

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

**VOICE-OVER-INTERNET PROTOCOL (VoIP) FORUM**

**TRANSCRIPT OF PROCEEDINGS**

**MAY 3, 2004**

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**MISSOURI PUBLIC SERVICE COMMISSION**  
**Voice-over-Internet Protocol (VoIP) Forum**  
**May 3, 2004**

TRANSCRIBED BY: Mary T. WEBB, CCR #972

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<p>1 MISSOURI PUBLIC SERVICE COMMISSION 2 Voice-over-Internet (VoIP) Forum 3 ----- 4 (Thereupon, the Video Tape 1 began, as follows:) 5 JOHN VAN ESCHEN: On your opening 6 statements, if you're giving that type of presentation, 7 here's a pointer here. I think -- where's -- 8 UNIDENTIFIED SPEAKER: Yeah. 9 JOHN VAN ESCHEN: A pointer here you're 10 welcome to use. And we have -- this microphone, I think, 11 if you need to do something like this, then you might 12 want to use this microphone. And we're going to try to 13 leave all the microphones turned off, except for the one 14 that's currently in use because of feedback -- testing 15 one, two -- feedback, I think, if we have them all 16 together. 17 (Inaudible conversation.) 18 WELCOME 19 JOHN VAN ESCHEN: And I'd like to welcome 20 all of you to the VoIP Forum. This forum is associated 21 with Case 2W2004-0324. And that's a case intended to 22 investigate Voice-over-the-Internet Protocol. 23 And that's not to say that the Commission has 24 made any decisions about VoIP here or anything like that. 25 They -- they, in fact, have taken no position on VoIP.</p>	<p>5 1 about that. 2 I will say that the forum is primarily for the 3 Commissioners' benefit, although we've got a tentative 4 agenda planned. If they have questions or anything like 5 that, that we'll try and address those questions as best 6 we can, and then set aside the agenda, if necessary. 7 But our tentative agenda is to, at least this 8 first part, is to give the various panelists, and 9 specifically each party that filed responses to issues in 10 the VoIP Report, to give them five minutes to give 11 opening statements. 12 After that, we'll spend the remaining time, 13 maybe ten minutes, on updated federal VoIP activity. 14 Then we'll take a break. And then the last half, we'll 15 have a series of questions that we'll have the panelists 16 answer. 17 Before we begin, though, I'd like to recognize 18 the Commissioners that are here today. We have Chair Gaw 19 and Commissioner Murray. And I don't know if either of 20 you have an opening statement before we begin or not. 21 CHAIRMAN GAW: No, John. We just thank 22 everybody for participating and look forward to 23 Inaudible). 24 COMMISSIONER MURRAY: Yeah, that's mine. 25 JOHN VAN ESCHEN: Okay. As I said before,</p>
<p>6 1 This is a case that was set up solely to study it, 2 investigate it, and hopefully educate all of us more 3 about VoIP. 4 I'd like to thank all the participants in the 5 case, in coming to the workshops. And I'd like to thank 6 all panelists that have taken this time out of their day 7 to come here today. 8 I'd especially like to thank my colleague, 9 though, Bill Voight. He headed up our effort to put the 10 report together, and he played a primary role in 11 organizing this forum. 12 In the workshops, we did put together a report 13 that was filed on March 30th, and that report 14 investigated VoIP technology. It looked at federal VoIP 15 activity. It looked at Missouri specific impacts and so 16 forth. 17 And I know, in putting that together, although 18 we've tried to keep the report fairly balanced and 19 unbiased, I know that there's always, when you have 20 different parties with different viewpoints, they prefer 21 the report that might have expanded here or maybe said 22 things perhaps a little differently. 23 Well, I think this forum is an opportunity for 24 all those parties to say whatever they want to say about 25 VoIP. And so hopefully we'll hear some good comments</p>	<p>8 1 we'll jump right into the panelists' opening statements. 2 They will be limited to five minutes. And as previously 3 mentioned, the opening statements are intended to provide 4 an opportunity for each panelist to highlight and further 5 explain a few thoughts about VoIP. 6 I know we've got several panelists that 7 represent companies that are actually using VoIP, and 8 perhaps they could also explain what their companies are 9 doing. 10 We'll begin with Staff. We'll make an opening 11 statement, very brief. And then we'll proceed in 12 alphabetical order down at that end. 13 And I know some panelists have more than one 14 person with them. But each party will just get five 15 minutes. So -- just so everybody's aware of that. 16 Before each panelist begins, I would like to 17 have you state your name and how you're associated with 18 the company. 19 So, with that, I'll turn it over to Bill 20 Voight. 21 WILLIAM VOIGHT: Thank you, John. I am 22 Bill Voight with the Staff. The industry knowledge of 23 any particular subject matter is always (inaudible) and 24 the Staff. We could not have put the March 30th report 25 together without all the knowledge of the industry</p>



<p>1 (inaudible). We're very grateful to them. We put 2 together some diagrams that you're going to see up on the 3 screen in a while. 4 The basis of those diagrams came about as a 5 result of material we were provided from the industry. 6 We're especially grateful to Jason Talley who did the 7 (inaudible), Matt Collie (ph.) at AT&amp;T, as well as John 8 VanEschen with Sprint. 9 I hope these proceedings are pleasing to the 10 Commission. And with that, Mr. Moderator, the Staff 11 would yield the balance of its time. 12 LETTY FRIESEN: Good morning. My name is 13 Letty Friesen. And I am from AT&amp;T. And I have a 14 background in engineering and law, and I am based out of 15 Denver, and I am on the VoIP Team for AT&amp;T. 16 This morning, I'd like to talk to you a little 17 bit about AT&amp;T's consumer product, which is a VoIP 18 product, and it's called Call Vantage. 19 Call Vantage is a product that is different 20 than what you will find discussed in the Task Report, the 21 Task Force Report, put together by Mr. Voight. 22 The report contains AT&amp;T's VoIP offering. That 23 is a phone-to-phone VoIP offering, and it was the subject 24 of the FCC's recent decision in Declaratory Petition, a 25 decision I'm not that fond of really.</p>	<p>1 In addition, you can -- you can set it so it 2 doesn't disturb you. It's got a do-not-disturb function 3 on it so that you don't get calls at all, if you want 4 (inaudible). The features that this phone offers to our 5 customers, and it is a consumer product, is that the 6 consumer can take it with them when they travel. So that 7 they can always be reached when they're traveling. 8 I think everyone is pretty well aware that this 9 type of VoIP offering, where that phone can travel with 10 you, frees AT&amp;T of E-911 issues. AT&amp;T right now is in 11 the forefront of helping to solve or resolve some of the 12 E-911 issues. We have a gentleman by the name of 13 Tim Berry who is on the ATIS Committee working on 14 solutions to E-911. 15 We anticipate that we'll see an E-911 solution 16 for this type of VoIP offering within the next couple of 17 years, certainly on the industry's side of the house. 18 Unfortunately, the PSAPs still have a ways to go to 19 either upgrade their equipment or doing other things to 20 gain (inaudible) or the upgrades that will allow them to 21 (inaudible) VoIP features, and to be able to help us with 22 the E-911 services. 23 In any event, this is a product that is in 24 marketing testing or has just come out of market testing 25 in New York and New Jersey. We've had great success with</p>
<p>1 But suffice to say, Call Vantage is something 2 slightly different. Call Vantage is a computer-to-phone 3 or computer-to-computer application. And what our 4 customers typically see when they purchase this produce 5 is what you see here up on the board. 6 It requires a telephone adapters or an ethernet 7 converter, in which you plug your phone or your computer. 8 And then from there, it goes to a modem, and you have to 9 have broadband, some kind of broadband interconnection to 10 the Internet in order to obtain this service. 11 What this service provides that is different 12 than traditional telephone service is a feature-rich 13 environment. And we have a handout, which I think Matt 14 can pass out. Hopefully we have enough copies for 15 everybody. But it describes some of the various features 16 that one can obtain through VoIP service, which are quite 17 different, and controlled by the end user consumer; 18 features like low-key need. That means your phone can 19 ring in five or six different places and find you 20 wherever you are. A bit like being on a leash, if you, 21 you know, want that. 22 There are some other interesting features that 23 this VoIP-type offering offers to consumers, one of which 24 is call logs. You can keep a log of all calls received 25 or all calls sent.</p>	<p>1 it there. We are starting market testing in Boston and 2 rolling out in various states across the country. We 3 hope to have a million-plus customers soon. 4 I would yield the rest of my time. I don't 5 think there's anything else I need to say about this 6 product, but I do want you to know that we do have 7 products other than from VoIP, and this one's called 8 Call Vantage. 9 Thank you very much. 10 JERRY HOWE: My name's Jerry Howe. I'm 11 the CEO of Big River Telephone Company. It's a 12 Missouri-based bed of local exchange companies based in 13 Cape Girardeau, Missouri. 14 At Big River, we provide local long distance 15 and Internet services. As such as have our own long 16 distance number, and just forty-five days, we deployed 17 our first local switch. It is a IP voice soft switch. 18 We employed the IP soft switch for the simple 19 reason that it allows us to deliver high speed Internet 20 access at affordable prices. 21 The reason that's possible is because with IP, 22 traditional voice services can be delivered over the same 23 connection as high speed Internet, thus data and voice 24 are sharing the same link. This essentially positions 25 voice to be a killer application on high speed Internet</p>



<p style="text-align: right;">13</p> <p>1 networks.</p> <p>2 You see, up until now, there has been no killer</p> <p>3 application, there has been no economic incentive for</p> <p>4 people to buy up to high speed Internet. Consumers would</p> <p>5 love to have it, but they're not yet willing to pay much</p> <p>6 for the opportunity.</p> <p>7 The market research that we have seen shows the</p> <p>8 high pent-up demand for high speed Internet. It's large</p> <p>9 and significant. However, it's very price sensitive. In</p> <p>10 fact, the residential consumer, when the price drops</p> <p>11 below \$35, \$30, demand starts to pick up considerably.</p> <p>12 Not surprising that we have seen the</p> <p>13 promotional offers by cable modems and DSL providers in</p> <p>14 the last year were promotional offers that are less than</p> <p>15 \$30.</p> <p>16 So voice as a killer application for broadband</p> <p>17 data networks. With voice, which is essentially a</p> <p>18 necessity in today's world that can share a broadband</p> <p>19 circuit with high speed Internet, the voice service is</p> <p>20 subsidizing the high speed network connection and makes</p> <p>21 high speed Internet much more reasonable to consumers.</p> <p>22 I think that's why we're here today, to policy</p> <p>23 decisions that can be made into Public Service</p> <p>24 Commission. You can make decisions in policy statements</p> <p>25 that can enhance economic activity, and otherwise enhance</p>	<p style="text-align: right;">15</p> <p>1 through policy initiatives.</p> <p>2 In the late '80s and early '90s, this</p> <p>3 Commission, through arrangements it made through</p> <p>4 settlements of rate proceedings with some of the major</p> <p>5 telephone companies advanced the deployment of digital</p> <p>6 switching to smaller communities. Instead of pressing</p> <p>7 for the maximum amount of rate reductions from the phone</p> <p>8 companies, the Commission agreed to lower rate reductions</p> <p>9 in return for the deployment of digital switches in</p> <p>10 smaller communities, like Farmington, Jackson, Dexter and</p> <p>11 Kinnen (ph.) and others across the state.</p> <p>12 Thus, local telephone service rates were a bit</p> <p>13 higher than would they have otherwise been, and in return</p> <p>14 for a greater deployment of digital switching throughout</p> <p>15 the state. As a result, the state today has a more</p> <p>16 advanced switching network.</p> <p>17 In contrast, ISDN technology was rolled out in</p> <p>18 the mid '80s to much fanfare and much hype for the types</p> <p>19 of services and features that that technology would</p> <p>20 enable. Neither the state nor the federal level provided</p> <p>21 any type of incentive, at least that I'm aware of, to</p> <p>22 enhance that rollout, and as such, the rollout of ISDN</p> <p>23 was extremely disappointing to the industry.</p> <p>24 Up until the mid '90s, 1996, in fact, ISDN</p> <p>25 services had no major impact in the industry, not until</p>
<p style="text-align: right;">14</p> <p>1 the lives of Missourians.</p> <p>2 Up and down and across the political spectrum,</p> <p>3 in my discussions with federal/state legislators and</p> <p>4 local community leaders, there has been one consistent</p> <p>5 theme as far as for the need for telecommunication</p> <p>6 policy, and that is for the local deployment of broadband</p> <p>7 networks.</p> <p>8 However, these networks will not be filled</p> <p>9 unless there is a financial or business model that</p> <p>10 provides a sufficient return on investment that will</p> <p>11 attract the necessary capital to fund these projects.</p> <p>12 Voice-over-IP is a single application that will enable</p> <p>13 the funding of these much desirable broadband networks.</p> <p>14 But a great deal of the discussion regarding</p> <p>15 Voice-over-IP, I think, heretofore, is concerned about is</p> <p>16 Voice-over-IP going to provide the subsidies to regular</p> <p>17 phone services. I'd like to challenge what may be an</p> <p>18 initial desire to look to this new technology,</p> <p>19 Voice-over-IP, to immediately carry more than its fair</p> <p>20 share of supporting the age-old subsidies that exist in</p> <p>21 the telephone industry, and instead allow it to subsidize</p> <p>22 the rollout of local broadband networks.</p> <p>23 I'd like to quickly raise two previous examples</p> <p>24 of new technology rollouts and how they have been helped</p> <p>25 or entered by this issue of subsidies and the assistance</p>	<p style="text-align: right;">16</p> <p>1 the Tele-Com Act and the appearance of competitive local</p> <p>2 exchange companies, along with the soaring demand for</p> <p>3 high-quality, dial-up Internet services, did ISDN finally</p> <p>4 take off.</p> <p>5 In '96, competitive local exchange companies</p> <p>6 responded aggressively with the new networks that they</p> <p>7 were deploying by offering PRI services to dial-up</p> <p>8 Internet service providers. Thus, it took a major</p> <p>9 restructuring of the industry via integration of</p> <p>10 competition to accelerate the deployment of ISDN.</p> <p>11 Similarly, today the Commission can take a</p> <p>12 pro-active approach to accelerate the deployment of this</p> <p>13 technology, Voice-over-IP, and allow the consumers to</p> <p>14 reap the benefits that it provides, or it can take a less</p> <p>15 pro-active approach and oversee a more guarded</p> <p>16 deployment.</p> <p>17 After assessing the demands in the marketplace,</p> <p>18 Big River has moved to be a part of the deployment of</p> <p>19 Voice-over-IP technology. We think it's critical to the</p> <p>20 future of telecommunications, and we encourage the</p> <p>21 Commission to take a pro-active approach through their</p> <p>22 policy decisions in accelerating this technology as well.</p> <p>23 Thank you.</p> <p>24 JOHN JONES: Good morning. My name is</p> <p>25 John Jones. I've vice president for Federal Government</p>



