just trying to see where we might have had some  
23 entity confusion here. When you were answering that  
24 question, were you answering about Transcom or were  
25 you answering about Halo?



1 A. The answer is both.

2 Q. Do you know when Transcom was created?

3 A. All the documents that I've relied on  
4 say 1999.

5 Q. 1999 was when Transcom was -- Transcom  
6 Enhanced Services?

7 A. Created, I -- the answer to your  
8 question is no, I don't know. I thought it was 1999.

9 Q. So you don't know whether, for example,  
10 Transcom Enhanced Services was created as a result of  
11 acquisition of assets out of bankruptcy from the  
12 so-called Datavon entity where the bankruptcy  
13 declared Datavon to be ESP?

14 A. No, Mr. McCollough, I don't know.

15 Q. You don't. Did you look at the ESP --  
16 did you happen to look at any of the bankruptcy court  
17 orders?

18 A. Oh, goodness, no.

19 Q. So you are testifying to the Commission  
20 that Transcom was set up sometime around 2003,  
21 perhaps, just for the purpose of avoiding access  
22 charges?

23 A. I don't know. I'm testifying I don't  
24 know when Transcom was set up. I want to further  
25 testify that I am aware that the bankruptcy courts

1 have declared Transcom to be an enhanced service  
2 provider and that it is called into question by  
3 others. I didn't want to give you the impression I  
4 totally avoided the bankruptcy court rulings.

5 Q. Well, you do understand Mr. Johnson's  
6 testimony to be that, well, we relied on this order  
7 for purposes of our position, is what created a --

8 MS. McCLOWRY: I'm going to object that  
9 this is outside the scope of --

10 MR. McCOLLOUGH: No, I think, your  
11 Honor, it's perfectly within the clarifying  
12 examination of Commissioner Kenney. He asked what  
13 was the intent of the creation of Transcom, and this  
14 line of question goes into the creation of Transcom  
15 which was out of a bankruptcy court order giving  
16 assets from an entity called Datavon, Inc. which was  
17 declared in the reorganization order to be an  
18 enhanced service provider.

19 MR. FRIEDMAN: Your Honor, I'm going to  
20 object to the continued now -- and it's late in the  
21 game, I recognize -- testimony by counsel. And I  
22 would add, though it's late in the game, that I  
23 object to it and it takes the form -- the following  
24 form: "So you know nothing about X, correct? Oh, so  
25 you don't know, for example, that: Speech. Right, I

1 don't know that."

2 JUDGE STEARLEY: Going off into the  
3 bankruptcy rulings, I'm not sure that is falling  
4 under the questions that Commissioner Kenney was  
5 asking, so I'm going to sustain that objection. As  
6 far as counsel testifying, I realize you follow a  
7 long statement with a "correct," but can you turn it  
8 into a question? If the witness can know an answer  
9 to that, that's fine, but at a certain point it does  
10 start crossing into getting pretty close to  
11 testifying, Mr. McCollough.

12 MR. MCCOLLOUGH: Yes, sir.

13 BY MR. MCCOLLOUGH:

14 Q. The last issue is the line of questions  
15 about -- you mentioned the FCC order where you say  
16 that the FCC indicated that Halo's traffic that what  
17 you were referring to as wireless reorigination  
18 doesn't turn it into wireless traffic?

19 A. Yes, I said that.

20 Q. Let's just get a reference here so that  
21 everybody can go look at it in the room. You're  
22 talking about paragraph 10.06 of the Connect America  
23 order, aren't you?

24 A. I don't remember the paragraph number.

25 It's in evidence in this case. It's been entered

1 electronically. If you wish to represent that's  
2 10.06, that's fine.

3 Q. You don't recall seeing the "for  
4 purposes of the intraMTA rule" in the disjunctive  
5 after the holding or statement that you...

6 A. No, I don't recall that.

7 Q. So whatever the order says, the order  
8 says. It's -- the breadth of the order regarding  
9 origination is whatever the FCC says?

10 A. Yes, sir.

11 MR. McCOLLOUGH: Okay. Now we don't  
12 have to argue with the witness about what the order  
13 says. Thank you.

14 JUDGE STEARLEY: Thank you. Redirect.

15 REDIRECT EXAMINATION BY MS. McCLOWRY:

16 Q. I just have one question for you,  
17 Mr. Voight. You recall that entertaining display put  
18 on by Mr. McCollough with the cell phone and the  
19 computer?

20 A. Yes.

21 Q. All three of those?

22 A. Yes.

23 Q. And what was the device you were  
24 receiving the calls on, what type of device?

25 A. It was a -- what's commonly called a

1 cellular telephone.

2 MS. McCLOWRY: I have no further  
3 questions.

4 JUDGE STEARLEY: All right. If the  
5 parties will indulge me just a few minutes, I'm going  
6 to try to determine if the Chairman has any questions  
7 for this witness. I've been trying to locate him by  
8 e-mail, so let's take about a ten-minute recess and  
9 we'll come back on. If I can confirm or not, we'll  
10 be wrapping up here pretty quickly and we'll go into  
11 our housekeeping of the case.

12 (A RECESS WAS TAKEN.)

13 JUDGE STEARLEY: All right. We are back  
14 on the record. I was able to determine that the  
15 Chairman has no questions for you, Mr. Voight, so you  
16 may step down. Your testimony is complete, and we  
17 appreciate it.

18 And at this point, I will excuse all the  
19 witnesses, which leaves us with our housekeeping.  
20 I'd already set a schedule which requires the  
21 parties, with the exception of Staff and Public  
22 Counsel, to file proposed orders which include  
23 proposed Findings of Fact and Conclusions of Law  
24 followed by reply briefs, but I need to know if I  
25 need to adjust that schedule.