<p style="text-align: right;">17</p> <p>1 Relations for Century Tel. And I have done a lot of FCC 2 work in Washington, including the VoIP (inaudible) 3 compensation and universal service and other issues that 4 have come before the Commission. 5 I appreciate the Missouri Public Service 6 Commission holding this hearing today to find out more 7 about the issues associated Voice-over-Internet Protocol. 8 The hearing is timely for two reasons. VoIP is become a 9 catalyst in the chemistry experiment we call 10 telecommunications, and has accelerated the need to 11 involve other important issues now before the FCC that 12 must be discussed in conjunction with the technology. 13 This includes inter-carrier compensation, 14 classification of broadband services, competition and 15 universal service. A comprehensive review of how each of 16 these issues is affected we'll need -- we need it before 17 we can fully resolve the impact of VoIP. Number two, as 18 an industry, we very much need to leave this room today 19 with a clear understanding of what it is we ultimately 20 want to accomplish with our telecommunication policies. 21 But one consistent statement unsolved for most 22 of the parties at this table at March 30 VoIP Industry 23 Task Report was that the success of VoIP depends on the 24 continued broadband deployment in rural markets. The 25 VoIP debate provides us with a perfect Catch-22</p>	<p style="text-align: right;">19</p> <p>1 new and wonderful technologies that will never make it to 2 the end service providers and consumers. 3 CARRIE COX: I've never been accused of 4 needing a microphone, but this is a big room. 5 My name is Carrie Cox, and I'm the director of 6 Legal and Regulatory Affairs at Charter Communications, 7 and am responsible -- I must not be on. But you can 8 still hear me in the back of the room. 9 There we go. Now you might have to cover your 10 ears a little bit. 11 I've been in the tele-com industry for about 12 twenty-three years. Charter Communications, of course, 13 is -- at its core, a telecommunications company. Twenty- 14 some years ago, I actually worked for the ILEC in the 15 Engineering Department and designed cable and plans, and 16 did all those kinds of things. That was my first 17 touchpoint with telecommunications. 18 Later, when I was doing my graduate work, I 19 ended up practicing law and supporting and being counsel 20 for many ILECS right at the dawn of the 21 Tele-Com Act. So was participating in that activity as 22 well. And today, as a competitive provider, 23 Voice-over-IP is certainly the issue in 24 telecommunications, and have completely shifted roles, 25 now being regulatory and legal counsel for a competitor</p>
<p style="text-align: right;">18</p> <p>1 situation. You cannot have VoIP services without 2 broadband. The very application that we're discussing 3 threatens to continue deployment supportability of 4 broadband services in those markets. 5 As local exchange providers, we're being told 6 our network is essential for VoIP and other technologies. 7 And as one of the main parties at this table, we suggest 8 to you today that someone else should make sure that 9 network is supportive for the future. 10 Some telecommunication services offered by the 11 VoIP providers offer an interesting and a possibly 12 promising alternative to local and long distance phone 13 calls. However, we do not believe that exempting these 14 providers from their obligations to support universal 15 service, public safety and national security as well as 16 participate in the existing access charge regime is in 17 the best interest of all Americans. 18 VoIP appears to be a wonderful application with 19 much potential. But whether we're talking about VoIP or 20 the next generation application that comes along, we must 21 not lose site of our national policy objective to be 22 deploying affordable and fast services to all parts of 23 the country. Universal connectivity and a robust 24 national network and affordable services for all 25 Americans has to be the end gain or we risk creating many</p>	<p style="text-align: right;">20</p> <p>1 in that arena. 2 Turner's here today for a couple different 3 reasons. One, because we are a facility-based provider, 4 which is somewhat unique in terms of other providers that 5 have entered the market. And we do currently deploy 6 Voice-over-IP. We take claim over the first -- or 7 commercial/residential launch of primary line replacement 8 Voice-over-IP in the nation in the fall of 2002 in a 9 little town called Wausau, Wisconsin. Currently, have 10 about three thousand customers on that service, and are 11 continuing to deploy only Voice-over-IP through our 12 networks and through telecommunication service. 13 Major points that we want to talk about today 14 as a facility-based provider, we're seeing a shift 15 between what we'll call services-based regulation theory 16 to technology-based regulation theory. And we see that 17 as somewhat dangerous, and I'll explain why. 18 We go through this whole discussion of what 19 happens with Voice-over-IP because it's a new technology, 20 and we have to look at it differently, and it can't 21 possibly be regulated like plain old telephone services. 22 But what happens in 2006 when the technology's XYZ? Do 23 we have to re-discuss all of these issues and all these 24 paradigms, and are we going to go through that every five 25 years?</p>



<p style="text-align: right;">21</p> <p>1 The lawyers love that idea, but the provider's 2 side of my hat finds that to be a frightening prospect. 3 Now, secondly, we're seeing a segregation of 4 what I'll call facility-based services and application 5 services, and this is a little bit scary to us as well 6 because you're taking essentially the same service, and 7 in some cases you're calling it a portable service that 8 probably doesn't need regulation but may be subject to 9 certain conditions, like 911 and CALEA -- and by the way, 10 our Voice-over-IP deployments are fully 911 and CALEA 11 compliant, and we don't launch until those prospectives 12 are met and in place. 13 So we've got this application that rides the 14 facility, and we've got facility-based providers who are 15 actually providing Voice-over-IP. And the question 16 becomes: If you say you're portable, do you get into a 17 much, much lighter regulatory format? And two cautions 18 there. One, it makes my deployment much more expensive, 19 which is a little bit scary. Two, why don't we just 20 ensure every regulatory that is going down this road that 21 it won't take very much for me to make my service 22 portable for SBC or Verizon or any other incumbent 23 provider? 24 So, if you make that your demarcation, 25 portability, then you will have very quickly every</p>	<p style="text-align: right;">23</p> <p>1 Now I'm the first to admit that I think there 2 are problems with the U.S. up-and-access regimes when it 3 comes to small and rural tele pool, and that they are 4 heavily subsidized by those mechanism. 5 The question is: Is it right to just yank that 6 rug out from under them? And I think the answer is no, 7 because even in rural markets, there needs to be 8 competition and we need to manage that. 9 Should they get -- continue to get the ride 10 they've got today? Well, I'm going to say probably not, 11 but I need competition in those markets. We can't afford 12 to have just one provider in even rural or small tele 13 pool markets. So we need to address that issue. 14 Finally, facility-based providers are 15 exceptionally concerned with maintaining inter-connection 16 rights under the Tele-Com Act. If the facility-provider 17 that provides my own traffic onto the PSTN, and 18 ultimately will ride the traffic of other applications 19 providers, potentially out to the PSTN, I have to have 20 the right to intervention with the PSTN, whether it be to 21 a small tele pool or a BAC or another provider. And 22 without that, my network can't get connected to the rest 23 of the world's networks. So that's another theory of big 24 concern for us. 25 GARY TUCKER: My name is Gary Tucker. I'm</p>
<p style="text-align: right;">22</p> <p>1 provider avoid every type of service everywhere in the 2 world latching onto that regulatory environment, and all 3 of a sudden, you have no regulation or you are in one 4 category of regulation. 5 So we're looking at this from the prospective 6 that you really need some kind of common regulatory 7 environment for all services so that they can all become 8 portable. 9 Secondly, one of the things that we're running 10 into is this what we call loss of control over our 11 facilities, which Mr. Jones spoke to, in that you've 12 invested a lot of become a competitor in the 13 telecommunication market, and if an application provider 14 is allowed to write our network, which by the way we 15 think is great because it does provide increased high 16 speed data penetration, does that make me responsible for 17 that application provider in terms of CALEA and service 18 parameters? Do I have to have certain service standards 19 in place, and can I afford to have my agent be on the 20 market if I'm responsible for those things? 21 Thirdly, what we're very concerned with is the 22 issues that have been talked about here already; access, 23 inter-carrier compensation, USF. Those are really 24 historical big issues in the tele-com industry, and we 25 can't take those lightly.</p>	<p style="text-align: right;">24</p> <p>1 here on behalf of Level 3 Corporation of Broomfield, 2 Colorado. I'm with their Regulatory Policy Group. And 3 actually with Level 3, I've been with them now for 4 approximately a year. And prior to that time, I was a 5 regulatory attorney with QWest Corporation for about nine 6 years. Prior to that, I was a regulatory attorney with 7 RCA Corporation's Satellite Group, and we put in a lot of 8 facilities, actually into Alaska. 9 So I've seen a lot of changes in the industry 10 throughout approximately twenty years from both sides, as 11 far as facility-based, non-facility-based and long 12 distance and local exchanges. 13 Level 3 right now is in a very interesting 14 position. It is actually a hundred percent IT 15 facilities-based area. We have approximately sixteen 16 thousand miles of BAC phone in the United States. 17 Approximately half of that amount of BAC phone in Europe 18 as well with a connecting ocean cable. 19 Our facilities essentially are wholesale. Even 20 though we are facilities based, we do not provide retail 21 services in any of our states. 22 As a result, we do interconnect our -- with 23 enhancers, providers of most any kind of -- carrying an 24 IP signal for us. That means we will be wireless in the 25 state, we can hopefully interconnect with cable, we will</p>



<p style="text-align: right;">25</p> <p>1 interconnect with PSTN facility providers, as well as any  2 other provider actually that will get our signal.  3 So we do have facilities in Missouri. We are a  4 certificated carrier here, and our BAC phone transverses  5 the state as well.  6 One of the concerns that we have is the  7 identification, of course, of an INSP provider. We rely  8 on followup basically, the decision of the Federal  9 Communications Commission, which potentially identifies  10 how you speak to customers not as carriers, and  11 therefore, not subject to any of type of access charges.  12 That being said, we do -- we are a  13 facility-based provider. You pay regulatory fees here in  14 Missouri to support that.  15 One of the things that we would like to see the  16 Commission become very active in and to continue to be  17 active in is universal connectivity with the PSTN. We  18 feel that the open network architecture that has been  19 initiated and continues today has to be sustained, and we  20 feel the Commission has an overall role in that.  21 The other thing we feel is that we're a good  22 corporate citizen. We are, as are AT&amp;T and the other  23 facility-based carriers, very active in the development  24 of united 911 services. At this juncture, that is still  25 under development of the support, that program, and we</p>	<p style="text-align: right;">27</p> <p>1 Hank Halquist. I'm a director of Federal Law and Public  2 Policy for MCI, which is a fairly new company, which is  3 also a fairly old company.  4 Ordinarily I work in Washington, D.C. It's  5 good to be out here. I'd like to thank the Commission  6 and the Staff for inviting me to participate.  7 I'd like to start out by suggesting that  8 promotion or the public interest, which ultimately is the  9 charter or the regulators, requires that regulatory law  10 must be consistent with actual real world networks.  11 What's happening today is what we like to call  12 convergence. That is state all services, which have  13 historically have been provided over different networks,  14 are now converging on a single network, an IP network.  15 So that means voice telephony, cable services, wireless,  16 a host of all these services that traditionally have been  17 regulated in what we describe as vertical regulatory  18 silos, where you have a whole series of regulations that  19 govern people, and you have a series of regulations that  20 govern telephony. All these things are converging on one  21 network.  22 In that -- in that world, that 20th Century  23 regulatory law just won't work. What MCI proposes is the  24 adoption of what we describe as a horizontal layers  25 regulatory law. We would recommend that policy makers</p>
<p style="text-align: right;">26</p> <p>1 feel that would maybe in a year or so, we will come up  2 with answers and solutions to proper E-911 interactivity  3 for our customers.  4 At this point in time, however, we feel it's  5 important to tell the consuming public that it is in  6 development so they are aware about the competitive  7 market's responding. At this juncture, we don't have a  8 solution.  9 We also support CALEA. We feel law enforcement  10 is very clearly a requirement for facility-based  11 carriers.  12 And, finally, I'd like to say that we have --  13 we've made appearances before the several interstate  14 commissions, and we've read the preparations of Staff.  15 And we appreciate the work that has gone into this. And  16 we would like to continue to support efforts to make sure  17 that the Missouri Commission, along with the other state  18 commissions, interact effectively with the Federal  19 Communications Commissions as well as the Senate, to  20 develop a forward-looking regulatory paradigm that is  21 going to move away from what we feel is a destructive  22 access charge regime that basically came out of a legacy  23 situation.  24 Thank you.  25 HANK HALQUIST: Good morning. My name is</p>	<p style="text-align: right;">28</p> <p>1 adopt and promote regulations that treatment all  2 application layer things the same, regardless of whether  3 they're video, voice, cable, all these different  4 services. That's the only way to keep regulation  5 consistent with the actual network model.  6 Adoption of such an approach to regulation is  7 going to require significant changes to a host of legacy  8 regulations, including inter-carrier compensation,  9 universal service and other issues. This is going to be  10 an extremely difficult transition, but it's one that must  11 be made if citizens are going to enjoy the benefits of  12 this 21st Century network.  13 With respect to Voice-over-IP, I would just  14 point out that, when voice becomes an application, it's  15 going to be radically different from the kind of service  16 that we traditionally think of when we think of  17 telephony. There's no such thing as local e-mail or  18 intro-(inaudible) instant message, or intro-state  19 worldwide Web pages. And there's going to be no such  20 thing as those services in the voice world either, as  21 voice migrates to this converged network.  22 I'd like to give up the balance of my time, but  23 I look forward to answering any questions.  24 Thank you.  25 JASON TALLEY: Good morning. My name is</p>