1                   We are now allowing for written  
2 responses to Halo's objections and motion to strike  
3 virtually every witnesses' portions thereof of any  
4 opposing witnesses' testimony, and the parties may  
5 want to have a ruling on that before they start  
6 preparing those proposed orders and then moving on to  
7 reply briefs.

8                   So how much time do the parties wish to  
9 have in terms of filing their written responses to  
10 Halo's objections and motions to strike?

11                   MR. JOHNSON: Your Honor, what was the  
12 date the proposed findings and conclusions were  
13 scheduled to be due?

14                   JUDGE STEARLEY: Currently we have  
15 proposed orders with proposed findings and  
16 conclusions due on July 23rd. And if we add time for  
17 responses to the objections and motions to strike,  
18 that day can be pushed back, but it depends on  
19 what -- how much time the parties need.

20                   MR. FRIEDMAN: Your Honor, there had  
21 been some discussion. I don't know if all the  
22 responding parties are on the same page on this, but  
23 there had been some mention of Friday, July 6th as a  
24 possible response date, so I'd just float that out  
25 there. And that would work great with AT&T.

1 JUDGE STEARLEY: That would also be in  
2 line with us having the transcripts expedited by  
3 July 6th, and that would mean we would not need to  
4 change any of the other deadlines.

5 MR. ENGLAND: That's acceptable to  
6 Craw-Kan.

7 MR. JOHNSON: With the understanding  
8 that his Honor would rule on those in time to prepare  
9 the proposed findings and conclusions by the 23rd.

10 JUDGE STEARLEY: Understood. It may  
11 take a couple days for me to get an order out, so I  
12 wouldn't stop writing.

13 MS. DALE: So you can take that weekend.

14 JUDGE STEARLEY: Yes, try to get  
15 something out early the next week. All right. Are  
16 there any other scheduling matters I need to address?

17 (NO RESPONSE.)

18 JUDGE STEARLEY: Okay. Any other  
19 matters at all?

20 MR. FRIEDMAN: Your Honor, if I may ask  
21 a question about the content of the proposed orders  
22 which I understand are not done so routinely here  
23 that local counsel know the answers. I would take it  
24 that in a final -- that a final order would recite  
25 the positions of the parties and then would go on to

1 some kind of discussion of conclusions.

2 JUDGE STEARLEY: Well, if you reference  
3 one of my past report and orders, you can have a very  
4 brief procedural history, identification of the  
5 parties. Findings generally don't have to go into a  
6 lot of discussion. A finding which supports one  
7 party's position over another implicitly is saying  
8 it's finding that more credible.

9 If you have discussion, I would expect  
10 that to be in your legal conclusions -- proposed  
11 conclusions section where you might explain why you  
12 believe one party's position over another was  
13 supported by substantial and competent evidence in  
14 the record. Does that add some clarity?

15 MR. FRIEDMAN: Yes, sir. Thank you.

16 JUDGE STEARLEY: Counsel, you have a  
17 question?

18 MR. MAJOUÉ: Just one other logistical  
19 matter. Earlier on we put in as Halo Exhibit No. 2  
20 the wireless license, the radio service  
21 authorization.

22 JUDGE STEARLEY: Yes.

23 MR. MAJOUÉ: And it was brought up in  
24 the cross-examination that there was a effective date  
25 and that there may have been traffic being delivered



1 prior to that effective date, so we just wanted to  
2 request the opportunity to put in the original  
3 license to which -- the license that's in the record  
4 is just a supplement. And just so that the  
5 Commission has a complete record of the licenses and  
6 there's, in fact, no question as to the effective  
7 date. And in fact, I have in front of me the  
8 effective date was back in 2010. So that's really  
9 not an issue that needs to muddy the water, and I  
10 think we can clarify with that exhibit.

11 JUDGE STEARLEY: Okay. Any objections  
12 to Halo filing that late exhibit?

13 MS. DALE: No.

14 JUDGE STEARLEY: All right. We will do  
15 so -- we've got a holiday in the middle of the week.  
16 Why don't we just keep it all on July 6th, no later  
17 than July 6th.

18 MR. MAJOUE: Thank you.

19 JUDGE STEARLEY: Yes, Commissioner  
20 Kenney.

21 COMMISSIONER KENNEY: As you-all are  
22 preparing your proposed orders, a question that  
23 occurs to me that is a legal question that I asked  
24 Mr. Voight was if it is someone's contention that  
25 Transcom Enhanced Services was created for the

1 purposes of avoiding having to pay access charges,  
2 whether that is illegal or whether that is merely a  
3 permissible clever strategy, if somebody could  
4 address that.

5 And it may just be that that's addressed  
6 in the normal course of your proposed orders, but  
7 that is a question that I particularly would like to  
8 see answered and/or discussed.

9 JUDGE STEARLEY: All right. Anything  
10 else?

11 (NO RESPONSE.)

12 JUDGE STEARLEY: Hearing none, the  
13 evidentiary hearing in TC-2012-0331 is hereby  
14 adjourned. I thank you all very much.

15 (WHEREUPON, the hearing was concluded at  
16 12:38 p.m.)

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C E R T I F I C A T E

STATE OF MISSOURI )

) ss.

COUNTY OF COLE )

I, Pamela Fick, Registered Merit Reporter and Certified Shorthand Reporter do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

Given at my office in the City of Jefferson, County of Cole, State of Missouri.

\_\_\_\_\_  
PAMELA FICK, RMR, CCR #447, CSR

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