<p style="text-align: right;">29</p> <p>1 Jason Talley, and I'm the CEO of Nuvio Corporation.  2 We're a Missouri-based Voice-over IP provider. We  3 currently have local number availability in around twelve  4 hundred cities in the United States and can offer our  5 service anywhere a broadband is -- a broadband is  6 available.  7 We primarily offer two different types of  8 Voice-over-IP services. A residential type of service  9 that we saw AT&amp;T speak about, and the Vonage office as  10 well, and also an office/business Centrex service, which  11 replaces office PBX.  12 We're different from the majority of our  13 competitors in that we typically don't sell direct to the  14 consumers. Instead we package our services in such a way  15 that it allows small- to mid-sized broadband providers to  16 be able to offer Voice-over-IP services, banded from  17 market, this service to their customers under their name.  18 Our typical partnerships are usually  19 compromised of established and emerging fixed-based  20 wireless, cable and DSL providers in many different types  21 of locations, rural to metropolitan.  22 We also provide services for CLEXs looking to  23 expand outside of their regional service centers. We  24 truly offer broadband Voice-over -- broadband providers  25 Voice-over-IP services, which allows them to sell more</p>	<p style="text-align: right;">31</p> <p>1 sense. We do not come from a monopolistic background.  2 Nuvio is able to offer services anywhere in the world  3 that broadband is accessible. That is true of many of  4 our competitors. Consumers have a choice in  5 Voice-over-IP providers. If they don't want to use us  6 for voice-over communications over the Internet, they can  7 use a host of other providers. They don't like them,  8 they still have alternatives.  9 Paramount to the -- paramount to this fact is  10 the fact that Nuvio does not control the transmission  11 medium into the premise, ordinarily an application or an  12 enhanced service that rides on top of broadband.  13 Traditional telephone companies control all  14 aspects including the transmission medium, especially in  15 noncompetitive rural markets. There is no choice for  16 consumers in telephone companies.  17 In that environment, the PSC does have a duty  18 to make sure that the monopoly is not an abuse to the  19 consumer. This is simply not the case with  20 Voice-over-IP. Our consumers are informed of what they  21 are going to be receiving, of the shortfalls of the  22 service and the benefits of the service. And then they  23 make an educated decision.  24 To subject Voice-over-IP providers to the same  25 set of rules and regulations as monopolistic telephone</p>
<p style="text-align: right;">30</p> <p>1 broadband.  2 I was part of the Committee that helped to  3 establish this report, and I thank everyone that  4 participated including the Staff. But I was somewhat  5 disappointed in the direction of the comments that was  6 taken from the Staff. The Staff obviously enjoyed some  7 preconceived notions of Voice-over-IP regulations, and I  8 think that that's reckless editing in their statements in  9 their report, and probably here today.  10 I was personally hoping for a little bit more  11 unbiased report, consistent with your order opening this  12 inquiry, and consistent with some of the statements that  13 we've heard today, such as to study, investigate and  14 educate. Instead the Staff comments seemed to ignore the  15 spirit of that, and seemed to exceed that. Indeed the  16 Staff goes as far as interpreting FCC orders and their  17 relevance to Missouri and the Voice-over-IP as evidenced  18 in Comment 12 of their -- of their report.  19 While not totally unexpected, the Staff seems  20 to ignore that this emerging technology is different and  21 requires different standards. There's an attempt to  22 classify Voice-over-IP in the old antiquated standards of  23 the last hundred years that everybody's been instituting.  24 Significant in these differences is the fact  25 that Voice-over-IP providers are not monopolists in any</p>	<p style="text-align: right;">32</p> <p>1 companies or ones that are derived from that would be  2 unfair, unnecessary and unwarranted.  3 We offer our customers geographic mobility. I  4 brought along some props to -- to show. This is an  5 example of the terminal adapter that AT&amp;T referenced and  6 that we use as well to provide customers with basic  7 telephone-like voice communication. It plugs into a  8 broadband provider, and you plug your telephone into this  9 and make phone calls.  10 This unit itself is loaded with three phone  11 numbers; Kansas City, New York and Southern California.  12 I can take this anywhere in the world and receive phone  13 calls to those numbers. Determining what is intra-state  14 and what is inter-state is impossible. Did you use --  15 which phone numbers do you use, and where is the unit  16 connected? Nuvio has no idea where this unit is in  17 place.  18 This is an example of our Voice-over-IP Centrex  19 service. Similarly it's just a telephone handset that  20 plugs into the ethernet. There is no other device that's  21 needed. This one's actually out of my office. If I plug  22 this in right here, it would look like I was sitting in  23 my office today, and if somebody transferred my  24 extension, I could pick it up and make believe I was  25 sitting in the office looking at e-mail.</p>



<p style="text-align: right;">33</p> <p>1 We're unable to determine the physical location 2 of the unit and where the customer's premises are. 3 The FCC has made similar statements in its 4 recent order to regarding removed dialup. And this new 5 emerging technology, technology that's reshaping the way 6 that voice communications are delivered and serviced, 7 there needs to be a clear federal mandate and a common 8 set of national rules. In that way, Voice-over-IP is not 9 stifled, but encouraged to grow and provide another 10 choice to consumers. 11 Thank you. 12 BILL WARRINER: Am I on here? 13 UNIDENTIFIED SPEAKER: Yes. 14 BILL WARRINER: Good morning. My name is 15 Bill Warriner. I'm with the certified public accounting 16 firm of Warriner/Gessinger &amp; Associates (ph.). I'm here 17 on behalf of the small telephone companies, rural 18 telephone companies, of Missouri. And I'm pleased to be 19 here to talk about or discuss some of the issues 20 concerning small telephone companies regarding the 21 proposals of some communication services providers who 22 propose to gain unregulated and unfettered access to LEC 23 networks for the provision of voice-over Internet 24 telephony. Excuse me. 25 I had a prepared talk here. But I think I'm</p>	<p style="text-align: right;">35</p> <p>1 become a reality for the consumers. 2 There are certain petitions before FCC that 3 would led us to believe that inter-carrier compensation 4 is something other than the fair payment for the use of 5 someone else's network. Inter-carrier compensation 6 issues must be addressed in any VoIP policy. These 7 charges are completely required payments for use of 8 another carrier's network, and they play a critical role 9 in keeping local rates affordable and encouraging 10 investment in telecommunications infra-structure. 11 The foundation behind access charges is that 12 all consumers benefit when they're all connected to the 13 public switching telephone network. For all consumers to 14 be connected, carriers must compensate each other fairly, 15 and end user rates must remain affordable. This approach 16 has served consumers well because today local and long 17 distance rates are reasonably affordable and available to 18 all. 19 The FCC has already declared certain VoIP 20 services subject to regulation in its decision regarding 21 AT&amp;T Call Vantage services. There is no downside to 22 consumers if all providers share its supporting network 23 and comply with 911 requirements, numbering resource 24 conservation and disabilities' access obligations. 25 Regulators should not exempt certain providers</p>
<p style="text-align: right;">34</p> <p>1 going to deviate a little bit because it seems that some 2 of the things we've heard this morning talked about 3 enhanced services provided to rural customers in 4 Missouri. And the fact that, in order to provide these 5 services, they have to generate revenue streams that's 6 going to help them produce a DSL or broadband services to 7 rural customers. 8 These revenue streams represent, say, a fee for 9 unlimited toll access across the state and even across 10 the country. The problem is these revenue streams, 11 basically they're going to be generated by these new 12 service entries, are going to replace revenue streams of 13 the small carriers in Missouri who, in essence, are 14 providing the networks that are going to be used by these 15 companies to provide those enhanced services. 16 VoIP providers do not concern themselves with 17 capital intensive task of building and maintaining 18 broadband capable members that will universally serve all 19 customers. We must not lose site of this fact as we 20 consider the effect of VoIP will have availability to 21 telecommunication service for all (inaudible). 22 We also cannot discuss VoIP without also 23 talking about topics such as universal service, 24 inter-carrier compensation, the competition, (inaudible) 25 and how the promised benefits of the VoIP services can</p>	<p style="text-align: right;">36</p> <p>1 paying their share for the use of modern networks that 2 ultimately helped to make money for VoIP providers. This 3 Commission has an important role to play in making sure 4 public policy objectives are met. 5 BOB SCHOONMAKER: I'm Bob Schoonmaker from 6 GD&amp;W (ph.) Consulting. Also representing the Small 7 Companies. I'll just add a couple of other things to 8 Bill's comment. 9 First of all, in reading the report, I think 10 it's very evident that are -- are very different flavors 11 of VoIP, and we have titles that are put on a number of 12 different sources that operate differently, and 13 (inaudible) differently. And I think the Commission 14 needs to be aware of that as they address this issue. 15 VoIP is not a single service. They use the 16 public switch telephone network differently, North 17 American Numbering Plan resources. And comments made by 18 Charter and Level 3, among others, wanting to connect to 19 the public switch telephone network, I would suggest that 20 they are part of the public switch telephone network when 21 they started using North American Numbering Plan numbers, 22 providing services to customers as they do. 23 Second comment, special exceptions for mass and 24 industries, which is discussed some int he report, tend 25 to become permanent as we have seen and evidenced by the</p>



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1 FCC's decision a number of years ago to -- in regards to  
 2 enhanced services, and to not require them to pay access  
 3 charges. The FCC's decision essentially said these were  
 4 interstate services, but left the responsibility on the  
 5 state to cover the cost of providing those services.  
 6 Clearly, that exception, which, at that time,  
 7 was made because this was an infant industry needing  
 8 help, is still applicable to an industry that is no  
 9 longer an infant. It's an industry with a major  
 10 telecommunications provider.  
 11 A number of suggestions in the report that we  
 12 should let the market solve all these issues and these  
 13 are competitive services. And I'd just like to remind  
 14 you that tele-com, in the last decade, that the market  
 15 has brought us such issues as alternative operator  
 16 service providers, telemarketers at dinnertime, SPAM and  
 17 Pop-up, and a number of other things.  
 18 In addition to the positive things that have  
 19 been brought, the market times the response to the needs  
 20 of the senders who are the customers and not to the end  
 21 use customers who are very (inaudible), and consequently  
 22 we found it necessary to impose price regulation to a  
 23 level of alternative operator service providers, to  
 24 institute state and national no-call lists. And people  
 25 are working at the present time on how to deal with the

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1 problems of SPAM. We need -- the market doesn't always  
 2 work to provide all the needs.  
 3 I think that's all the time we've got. So I'll  
 4 stop there.  
 5 KEITH EPSTEIN: Hi. My name is Keith  
 6 Epstein. I am vice president and general counsel for SBC  
 7 Data Services. I've been involved in the Internet  
 8 industry since 1993, which is quite some time.  
 9 There has been no bigger development in the  
 10 Internet area than we're now dealing with right now. The  
 11 legal and regulatory framework for Voice-over-IP is  
 12 largely unformed. There is really the first opportunity  
 13 on a national level for these issues to be addressed.  
 14 The very first of the FCC's attempt to address  
 15 these Voice-over-IP issues was in their 1998 report to  
 16 Congress. And at that time, there was no definitive  
 17 record. They declined to take an issue and establish  
 18 regulation -- special regulation for Voice-over-IP  
 19 providers. And in the six years since that report to  
 20 Congress, there has been development of Voice-over-IP  
 21 service providers.  
 22 But really they represent at this point in time  
 23 a fairly small share of the lines and service. Maybe a  
 24 couple hundred thousand subscribers, and maybe a little  
 25 bit more than that.

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1 But we are sitting right at the edge of an --  
 2 of an explosion. I think that we're going to see some  
 3 rapid development as soon as the regulatory issues are  
 4 clear for -- well, I've borrowed the term NACENT (ph.),  
 5 from the -- from a NACENT industry.  
 6 It's easy to make a mistake or make assumptions  
 7 about where people stand on these issues. So I beg you  
 8 to take some time and scan through the report.  
 9 One of the thing -- one of the things about the  
 10 report that I want to point out is this was a  
 11 collaborative effort. It was -- while we may not like  
 12 some of the positions that we've -- each of us have  
 13 taken, we, I think, can all say -- say fairly safely that  
 14 our position -- we were given the opportunity to  
 15 contribute. Our positions are well represented in here.  
 16 It is -- I've been doing this in about thirteen  
 17 states, because some states don't have lesser activities  
 18 going on. And at the federal level. This is really the  
 19 first and most complete of the reports of where the  
 20 industry stands on critical issues. So I want to commend  
 21 the Staff not only for the effort going into the report,  
 22 but for the opp -- giving us the opportunity to each  
 23 state our positions and having it represented in the  
 24 report.  
 25 It was a very well done, collaborative effort.

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1 It could have been very contentious, but rather was very  
 2 cooperative. It was a good project.  
 3 The -- we recognize that Voice-over-IP raises a  
 4 number of public policy issues pertaining to law  
 5 enforcement, public safety and privacy. And we believe  
 6 that those issues will all be addressed in the coming  
 7 year. But we think that they need to be addressed on the  
 8 national level, or there could possibly be fifty-one  
 9 different set of rules about law enforcement access or  
 10 911 or privacy concerns, would really put a -- would  
 11 really hamstringing an industry that is in its infancy.  
 12 And so we really encourage the states to wait,  
 13 to gather information, to make their positions known to  
 14 the FCC in their open docket, but not to issue rules of  
 15 proclamations that will make it difficult to comply with  
 16 the federal regulation when it is put in place.  
 17 We think that a national -- consistent national  
 18 framework is going to make this work a little bit better  
 19 than fifty-one independent sets of rules.  
 20 I wanted to dispel three myths. Can you just  
 21 go two slides?  
 22 The first myth is that the VOCs believe that  
 23 Voice-over-IP technology and services threaten our  
 24 survival. We do -- we, at SBC, do not look at it that  
 25 way. I don't think any of the VOCs look at it that way.



<p style="text-align: right;">41</p> <p>1 We see this as an opportunity to further develop our 2 networks. We received a need for somewhat sustained 3 networks, but we believe that we are embracing the 4 technology and looking for ways to introduce it in a way 5 that it is useful to our consumers or our customers. 6 Next slide. Myth #2 is that -- that we seek 7 the demise of the VoIP provider through imposing on them 8 legacy regulation. As a matter of fact, nothing could be 9 further from the truth. We -- we have encouraged the FCC 10 to deregulate or at least minimally regulate and perhaps 11 even eliminate regulations that even would apply today on 12 Voice-over-IP providers. 13 We believe that, as a -- as a corollary to 14 that, that through the introduction of competition 15 through Voice-over-IP providers, it's an opportunity to 16 minimize regulation on the legacy network. So we have 17 some self-interest in this, but we think that that is the 18 right approach. 19 Excuse me. Next slide. One -- go one more. 20 And the third myth that we'll dispel is about access 21 charges. Boy, it's a tough one, guys. I'm not sure how 22 this is going to come out. But we generally -- we, in 23 the VOCs, generally believed that Voice-over-IP providers 24 should have to pay access when they touch the public 25 telephone network.</p>	<p style="text-align: right;">43</p> <p>1 flexible in how we look at this particular type of 2 service. 3 I'm with the Regulatory Policy Group at Sprint, 4 and I'm here representing all aspects of Sprint. The 5 incumbent carrier, the inter-exchange carrier, the 6 wireless provider, as well as the CLEC. And each of 7 those various entities have Voice-over-IP initiatives 8 either in place or in the works. 9 I think it's inevitable that anybody that's in 10 the telecommunication business as a provider will have to 11 be Voice-over-IP at some point in time. I think it's a 12 matter of when, and I think it's a matter of, you know, 13 what are the drivers. 14 Just as one example, within the local division, 15 we are converting the local switching from traditional 16 circuit switch, two packet switch, that's an initiative 17 that's underway right now, just happens to be -- 18 initially it's an ATM network. However, you know, we're 19 asking ourselves some very hard questions. Well, gosh, 20 you know, we get some special regulatory treatment 21 because this is IP, you know, maybe we should convert 22 that over to IP. 23 So, you know, we want to make sure that the 24 incentives are appropriate for carriers in the technology 25 that they do deploy.</p>
<p style="text-align: right;">42</p> <p>1 We actually agree with the free world about 2 dialup decision, classifying free world dialup as a 3 nonregulated information service. We also agree with the 4 AT&amp;T petition order where IP in the middle or what we 5 call multi-VoIP should be classified as basic telephone 6 service. Doesn't turn the basic telephone service into 7 an information bureau merely you got IP in the middle. 8 So those -- with those three myths in mind, I 9 mean I think you, when you go through -- when you hear 10 what some of the other speakers think, talk, think about 11 some of your preconceived notions about where the 12 providers stand on these issues, and I don't think you're 13 going to find that we're all lined up where you might 14 think we are. 15 We're all looking at this as a fresh 16 opportunity, and I'll hope you'll listen through the rest 17 of the comments with that in mind. 18 JIM BURT: Good morning. My name is Jim 19 Burt. And I'm here representing Sprint today. And I, 20 too, would like to thank the Staff and the Commission in 21 putting together this proceeding. And I think this is a 22 critical industry -- industry-wide issue. A lot of very 23 complex issues that I think we have to deal with. 24 And I think that overall, as I get into my 25 different positions, I think we all have to be very</p>	<p style="text-align: right;">44</p> <p>1 I mentioned that there are a lot of very 2 challenging issues here. But I also think that we need 3 to be very cautious because, with all of the excitement, 4 we need to be cognizant of what are the services that are 5 actually being provided. I think one of those cautions 6 is the idea of regulating the Internet. There are some 7 Voice-over-IP services that will use the Internet. 8 However, there are a lot of other Voice-over-IP services 9 that will not necessarily be using the Internet. 10 So I think we need to be very careful as we 11 take this brush and paint over all these Voice-over-IP 12 services. They're not all the same. I think we have to 13 look at each of those individually, and make a 14 determination as to how and what, if any, regulations 15 should apply to them. 16 We also have to be very cautious in making what 17 I'll call technical distin -- distinguishing 18 characteristics of the services. I think that's quite 19 dangerous. One example we saw in the AT&amp;T order on 20 access charges is the type of CPE that's being used. 21 You know, quite honestly I don't know if I know 22 today what a telephone is or what a computer is because 23 they're really -- we have telephones that are computers, 24 we have computers that act just like telephones. So I 25 think we have to be very cautious in looking at those</p>



<p style="text-align: right;">45</p> <p>1 types of lines of demarcation.</p> <p>2 If you draw a line in the sand and you regulate</p> <p>3 based on that, then there will be providers who,</p> <p>4 appropriately so, will try to step right over that line.</p> <p>5 Also, I think that there should be minimal</p> <p>6 regulation in a competitive market. I think that is</p> <p>7 consistent with what Keith mentioned from the</p> <p>8 Southwestern Bell perspective. I think that the</p> <p>9 traditional form of regulation that we see for dominant</p> <p>10 carriers isn't properly appropriate for dominant</p> <p>11 carriers. But as the dominance subsides, then we need</p> <p>12 what Sprint terms as regulatory parity. And -- and when</p> <p>13 I saw regulatory parity, I'm -- I'm saying that there</p> <p>14 should be less -- less regulation rather than more</p> <p>15 regulation. Again, I think it gets back to the type of</p> <p>16 services that are being provided.</p> <p>17 Public interest issues, I think, are so</p> <p>18 important. I think you will see almost everybody up here</p> <p>19 say the same thing in regards to 911, CALEA, disability</p> <p>20 access. Those are all very necessary. I think the</p> <p>21 question that we all grapple with: Should that be a</p> <p>22 requirement, or should that be voluntary?</p> <p>23 I don't know the answer to that. You know, I'm</p> <p>24 sure everybody up here, and we've heard that, are working</p> <p>25 very hard to make 911 function properly for</p>	<p style="text-align: right;">47</p> <p>1 need to have some flexibility, especially at the state</p> <p>2 level, in ensuring that those rights are made available</p> <p>3 to Voice-over-IP providers, even when they may not be</p> <p>4 specifically given based on the law that's in place.</p> <p>5 The last issue, my closing issue, is in regards</p> <p>6 to enforcement. I think we have to think carefully as we</p> <p>7 decide what regulations apply, what regulations don't</p> <p>8 apply. How are we going to enforce these? You know, I</p> <p>9 think the example that's out there, you can have</p> <p>10 Voice-over-IP, a provider of Voice-over-IP services</p> <p>11 utilizing a broadband connection, and they may not be in</p> <p>12 the United States. They may not be in the State of</p> <p>13 Missouri. How do you enforce regulation upon somebody</p> <p>14 that you cannot get to?</p> <p>15 So I think, again, as we get to parity, I think</p> <p>16 we need to take into account, and don't force regulation</p> <p>17 on those that you can get to and let others who are</p> <p>18 competing directly against those go without those rules</p> <p>19 being enforced.</p> <p>20 Thank you.</p> <p>21 PAUL DeFORD: Paul DeFord for Time-Warner</p> <p>22 Cable Voice-over-IP Residential (inaudible) Service. And</p> <p>23 I'd like to talk today a little bit about what that</p> <p>24 actually means.</p> <p>25 Next slide, please. Obviously we're going to</p>
<p style="text-align: right;">46</p> <p>1 Voice-over-IP.</p> <p>2 Will everyone that is deploying Voice-over-IP</p> <p>3 work so diligently to make that happen? I think that's a</p> <p>4 question we have to ask.</p> <p>5 And are we willing to potentially back up where</p> <p>6 we are today with public safety maybe a decade -- I think</p> <p>7 we have a pretty good system in place now, I think there</p> <p>8 are a lot of challenges for the PSAP, it's huge.</p> <p>9 Regarding inter-carrier compensation, we</p> <p>10 support inter-carrier compensation for Voice-over-IP</p> <p>11 traffic. We'll also echo what others have said, the</p> <p>12 current inter-carrier compensation scheme is very messed</p> <p>13 up. However, until we, as an industry, can fix that, we</p> <p>14 seen that it is -- we feel that it's appropriate that</p> <p>15 inter-carrier compensation does apply.</p> <p>16 The other issue which I think is critical and</p> <p>17 is starting to get a lot of discussion, that is the right</p> <p>18 to inter-connection, the right to get telephone numbers</p> <p>19 and the right to buy unleveled network elements. By law</p> <p>20 today, a Voice-over-IP provider, if it is deemed that is</p> <p>21 an information service, does not have any of those</p> <p>22 rights. I think all of those issues, depending on the</p> <p>23 type of Voice-over-IP service that is being provided, all</p> <p>24 of those rights are critical. So Sprint feels that we</p> <p>25 need to find a way to work through that. We think we</p>	<p style="text-align: right;">48</p> <p>1 need to understand what VoIP is, Voice-over-Internet</p> <p>2 Protocol. There are a couple of, I think,</p> <p>3 misconceptions, but it is fairly widely agreed upon that</p> <p>4 (inaudible) issue that we're clear on. VoIP is not</p> <p>5 necessarily (inaudible) requirement that the voice travel</p> <p>6 over the public Internet (inaudible).</p> <p>7 That's not necessarily the case. In some</p> <p>8 cases, especially in the case of Time-Warner, the voice</p> <p>9 calls will actually travel, per se, a private network,</p> <p>10 not a public network.</p> <p>11 Next slide. There really -- I think you've</p> <p>12 probably heard from a lot of folks up here on the panel</p> <p>13 already that there are really two major processes of VoIP</p> <p>14 service providers, as facilities-based and those that are</p> <p>15 not facilities-based. People like Time-Warner, who are</p> <p>16 facilities-based, that actually own the network, own the</p> <p>17 last mile or two to the customer's phone, and there will</p> <p>18 be other people that will be using generic broadband</p> <p>19 connectivity to provide an application rights on top of</p> <p>20 that broadband connectivity.</p> <p>21 The relevance of that distinction is really a</p> <p>22 (inaudible), is really a problem. We have no regulatory</p> <p>23 implications at this time. There's a lot that we're</p> <p>24 trying to sort out. The main thing is the ability to</p> <p>25 control call -- call quality and the security of the</p>



<p>1 call.</p> <p>2 Time-Warner Cable has a fairly significant</p> <p>3 voice history. Time-Warner entered the circuit switch</p> <p>4 market a number of years back, and we have been trying a</p> <p>5 Voice-over-IP product in Rochester, New York and</p> <p>6 Portland, Maine for about three years.</p> <p>7 The Portland market was transitioned to a full</p> <p>8 commercial launch in February of last year, and it</p> <p>9 actually is a more robust service offering than the</p> <p>10 original trial was.</p> <p>11 Next slide. Today Portland has over 15,000</p> <p>12 VoIP customers on its plan. Time-Warner has also</p> <p>13 launched in the Carolinas and Raleigh. We have about</p> <p>14 five thousand customers in Kansas City. The Kansas site</p> <p>15 is about three thousand customers, and I'm told we just</p> <p>16 began in Missouri, in Kansas City this last week.</p> <p>17 We are launching in Charlotte and Rochester,</p> <p>18 and Syracuse, Dayton, Akron and Columbus, at this point</p> <p>19 are all VoIP customers which basically means verifying</p> <p>20 network connectivity and (inaudible) tests, ready to</p> <p>21 launch.</p> <p>22 2004 will be the year that the Time-Warner</p> <p>23 (inaudible) virtually every one of its divisions across</p> <p>24 the country as a VoIP Service offering.</p> <p>25 Next slide, please. And this kind of gives you</p>	<p>49</p> <p>1 service, and does it use an IP service provider in the</p> <p>2 end, including the IP address or the IP termination</p> <p>3 (inaudible).</p> <p>4 Next slide, please. And the belief is that</p> <p>5 there are a number of responsibilities that those types</p> <p>6 of providers have including all the public safety and</p> <p>7 health issues, universal service, inter-carrier</p> <p>8 compensation, although there are many area -- issues</p> <p>9 around the inter-carrier compensation that still need to</p> <p>10 be addressed as (inaudible).</p> <p>11 Next slide, please. And, again, back to the</p> <p>12 issue VoIP provider rights. Basically we believe that</p> <p>13 they should have the rights to interconnections, to</p> <p>14 telephone numbers, access to the facilities, expect</p> <p>15 compensation, access to (inaudible).</p> <p>16 Next slide, please. Again, there are a number</p> <p>17 of legacy issues that need to be addressed in order to</p> <p>18 make sure this is a viable industry and viable service</p> <p>19 going forward. It's really a critical issue. We're</p> <p>20 finding that balance between not enough regulation and</p> <p>21 overregulation.</p> <p>22 Thank you.</p> <p>23 BROOKE SCHULZ: Hi. Hello. My name is</p> <p>24 Brooke Schulz. I'm from Vonage. I'm vice president of</p> <p>25 Corporate Communications. I'd like to defer to our lead</p>
<p>50</p> <p>1 a little idea of what the product looks like from the</p> <p>2 Time-Warner perspective. There are a couple key things</p> <p>3 up there that, for today's discussion, are particularly</p> <p>4 relevant. Things like the local number portability.</p> <p>5 This is a call calling service that makes use of the</p> <p>6 traditional PSTN types of functionalities, in terms of</p> <p>7 the ability to take your number from one carrier to</p> <p>8 another.</p> <p>9 Also, enhanced 911 is fully supported, as is</p> <p>10 CALEA.</p> <p>11 Next slide, please. And this is kind of an</p> <p>12 attempt to show the difference potentially between the</p> <p>13 POTS and PANS telephony services versus --</p> <p>14 (Thereupon, Video Tape 1 ended. Video Tape 2 began, as</p> <p>15 follows:)</p> <p>16 PAUL DeFORD: -- (inaudible), and that is</p> <p>17 that we believe that there are certain pieces that must</p> <p>18 be enforced. The public safety issues, particularly must</p> <p>19 be addressed.</p> <p>20 Next slide, please. And the NCA -- NCTA</p> <p>21 proposes a baseline test to determine whether or not our</p> <p>22 full service should be regulated, and that is does it use</p> <p>23 North American Numbering Plan resources, do you receive</p> <p>24 calls from and terminate calls to the PSTN, could it be</p> <p>25 looked at as a potential replacement for the home</p>	<p>52</p> <p>1 counsel.</p> <p>2 Would you like to present now?</p> <p>3 RON DeSESTO: No. Go ahead.</p> <p>4 BROOKE SCHULZ: Okay. Thank you.</p> <p>5 I'm here from Vonage. Would you like to roll</p> <p>6 the presentation, please?</p> <p>7 Before we get started, I'd like to a couple of</p> <p>8 statements about the NACENT industry that we're forming</p> <p>9 today. There's about three hundred thousand Voice-over-</p> <p>10 IP telephone lines, similar to what Vonage (inaudible)</p> <p>11 currently in the United States. And there are no fewer</p> <p>12 than twenty different providers of this kind of service</p> <p>13 to Missouri customers today.</p> <p>14 So I'd like to highlight the fact that this is</p> <p>15 a very new industry comparatively to the one hundred and</p> <p>16 eighty-seven billion telephone lines in the United States</p> <p>17 and the hundred and forty billion wireless telephone</p> <p>18 lines in the United States. So we're at a very new dawn</p> <p>19 in this industry.</p> <p>20 I'd also talk -- like to talk about some of the</p> <p>21 differences between our service and local telephone</p> <p>22 service. Our service works over the Internet. It uses</p> <p>23 the public Internet. It uses a computer to communicate</p> <p>24 with the PSTN and other computers. Therefore, it knows</p> <p>25 not where it is. It knows not what phone numbers it's</p>



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1 using.

2 The traditional notion of phone numbers having

3 a geographic significance and services having a

4 geographic significance is completely new in this

5 industry, and it does not know where it is. It does not

6 even what country it's in. So we're entering a new

7 industry here.

8 I'd also like to highlight the fact that there

9 is state regulations, as has been commented on by the

10 panel previously. Fifty-one competing state regulations

11 will not only kill this industry, but it will force

12 providers to exist the marketplace, force offshoring of

13 this industry, job loss here in the United States, loss

14 of a tax base, loss of jurisdiction.

15 And I would like to caution, respectfully

16 caution the PSC and the Staff in terms of recognizing

17 what kind of new industry we're in, what kind of

18 regulations are appropriate, and who should regulate this

19 industry. We do believe that there's an interstate

20 component here that is -- you cannot ignore. And that is

21 to be mandated at the federal level.

22 I'd like to defer to my lead counsel.

23 RON Del SESTO: Actually, I'm outside

24 counsel for Vonage. My name is Ron Del Sesto. I'm with

25 the law firm of (inaudible), and we are primary counsel

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1 to Vonage.

2 One thing I would like to also point out, going

3 to what we were saying about the basic service

4 (inaudible) of the industry is you can see from the

5 Missouri PSC Staff Report that the projected growth of

6 VoIP services is expected to rise to 4.5 million by one

7 -- by one industry or by one research organization by

8 2007.

9 If you assume that are three hundred thousand

10 users of VoIP services now, some people would put the

11 number closer to two hundred thousand, but if you assume

12 there's three hundred thousand, that's a hundred and

13 fifty percent year over year growth from now until 2007.

14 Even at that time, VoIP services would comprise a little

15 bit over two percent as compared to wire line access

16 lines, and obviously much less than that if you added to

17 that number 140 million users of wireless services, which

18 is expected to grow. So it is still at the very

19 beginning stage.

20 I would also like to echo the other statements

21 made today regarding Missouri PSC Staff's efforts. It

22 was a very collaborative process. It is a very thorough

23 report, and everybody did have their input.

24 That said, there are some aspects of it that

25 Vonage would disagree with, in particular Part 3 of the

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1 report that indicates Missouri's specific potential VoIP

2 impacts. That particular part of the report talks about

3 the potential VoIP impa -- potential impacts on sale tax

4 (sic) revenue -- sales tax revenues, Relay Missouri

5 Funding, E-911 Funding, Regulatory Assessment Funding,

6 and local exchange carrier revenue impact.

7 Each one of these, when you read the report and

8 look at the data provided in the report, really needs to

9 be evaluated carefully. The impact, or potential impact,

10 at this point in time is extremely speculative, and I

11 believe it's also premature, and I do believe further

12 study is needed to even make or even to suggest that some

13 of these conclusions may -- may be accurate.

14 For instance, sales tax -- sales tax revenues

15 impact are the -- all of these -- all of these parts of

16 the report contain a phrase something similar to the

17 extent of this impact will depend on the extent to which

18 telephony begins to serve as a substitute for traditional

19 telephone service. This is not yet the case, this

20 probably is not going to be the case for twenty years.

21 VoIP services as a replacement for local

22 telephone service is extremely speculative at this point

23 in time. Wireless services aren't even considered

24 replacement for wire line, local exchange access lines

25 and there's a 140 million. So, throughout the report,

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1 this is one assumption.

2 The other part that I'd like to focus on is the

3 local exchange carrier revenue impact, or 5, if you --

4 no, Part 3, No. 5. There's a table that shows revenue

5 for access charge losses. It's labeled as Table 1, or

6 Missouri Small Telephone Companies.

7 There is really no way, by looking at this

8 report, to see how these numbers were arrived at.

9 There's a footnote dropped to a proceeding in Missouri.

10 But I -- I think the suggestion is that VoIP will have

11 this type of impact on the small Missouri telephone

12 companies, and that just simply cannot be the case when

13 VoIP services right now comprised less than 101 percent

14 of local telephone services, if you can call it telephone

15 service.

16 And what -- by 2007, a hundred fifty seven

17 percent year over year of growth would comprise less than

18 -- approximately 2.4 percent of telephone lines.

19 That's all. Thanks.

20 JOHN VAN ESCHEN: I think what I'd like to

21 do right now is take a quick break. We'll take about a

22 seven-minute break.

23 After the break, we'll plan to spend maybe five

24 or ten minutes tops talking about federal deployment

25 activity, and then we'll get into a panel discussion on



<p style="text-align: right;">57</p> <p>1 various VoIP issues after that.</p> <p>2 Right now, why don't we take a seven-minute</p> <p>3 break.</p> <p>4 (Thereupon, there was a break taken in the proceedings.)</p> <p>5 NATELLE DIETRICH: -- (inaudible) that has</p> <p>6 taken place since the report was issued or published.</p> <p>7 First of all, Congress is working on a tax --</p> <p>8 Internet tax bill. So that's something everybody will</p> <p>9 probably want to watch. The industry working groups</p> <p>10 continue to work on inter-carrier compensation proposals.</p> <p>11 The last I heard was that the proposals will be released</p> <p>12 around May 5th through the middle of May.</p> <p>13 In the Vonage petit -- or the Vonage case</p> <p>14 before the Minnesota Commission, Minnesota has appealed</p> <p>15 the decision that it is not allowed to regulate Vonage's</p> <p>16 service. The FCC has filed with the Court asking them to</p> <p>17 hold off on any kind of decision until the FCC does</p> <p>18 complete its inve -- or IP-imbedded -- IP-enabled, excuse</p> <p>19 me, NPRN proceeding.</p> <p>20 So right now I'd like to spend the rest of the</p> <p>21 talking about the AT&amp;T petition and the Commission's</p> <p>22 order.</p> <p>23 Just real briefly, AT&amp;T petitioned the FCC</p> <p>24 asking them to determine that access does not apply to</p> <p>25 phone-to-phone VoIP. They, in their petition, stated</p>	<p style="text-align: right;">59</p> <p>1 They said that interstate access applies</p> <p>2 because AT&amp;T imposes the same burdens on the local</p> <p>3 exchange network as any other traditional</p> <p>4 circuit-switched inter-exchange call.</p> <p>5 They said the service provides no enhanced</p> <p>6 functionality, and should not apply access, would create</p> <p>7 artificial incentives for carriers to move to IP</p> <p>8 networks. In other words, the carrier to move to IP just</p> <p>9 to avoid paying the access.</p> <p>10 Finally, the one thing that they did highlight</p> <p>11 in the order and also in their statements that were</p> <p>12 attached was that their decision applied to this order.</p> <p>13 They may change their mind once they review all the</p> <p>14 comments of the NPRN. But at least for the time being,</p> <p>15 based on the current rules and regulations, access</p> <p>16 charges do apply.</p> <p>17 They also went on to say that they recognize</p> <p>18 that several of the decisions and statements that they</p> <p>19 have released in the past could potentially provide</p> <p>20 conflict on when access does and does not apply, but they</p> <p>21 hope that this order, at least for the interim, provides</p> <p>22 some clarity.</p> <p>23 So that's about all that's happened since the</p> <p>24 report was released.</p> <p>25 JOHN VAN ESCHEN: Did anybody want to</p>
<p style="text-align: right;">58</p> <p>1 that AT&amp;T already pays compensation, whether it's in the</p> <p>2 form of paying for lines, through the tariff prices or</p> <p>3 through reciprocal compensation to the CLECs. They are</p> <p>4 paying compensation. And that it provides an incentive</p> <p>5 for them to invest if they do not have to pay access</p> <p>6 charges.</p> <p>7 The FCC on April 21st issued its order, and the</p> <p>8 order clarified that, under the current rules, the</p> <p>9 service AT&amp;T offers is a telecommunication service. The</p> <p>10 FCC said that the I -- it's an IC service that uses</p> <p>11 ordinary customer privacy equipment with no enhancement</p> <p>12 technology, it originates and terminates on the public</p> <p>13 switch telephone network, there is no net protocol</p> <p>14 conversion, and it provides no enhanced functionality to</p> <p>15 the end user.</p> <p>16 In other words, end users do not order a</p> <p>17 different service, pay different rates or place and</p> <p>18 receive calls any differently than through AT&amp;T's</p> <p>19 traditional circuit switch long-distance service. It's</p> <p>20 just a one-plus dial call.</p> <p>21 They said that AT&amp;T's decision to use the</p> <p>22 Internet backbone as part of the process, the IP in the</p> <p>23 middle, so to speak, was strictly a company decision and</p> <p>24 had nothing to do with the way the call was transported</p> <p>25 or terminated.</p>	<p style="text-align: right;">60</p> <p>1 follow up with Natelle's comments?</p> <p>2 LETTY FRIESEN: Could I make just one</p> <p>3 clarifying remark?</p> <p>4 JOHN VAN ESCHEN: Yes.</p> <p>5 LETTY FRIESEN: I believe --</p> <p>6 JOHN VAN ESCHEN: Could you use the mic?</p> <p>7 And I think I want to remind all the panelist to make</p> <p>8 sure your mics on.</p> <p>9 And we are trying to video tape this forum.</p> <p>10 So, if it'll help with the taping of it, if everybody</p> <p>11 tries to speak into the mic and make sure it's on.</p> <p>12 LETTY FRIESEN: The FCC petition that was</p> <p>13 just discussed in regard to AT&amp;T, as I said in my opening</p> <p>14 remarks, applied to our phone-to-phone voice service.</p> <p>15 AT&amp;T does pay originating access on that. It doesn't pay</p> <p>16 terminating, or wasn't paying terminating.</p> <p>17 It does not apply to our Call Vantage Service.</p> <p>18 Our Call Vantage Service, the one I discussed and</p> <p>19 introduced this morning, is a consumer product that is</p> <p>20 computer-phone or computer-computer. It's not</p> <p>21 phone-to-phone or IP-in-the-middle.</p> <p>22 So I just wanted to make that clarification,</p> <p>23 because I think that was confused a little bit down the</p> <p>24 line here.</p> <p>25 Thank you.</p>



<p>61</p> <p>1 JOHN VAN ESCHEN: Anyone else?</p> <p>2 PANEL: (No response.)</p> <p>3 JOHN VAN ESCHEN: Okay.</p> <p>4 In this part of the forum, I intend to ask the</p> <p>5 panelists a series of eleven questions that are based on</p> <p>6 some of the issues identified in Part 4 of the report.</p> <p>7 And as I pose a particular question, I'll try</p> <p>8 and identify panelists who appear to share a similar</p> <p>9 position to the question. I'll then ask one member of</p> <p>10 the group to act as sort of a spokesperson for the group</p> <p>11 to explain their response.</p> <p>12 If you feel the need to further elaborate your</p> <p>13 group's position, feel free to speak up. However, I want</p> <p>14 to please refrain or remind the panelists not to repeat</p> <p>15 thoughts expressed by the spokesperson. And I'd like</p> <p>16 everyone to keep their responses short and to the point.</p> <p>17 Most responses, I'd like to try and keep to one</p> <p>18 minute or less. However, I realize that some of the</p> <p>19 questions may require a slightly longer response. And</p> <p>20 don't be offended if I cut someone off, as I'm just</p> <p>21 trying to keep the forum moving along.</p> <p>22 Depending on how much time we have, we -- I may</p> <p>23 allow other parties to rebut anything that some of the</p> <p>24 other panelists might have said. If so, just raise your</p> <p>25 hand and we'll call on you.</p>	<p>63</p> <p>1 application that rides on top of a consumer's broadband</p> <p>2 connection. We flow over the Internet.</p> <p>3 The consumer or customer can have a unit in any</p> <p>4 place that they want in the world. And if this had a</p> <p>5 Jefferson City phone number, and I made a phone call from</p> <p>6 this room to another customer in Jefferson City, that</p> <p>7 might be a local call. If I took this to Wichita and</p> <p>8 made a phone call with a Jefferson City phone number that</p> <p>9 was assigned to this unit, would that be a local phone</p> <p>10 call or that would not be a local phone call? And how we</p> <p>11 would know that that customer was in Wichita and not in</p> <p>12 Jefferson City, or for that matter, in the United States?</p> <p>13 The issues and the problems that arise are</p> <p>14 significant, and especially when you start looking at the</p> <p>15 multiple jurisdictions that could attempt to exercise on</p> <p>16 their authority would limit and basically force out</p> <p>17 Voice-over-IP providers from any of those states.</p> <p>18 Again, I think the final point I'd like to make</p> <p>19 is that classifying Voice-over-IP as an interstate</p> <p>20 information service seems to be consistent with what the</p> <p>21 FCC has done with other application services over the</p> <p>22 last years, and as recently as with the (inaudible)</p> <p>23 petition.</p> <p>24 I'd like to yield to any of my other colleagues</p> <p>25 that have thoughts here.</p>
<p>62</p> <p>1 With that, I'd like to jump right into the</p> <p>2 first question.</p> <p>3 Should VoIP be classified as an information</p> <p>4 service or as a telecommunication service?</p> <p>5 And this particular question appears to be at</p> <p>6 the crux of the pending debate over VoIP services in the</p> <p>7 sense that information services are generally free from</p> <p>8 regulation like telecommunication services are not.</p> <p>9 Some parties, such as AT&amp;T, Level 3, Nuvio and</p> <p>10 Vonage, contend that VoIP should be classified as an</p> <p>11 information service. In contrast, other parties, such as</p> <p>12 Staff, Century Tel, Charter, Small Local Exchange</p> <p>13 Companies and possibly Sprint, seem to believe that any</p> <p>14 service, including VoIP that acts as a substitute for</p> <p>15 traditional telephone service, should be classified as a</p> <p>16 telecommunication service and not as an information</p> <p>17 service.</p> <p>18 So I -- for the group that believes VoIP should</p> <p>19 be classified as an information service, could you</p> <p>20 explain your group's position?</p> <p>21 We need the mic.</p> <p>22 JASON TALLEY: Briefly, as I indicated in</p> <p>23 some of my earlier comments, the ability to determine</p> <p>24 what is interstate and what is intrastate with at least</p> <p>25 our brand of Voice-over-IP is problematic. We are an</p>	<p>64</p> <p>1 JOHN VAN ESCHEN: Matt, you want to go</p> <p>2 next? You have some.</p> <p>3 UNIDENTIFIED SPEAKER: On behalf of the</p> <p>4 opposing group that does not believe that these services</p> <p>5 do not constitute information services, I'd like to state</p> <p>6 that in it's -- in its 1919 -- 1998 report to Congress,</p> <p>7 the FCC stated that the classification of a service under</p> <p>8 the Telecommunications Act depends on the functional</p> <p>9 nature of the end user's offerings.</p> <p>10 In other words, the question is: Is it an</p> <p>11 information service, or is it a telecommunication</p> <p>12 service?</p> <p>13 In its analysis of this issue, the FCC stated</p> <p>14 that if the VoIP provider does not offer the capability</p> <p>15 for generating, acquiring, storing, transporting,</p> <p>16 processing, retrieving, utilizing or making available</p> <p>17 information, the service lacks the characteristics that</p> <p>18 would render them information services and instead bear</p> <p>19 the characteristics of telecommunication services.</p> <p>20 The FCC further stated that, when an IP</p> <p>21 telephony service provider employs a gateway within the</p> <p>22 network to enable phone-to-phone service, it creates a</p> <p>23 virtual transmission path between points on the public</p> <p>24 switch network, over a packet switch IP network.</p> <p>25 These providers typically purchase the dialup</p>



<p style="text-align: right;">65</p> <p>1 or dedicated service from carriers who use those circuits 2 to originate or terminate IP-based calls. 3 From a functional standpoint, users of these 4 services obtain only voice transmission rather than 5 information services, such as access to storage files. 6 These are both comments taken from the FCC's 7 report to Congress in the matter of the Federal/State 8 Joint Board on Universal Service, released in April of 9 1998. 10 These VoIP providers are offering a service 11 that is functionally equivalent to traditional phone 12 service. To the extent that VoIP service connects at any 13 point to the public service switch telephone network, the 14 VoIP service should be considered a communication service 15 and should be regulated the same as traditional 16 communication services. 17 Furthermore, under Missouri law, any 18 telecommunication service, regardless of the technology 19 utilized, is subject to this Commission's jurisdiction 20 unless it falls within specific statutory exemptions set 21 forth in Section 3 and 6.02, Paragraph 53. Currently 22 there is no such exemption for Voice-over Internet 23 Protocol. 24 JOHN VAN ESCHEN: Would anyone care to add 25 to that?</p>	<p style="text-align: right;">67</p> <p>1 And perhaps the application providers early on 2 made a strategic error when they grasped onto the 3 technology in terms of what they were going to put 4 forward as their service versus calling it something 5 else, like a data communication service, and getting far 6 away from technology. 7 But, again, I think the problem we have here is 8 we're trying to develop a regulatory paradigm around a 9 technology, not a round of service. And not only does it 10 shift us completely from what our normal parameters are, 11 but it really -- it's dangerous for the future in terms 12 of what do we do when the next new technology comes 13 around. 14 JOHN VAN ESCHEN: I'd like to move onto 15 the next question, if we can. 16 Question No. 2: Will VoIP contribute to 17 premature exhaustion of telephone numbers? 18 In the report, parties such as Century Tel, the 19 Staff and the Small ILECs, believe that VoIP will 20 contribute to premature telephone number exhaust. Other 21 parties, such as AT&amp;T, Level 3, Charter, MCI and Nuvio 22 and Vonage, contend that VoIP use of Virtual NXX codes is 23 a little different than traditional telephone company use 24 of FX lines. 25 They appear to be saying NXX usage is not</p>
<p style="text-align: right;">66</p> <p>1 JIM BURT: Yeah. Just quickly. 2 I think the reason Sprint is very reluctant to 3 take positions is because if you call it one thing, an 4 information service, some of the rights that I addressed 5 would be an issue for us. 6 So I think, in the end, we have to figure out 7 the new way in which we should deal with this particular 8 type of service. At a federal level, I think, are they 9 going to go Title I, less regulation Title II, and 10 forebear -- you know, I don't know. But I think maybe 11 the much more important question, and I don't know if you 12 can respond, I don't know if this is appropriate for this 13 format, but, you know, if the FCC decides that it is a 14 telecommunication service or an information service, 15 maybe more importantly, what does that mean in the state? 16 Does that necessarily mean that you have to treat it the 17 same way? 18 JOHN VAN ESCHEN: Terry. 19 CARRIE COX: The mics are so far away. 20 Yeah, I don't need a mic anyway. Oh, for the video. 21 I'll just add one short comment. I think this 22 question really highlights the problem that I raised 23 earlier, which was this new paradigm of trying to 24 regulate based on technology versus based on a services 25 description.</p>	<p style="text-align: right;">68</p> <p>1 unique in VoIP, and VoIP should not be singled out. 2 Would one member of the group that believes 3 VoIP contributes to premature exhaustion of telephone 4 numbers care to explain their group's position? 5 UNIDENTIFIED SPEAKER: Yeah, I think we 6 think that the number of issues associated with VoIP may 7 be related to one of the biggest wild card issues out 8 there mainly because we haven't had the time or the 9 experience to figure out all the creative aspects of how 10 this could take place. 11 Before we talk about numbers exhaustion, 12 though, I think it's important that we talk about what 13 Virtual NXX is. It's really more from a LEC standpoint, 14 it's more of an arbitrage issue. You have other services 15 out there, such as FX and 1-800 service, that allow local 16 users, our local users to make local calls toll free. 17 VNXX, You just can't say it's the same as FX or 18 1-800 service because those other two services have 19 imputed access charges built into that. VNXX does not. 20 It's access avoidance at its most basic level. 21 When Century Tel and other LECs are seeing, and 22 these are in really small markets, is if you have CLECs 23 coming in, and supposedly ISP-related service, where all 24 the traffic is one way, and they're serving ISPs located 25 in larger cities. And if you look at the competitive</p>



<p style="text-align: right;">69</p> <p>1 nature of local dialup Internet access or, in this case,  2 VoIP, I don't know how VoIP providers they said there are  3 now, but there is usually a small market where it is  4 competitive. You may have one or two customers take that  5 service. And that requires the CLEC to serve that  6 customer for the ISP to open a thousand or even thousand  7 numbers at that point to serve those one or two people.  8 And so we -- you have nine hundred and ninety  9 if it's one customer, or nine thousand nine hundred  10 ninety-nine numbers that aren't being used locally at  11 that point. But each time they open an VNXX, then  12 they're using numbers. And that can happen from exchange  13 to exchange to exchange.  14 So what you're seeing is smaller markets and  15 more rural customers to some extent subsidizing ISP with  16 much larger markets.  17 That's --  18 JOHN VAN ESCHEN: AT&amp;T, would you care to  19 respond?  20 LETTY FRIESEN: I would. Thank you.  21 I think that this is really a red herring  22 issue. I think VNXX and FX are, in fact, identical  23 services.  24 And to tell you why I think that, I want to  25 back up for just a minute. Set outside VoIP. VoIP</p>	<p style="text-align: right;">71</p> <p>1 is -- is a problem everywhere. It's not just VNXX. If  2 you don't have thousand block number pooling, if you've  3 got carriers that are not paying attention to the number  4 of conservation and not taking care to not return numbers  5 that they're not using, then you're going to have a  6 number exhaust problem. That exists with every service  7 today, not just VNXX.  8 So I'd submit to you that this is indeed a red  9 herring issue; that VNXX is nothing more than a  10 competitor to the FX product. There's a lot of ICOs that  11 Century Tel and other folks have. It is not an arbitrage  12 issue here. It is really an issue that has to do with  13 them wanting to impose access VNXX and put their  14 competitor out of business. And it doesn't really  15 implicate VoIP one way or the other. It doesn't led to  16 number exhaust.  17 JOHN VAN ESCHEN: Real quickly, Bob.  18 BOB SCHOONMAKER: Two comments. First of  19 all, in regards to the (inaudible) with FX. As I  20 understand it, FX service, from somebody who (inaudible)  21 in FX services, they have to arrange physical facility to  22 go from Jefferson City to California in order to carry  23 it, and they pay for that physical facility, which is  24 something that's very different from what's been with  25 Virtual NXX.</p>
<p style="text-align: right;">70</p> <p>1 doesn't really necessarily implicate VNXX or FX, but it  2 implicates both. So let's set aside VoIP.  3 If you look at the public switch network today  4 and thirty years ago, the way calls are routed and rated  5 are by the NPA and XX, that's the area call from the  6 first three digits.  7 Now those are rated and routed per where the  8 switch locations are and things in the switch table. And  9 they are not rated and routed by customers' physical  10 location. So thirty years ago, just as you can today,  11 you can load NPA and XX into your switch, you can give  12 one of those numbers to the customer. Let's say, for  13 example, in the Staff's Report, it's in California, and  14 it can't be a local number for Jefferson City. And then  15 the folks in California can call Jefferson City, or the  16 folks in Jefferson City can call the California customer,  17 as though they're making a local call. That service is  18 called FX service. It's been around for thirty years.  19 Virtual NXX service is nothing more than FX  20 service offered over a different kind of network, the  21 newer network. And that's why you see a lot of CLECs  22 offering what's called VNXX as opposed to FX. But those  23 are identical services. They can use the numbers in the  24 same way.  25 Number exhaust, when it comes to opening up NXX</p>	<p style="text-align: right;">72</p> <p>1 Second comment, in regard to number exhaust,  2 and I think it hasn't been commented on yet, and that is  3 the question with VoIP of whether -- instead of having  4 one number, a person will have three. As the device that  5 Jason had, to order fifteen or thirty or a hundred  6 numbers assigned to them so that they can make local  7 calls in various places.  8 And I certainly see at least the potential  9 under today's system for a vast expansion in the number  10 of -- numbers that are assigned to an individual that  11 could have problems with number exhaust.  12 JOHN VAN ESCHEN: Vonage, real quickly.  13 RON DEL SESTO: I would just like to point  14 out that the Industry Network Committee studied this very  15 issue at the direction of the North American Numbering  16 Council, which is a federal advisory board to the FCC.  17 And after a year of investigating the issue,  18 was not able to come to any conclusion, and in fact, did  19 not come to any conclusion that this would be a premature  20 exhaustion of telephone numbers.  21 The rate center structure mentioned by  22 Mr. Jones was set up in the early 1940s actually by AT&amp;T  23 at the time to maintain the geographic association of  24 telephone numbers of purposes of routing and rating a  25 telephone call.</p>



<p style="text-align: right;">73</p> <p>1 If this structure were to go away, the -- the</p> <p>2 necessity of obtaining a thousand block or a ten thousand</p> <p>3 block allocation of numbers in a particular (inaudible)</p> <p>4 would also go away.</p> <p>5 But I'd like to also mention that the number</p> <p>6 conservation and number reporting measures put in place</p> <p>7 by the FCC has greatly extended the life of many NPAs and</p> <p>8 in some areas, has extended them from exhausted in two or</p> <p>9 three years to exhausted in ten or fifteen years.</p> <p>10 So this is not -- a premature number exhaust is</p> <p>11 a separate and distinct issue from what the initial cost</p> <p>12 to the rating issue that is brought up when you talk</p> <p>13 about foreign exchange services.</p> <p>14 If we're just talking about the premature</p> <p>15 exhaustion of telephone numbers, there really is no</p> <p>16 evidence to suggest that VoIP services would -- would</p> <p>17 lead to premature exhaustion with that study of the</p> <p>18 Industry Numbering Committee.</p> <p>19 JOHN VAN ESCHEN: You have something new</p> <p>20 to add?</p> <p>21 UNIDENTIFIED SPEAKER: Yeah. I just</p> <p>22 wanted to point out that from a consumer perspective, the</p> <p>23 geographic importance of NPAs is rapidly diminishing. I</p> <p>24 have a wireless service and a home service. Neither one</p> <p>25 of which makes any distinction in my rates for whether I</p>	<p style="text-align: right;">75</p> <p>1 held to the same emergency telephone service standards as</p> <p>2 traditional telephone companies.</p> <p>3 Jason, I believe you were going to --</p> <p>4 JASON TALLEY: I think it's Vonage.</p> <p>5 JOHN VAN ESCHEN: Oh, Vonage.</p> <p>6 BROOKE SCHULZ: Yes. Thank you.</p> <p>7 Vonage actually is the first non-geographic</p> <p>8 Voice-over-IP provider to offer any sort of emergency</p> <p>9 calling service. AT&amp;T followed in suit with the launch</p> <p>10 of their Call Vantage product.</p> <p>11 We believe that both of these developments in</p> <p>12 the industry are a result of consumer demand and</p> <p>13 competitive market forces.</p> <p>14 Outside of an existing technical standard for</p> <p>15 applying emergency or E-911 services to Voice-over-IP</p> <p>16 applications, we think that the industry is taking the</p> <p>17 right step in developing a solution in conjunction with</p> <p>18 NAENA (ph.) and ENRIC (ph.) and ATIS to get to a typical</p> <p>19 solution.</p> <p>20 Right now, the services available in the</p> <p>21 marketplace are basic. However, we are moving toward</p> <p>22 E-911 or Phase II Solution.</p> <p>23 Also, the FCC is looking at this issue. The</p> <p>24 FCC recently held an Internet Policy Working Group 911</p> <p>25 Solution Summit. So the wheels are in motion. Many of</p>
<p style="text-align: right;">74</p> <p>1 call within the same NPA to a different NPA, or whatever.</p> <p>2 This is a service -- this is the way consumers want to</p> <p>3 get their service.</p> <p>4 And when they do this, the particular NPA</p> <p>5 associated with their number will become increasingly</p> <p>6 irrelevant.</p> <p>7 So I see Voice-over-IP as having the potential</p> <p>8 to open up resources that are currently stranded in the</p> <p>9 areas where there is not sufficient demand for full NPAs</p> <p>10 and XXXs or 1000 blocks. Because if a person doesn't</p> <p>11 care whether their NPA and XX is associated with any</p> <p>12 particular geographic area, this opens the opportunity to</p> <p>13 vast new efficiencies in numbering usage.</p> <p>14 JOHN VAN ESCHEN: Question 3 -- let's move</p> <p>15 on.</p> <p>16 Should VoIP providers be held to the same</p> <p>17 emergency telephone service standards as traditional</p> <p>18 telephone companies?</p> <p>19 Parties, such as AT&amp;T, Nuvio and MCI and</p> <p>20 Vonage, contend that voluntary compliance with emergency</p> <p>21 telephone standards is appropriate for VoIP services.</p> <p>22 And other parties, such as Staff, Big River and</p> <p>23 the Small ILECs and Century Tel, appear to believe that</p> <p>24 VoIP providers who provide services functionally</p> <p>25 equivalent to basic local telephone service should be</p>	<p style="text-align: right;">76</p> <p>1 the providers on the marketplace, including the federal</p> <p>2 government, including many of the smaller operators, are</p> <p>3 looking at how to solve this E-911 issue.</p> <p>4 And in response to competitive market demand,</p> <p>5 we are offering 911 services as best is to our ability.</p> <p>6 JOHN VAN ESCHEN: Bob.</p> <p>7 BOB SCHOONMAKER: Well, I certainly agree</p> <p>8 that there are some technical issues involved with use of</p> <p>9 VoIP providing 911 typically because of its affordability</p> <p>10 and there are issues that need to be addressed.</p> <p>11 And they are being addressed, I think. I</p> <p>12 applaud efforts of Vonage and AT&amp;T and others to try to</p> <p>13 recognize the importance of it, and try to address it.</p> <p>14 I would say, though, that I think many of us</p> <p>15 believe that voluntary efforts are not sufficient. We've</p> <p>16 seen in other parts of the telecommunications industry in</p> <p>17 the past that, although there are major providers that</p> <p>18 step up to those requirements, very frequently there are</p> <p>19 smaller providers who don't. And consequently 911 has</p> <p>20 been identified as a critical social need, with costs</p> <p>21 imposed on the LEC industry and the wireless industry to</p> <p>22 provide that kind of service, and the wireless industry</p> <p>23 particularly with the portable service, and requirements</p> <p>24 need to be placed on the VoIP providers as well to meet</p> <p>25 that social need.</p>



<p style="text-align: right;">77</p> <p>1 JOHN VAN ESCHEN: (Inaudible).</p> <p>2 BOB SCHOONMAKER: One more comment is</p> <p>3 there's a heck of a lot of standards work that's yet to</p> <p>4 be done in this -- in this area. And those standards not</p> <p>5 only affect the Voice-over IP providers, but more</p> <p>6 importantly the equipment manufacturers.</p> <p>7 Until that standards work is done, it's really</p> <p>8 going to be impossible to implement something</p> <p>9 consistently that will be applied to all VoIP providers,</p> <p>10 all network providers.</p> <p>11 And so that work is critical.</p> <p>12 JOHN VAN ESCHEN: New information?</p> <p>13 UNIDENTIFIED SPEAKER: Just one comment,</p> <p>14 and maybe a question.</p> <p>15 JOHN VAN ESCHEN: Okay.</p> <p>16 UNIDENTIFIED SPEAKER: As far as -- in</p> <p>17 terms of the 91 -- the 911 issue and its portability,</p> <p>18 could that be addressed by simply putting a -- some kind</p> <p>19 of a global positioning -- wireless global positioning</p> <p>20 device inside the portable unit?</p> <p>21 LETTY FRIESEN: I'll address that.</p> <p>22 GPS is a novel technology. It is -- works in</p> <p>23 some applications. However, it is not ready for prime</p> <p>24 time with regard to Voice-over-IP simply because, when</p> <p>25 you're using a Voice-over-IP service, the IP address has</p>	<p style="text-align: right;">79</p> <p>1 and I'm not saying one way or the other to comply with</p> <p>2 911, I think what we have to do is make sure all of the</p> <p>3 infrastructure arrives there at the same point in time.</p> <p>4 What we don't want is to put a bunch of</p> <p>5 regulations on the service providers, but then not</p> <p>6 adequately fund the PSAP such that they can be there at</p> <p>7 the same point in time.</p> <p>8 JOHN VAN ESCHEN: Question 4: What inter-</p> <p>9 company compensation, if any, is appropriate for VoIP</p> <p>10 calls?</p> <p>11 AT&amp;T, Level 3, MCI and Nuvio, Vonage, appear to</p> <p>12 contend that access charges should not apply to VoIP</p> <p>13 telephone calls even when access charges would otherwise</p> <p>14 apply in the same call using circuit switch technology.</p> <p>15 In contrast, Century Tel, Charter, Southwestern</p> <p>16 Bell, Sprint, the Small ILECs, and Staff seem to indicate</p> <p>17 that access charges should apply to all access services.</p> <p>18 And I'd like each member of the group to</p> <p>19 explain their position. And as you do so, I'd like to</p> <p>20 see if you could also comment on what challenges or</p> <p>21 difficulties exist in attempting to apply access charges</p> <p>22 to VoIP telephone calls.</p> <p>23 And also, Part 3 of the report suggests that</p> <p>24 many ILECs in Missouri, especially those companies</p> <p>25 serving primarily rural areas, heavily rely on the switch</p>
<p style="text-align: right;">78</p> <p>1 no geographical information. So you need to use another</p> <p>2 means of gaining some geographic input.</p> <p>3 GPS is not appropriate because GPS loses its</p> <p>4 signal when you enter a building, does not know what</p> <p>5 floor you're on, doesn't know where you are in that</p> <p>6 building. So, once you go inside a physical structure,</p> <p>7 the -- the adequacy of GPS is greatly diminished.</p> <p>8 So there are other technologies out there that</p> <p>9 are being worked on. But as far as the geographical</p> <p>10 information, it's a very, very complex issue facing the</p> <p>11 Voice-over-IP community, as well as out-of-rate center</p> <p>12 numbers. That's another issue in terms of PSAP</p> <p>13 capability, how to handle out-of-rate center numbers,</p> <p>14 similar to the wireless industry.</p> <p>15 I'd like to also highlight the fact that</p> <p>16 Voice-over-IP providers, like Vonage and AT&amp;T, have</p> <p>17 offered service one year after soft launch. The wireless</p> <p>18 industry took ten years to get to any sort of capable 911</p> <p>19 service. So I think that we're going a good job in</p> <p>20 getting our services compliant, and to the best of our</p> <p>21 ability.</p> <p>22 JOHN VAN ESCHEN: Bob, okay. Real short.</p> <p>23 BOB SCHOONMAKER: I'll actually be talking</p> <p>24 about all these issues, but I don't want to promise.</p> <p>25 I -- if we require the Voice-over-IP providers,</p>	<p style="text-align: right;">80</p> <p>1 access revenue.</p> <p>2 I'd like you to explain whether VoIP will have</p> <p>3 a significant impact on these revenues within the next</p> <p>4 five years.</p> <p>5 Nuvio, Jason.</p> <p>6 JASON TALLEY: Either that or Bob can do</p> <p>7 it. I guess he was a proponent of this. It's up to you.</p> <p>8 JOHN VAN ESCHEN: Bob.</p> <p>9 BOB SCHOONMAKER: I'll go ahead.</p> <p>10 Several items. I don't know if I'll make it in</p> <p>11 a minute or not.</p> <p>12 First thing that I think we need to point out</p> <p>13 is that most of the VoIP services rely on some type of a</p> <p>14 broadband connection in order to tie them in. That means</p> <p>15 there has to be some type of network there. In the urban</p> <p>16 areas, there's frequently more than one network. In the</p> <p>17 rural areas, that's less so. And particularly less so</p> <p>18 once you get out of town. Generally out of town there's</p> <p>19 not a cable T.V. provider, and so the telephone company</p> <p>20 network is the only network that would be able to carry</p> <p>21 the support services.</p> <p>22 Support for the loop today, which is the same</p> <p>23 loop that's used to provide broadband service if it's</p> <p>24 available, comes very much in carrier access rates,</p> <p>25 particularly here in Missouri. We have a significant</p>



<p style="text-align: right;">81</p> <p>1 carrier common line rate yet.</p> <p>2 And if that support is taken away from access</p> <p>3 charges, the financial support for the network will need</p> <p>4 to come from somewhere.</p> <p>5 Secondly, in terms of whether the compensation</p> <p>6 should be the same, it is our position that those who use</p> <p>7 the telephone company network should pay similar</p> <p>8 compensation. And if the VoIP user is going to use the</p> <p>9 telephone network to terminate calls which originated</p> <p>10 under the board band connection, they should provide</p> <p>11 similar compensation as others who use the network.</p> <p>12 There's no question that the system that we</p> <p>13 have today is based on jurisdictional differences, such</p> <p>14 as state versus interstate, access rates versus the</p> <p>15 reciprocal compensation rates. It's based on</p> <p>16 North American Numbering Plan numbers. It assumes a</p> <p>17 general geographic location, and the implementation of</p> <p>18 VoIP in that kind of environment will obviously challenge</p> <p>19 several of those assumptions.</p> <p>20 There is an MPRN that's expected out shortly</p> <p>21 from the FCC at the interstate level dealing with</p> <p>22 interstate -- or inter-carrier compensation. I'm sure</p> <p>23 that the proposals in there will be looking towards</p> <p>24 possible solutions to some of those issues. It</p> <p>25 undoubtedly will be hard fought. And having worked on</p>	<p style="text-align: right;">83</p> <p>1 with the public telephone network, which is predominantly</p> <p>2 in your rural areas because it's economically not</p> <p>3 efficient for us to be there, we send that to an IXC, and</p> <p>4 we pay a charge to that IXC based on where that call is</p> <p>5 going and what type of a LEC it's terminating on. And</p> <p>6 those rates can range anywhere from, you know, .3 of a</p> <p>7 cent per minute to an RBOC to as high as 45 cents per</p> <p>8 minute if it's going to a rural ILEC that has a high cost</p> <p>9 structure.</p> <p>10 So we're not taking away from the access rates</p> <p>11 that are being brought in when we terminate traffic.</p> <p>12 We're not trying to skirt around the system. We're</p> <p>13 paying our due share.</p> <p>14 We also contribute to the USF and to other</p> <p>15 various social policies as end user purchasers of</p> <p>16 telephone lines. We have to interconnect with the public</p> <p>17 telephone network. And since we are not a carrier, we,</p> <p>18 as an end user, pay our fair share at that point, which</p> <p>19 funds the various social initiatives and policies that</p> <p>20 are in place.</p> <p>21 Personally, I think the access rate charge</p> <p>22 system that is in place today is broken and amounts to</p> <p>23 telephone welfare. But I think we -- we play in a system</p> <p>24 that's established. And that's -- that's one point.</p> <p>25 The second point is our services and</p>
<p style="text-align: right;">82</p> <p>1 some of those proposals, there's no easy solutions.</p> <p>2 But there -- the inter-carrier compensation</p> <p>3 issue will continue to need to be addressed.</p> <p>4 Final comment as to whether VoIP would have a</p> <p>5 significant impact on the access revenues if the system</p> <p>6 isn't changed in the next five years, I guess that</p> <p>7 depends a lot on what the penetration is and where it is.</p> <p>8 We heard earlier a comment that there was one national</p> <p>9 association had projected a penetration of only two</p> <p>10 percent nationwide. That's the level of penetration in</p> <p>11 all the VoIP reaches. That probably would provide a</p> <p>12 significant impact in most cases.</p> <p>13 If that penetration is significantly greater</p> <p>14 than that, it obviously will have greater impacts on</p> <p>15 companies, and particularly rural companies who rely a</p> <p>16 lot on access trades.</p> <p>17 JOHN VAN ESCHEN: Jason.</p> <p>18 JASON TALLEY: Yeah. I probably won't</p> <p>19 make it in a minute either.</p> <p>20 But let me address a couple of Bob's questions</p> <p>21 and comments that were made here.</p> <p>22 First of all, understand that Nuvio today, when</p> <p>23 a customer makes a call and using one of our computing</p> <p>24 devices and we have to terminate that in an area that we</p> <p>25 don't have facilities, so to speak, an interconnection</p>	<p style="text-align: right;">84</p> <p>1 applications are right on top of broadband, and are an</p> <p>2 application that spurs the development of broadband.</p> <p>3 Now, in rural communities, that broadband development may</p> <p>4 not come from the local telephone company. It may come</p> <p>5 from somebody else; an entrepreneurial entity that's</p> <p>6 using fixed base wireless or other applications that</p> <p>7 allow them to more economically reach that rural customer</p> <p>8 base.</p> <p>9 So I think it's important that we understand</p> <p>10 that we are, in fact, encouraging and spurring the</p> <p>11 development and deployment of broadband in a lot of those</p> <p>12 areas that we hear that we're positive on.</p> <p>13 Thank you.</p> <p>14 JOHN VAN ESCHEN: The -- Carrie.</p> <p>15 CARRIE COX: Just a short comment to add.</p> <p>16 One of the things that confuses, I think, new</p> <p>17 interest, particularly, is this segregation of rates</p> <p>18 between interstate and intra-state costs. And you've</p> <p>19 heard reference to the .3 of a cent versus 10 or 12 cents</p> <p>20 in some states.</p> <p>21 And I think there is a -- this goes to how to</p> <p>22 fix this problem. And I think that now, when you're</p> <p>23 looking at how calls are being transmitted,</p> <p>24 Voice-over-IP's a perfect example, maybe there's an</p> <p>25 opportunity to say, hey, all -- all of these pieces of</p>



<p style="text-align: right;">85</p> <p>1 information hit the network in the same way. It's not --  2 you're not measuring the actual communication, you're  3 measuring the minute. And maybe we can go to a better  4 byte-type compensation regime that makes it equal across  5 all types of providers for all types of communications,  6 and get rid of this interstate versus intra-state regime  7 that really creates a lot of tension and problems between  8 the providers.  9 And I do agree that there is a problem with  10 rural compensation. That is a historical problem that,  11 you know, probably none of us sitting at this table  12 created. And I do think it needs to be fixed. But at  13 the same time, I don't think you can knock the rug from  14 under the rural providers and just say, oop, you don't  15 get this money anymore. There needs to be a transition.  16 We need to manage that process.  17 And I mean, as a competitor, I want to get into  18 those markets, maybe that's a good trade off. I think  19 there are solutions if we think about what those  20 solutions might be. Some of them are a little bit  21 outside the box. But Voice-over-IP is a perfect  22 opportunity to do that kind of thinking.  23 JOHN VAN ESCHEN: Gary, you'll get the  24 last word on this question.  25 GARY TUCKER: That's okay. I just want to</p>	<p style="text-align: right;">87</p> <p>1 If the terminating carrier is a neighboring  2 rural ILEC, the terminating carrier might be paid  3 interstate or intra-state access charges or it might  4 receive nothing.  5 So the Commission is really up against a fairly  6 daunting situation of trying to understand how these  7 various calls are rating and routing over various  8 carriers. So -- and this is one of the major reasons why  9 the system really needs to be seriously looked at at all  10 levels.  11 JOHN VAN ESCHEN: Next question: Does  12 VoIP present unique transiting issues?  13 Some parties, such as Staff, Century Tell,  14 Small ILECs and Sprint, maintain that transiting traffic  15 issues will be increased by VoIP traffic.  16 Given that VoIP providers do not have  17 interconnection rights, in other words they must purchase  18 services from other ILECs.  19 Would one member of the group please explain  20 how there are transiting issues unique to VoIP?  21 JIM BURT: I don't know that they're  22 necessarily unique to VoIP. There certainly are  23 transiting issues. And just to make sure we're all on  24 the same page, Provider A needs to get to Provider C,  25 doesn't have a direct connection, so they want to go</p>
<p style="text-align: right;">86</p> <p>1 -- I just want to call attention to various scenarios --  2 the various scenarios that you've came up with as a  3 result of inter-carrier compensation.  4 I'm really going to just very quickly  5 paraphrase and read from the Level 3 reply comment at the  6 -- in regards to the petition of the Communications  7 Commission on this point.  8 And you make the point, and it says, in the  9 situation where calls are originating on a wire line PST  10 and network and then handed it off to another network for  11 a termination, inter-carrier compensation can be very  12 complicated.  13 If the terminating carrier is a circuit switch  14 wire line long-distance carrier, the terminating carrier  15 pays the originating carrier either interstate or  16 intra-state access charges.  17 The terminating carrier is a wireless CMRS,  18 even if it is a long-distance call on a wire line  19 network, the terminating carrier is being paid reciprocal  20 compensation by the originating carrier.  21 Second scenario: If the terminating carrier is  22 a CLEC, the terminating carrier is paid reciprocal  23 compensation unless the call is bound for an ISP, in  24 which case there may be no compensation at all or less  25 under the IPS order.</p>	<p style="text-align: right;">88</p> <p>1 through Provider B. B is the transiting provider.  2 I think it's imperative that that be allowed.  3 I think a lot of the debate comes from is that a  4 requirement, or is that voluntarily. And then what rates  5 apply to that.  6 Today, I think that the VOCs are put in that  7 position primarily at the tandem owners, and I think  8 there are valid issues. If everybody were to transit  9 that tandem, it could exhaust and put them in a position  10 of having to upgrade.  11 I think in the end what we need are economic  12 incentives to suggest that people interconnect as  13 appropriate. Sprint has looked at this issue. We have a  14 number of tandems, and we think that there might be some  15 amount of traffic at which a direct connection might be  16 more appropriate.  17 However, I don't think that that's always going  18 to be the case. I think, with Voice-over-IP, we're going  19 to have a lot of providers that are going to be offering  20 services, and they're going to need a way to deliver  21 their traffic without a direct connection. However,  22 there might be a price that is to be paid for that.  23 JOHN VAN ESCHEN: Any followup comment to  24 that?  25 UNIDENTIFIED SPEAKER: Another question</p>



<p style="text-align: right;">89</p> <p>1 for Nuvio and Vonage. I'd ask if either of you terminate  2 traffic to rural exchanges in Missouri over the  3 facilities of SBC under transit agreements?  4       RON DEL SESTO: We don't.  5       JASON TALLEY: Nuvio does not.  6       BROOKE SCHULZ: We are aware of exactly  7 the arrangements that are made between our carrier  8 partners and the underlying network that they communicate  9 to the end result, the call.  10       UNIDENTIFIED SPEAKER: Do you use SBC or -  11 -  12       BROOKE SCHULZ: No, we don't use SBC.  13       JOHN VAN ESCHEN: Next question: If VoIP  14 is to regulated, should it be regulated solely at the  15 federal level?  16       And based on the questions in the report, there  17 appear to be three basic different perspectives on this  18 question. Level 3, Nuvio, MCI and Vonage believe that  19 VoIP should be regulated solely at the federal level,  20 with state involvement limited to regulation of  21 underlying transmission facilities, if the state is to  22 regulate at all.  23       In contrast, Staff, Century Tel, Small ILECs  24 believe that any service substitutes for basic local  25 telephone service should be regulated by states,</p>	<p style="text-align: right;">91</p> <p>1 whether or not it is an actual substitute. And I think  2 we would say no. At this point time, it isn't, and  3 likely in the next five years and ten years, I don't  4 think we're going to see that it is going to be a  5 substitute.  6       The other thing is whether or not -- should --  7 should it be regulated by the federal jurisdiction to the  8 exclusion of the state.  9       There is some realities that we have to take a  10 look at first of all. The Federal Communications  11 Commission is resourced to do this. State commissions  12 are confined by the state boundary jurisdictions. There  13 are all kinds of arguments which we've talked about  14 today, which -- and which we know, that this kind of  15 service has, in fact, outside of the state jurisdiction.  16       I also know that many of the commissions, for  17 example, do have some resource issues which we do have to  18 address. And that is many of the state commissions, if  19 not all of them, have cross-jurisdictional requirements.  20 One day we might be sitting in a great case with an  21 electrical utility. You may be hearing something about  22 taxi cabs, gas and so forth. But the Telecommunication  23 Commission, at least at this point in time, can really  24 bear in and understand a lot of things that are going on.  25       So, at this point in time, it's clear that the</p>
<p style="text-align: right;">90</p> <p>1 irrespective of Internet protocol transmission.  2       AT&amp;T and Sprint believe some limited degree of  3 VoIP oversight might be necessary -- a necessary role for  4 states.  5       I'd like to start off for the group that  6 believes VoIP should be regulated solely at the federal  7 level.  8       GARY TUCKER: I think that's my quick  9 response -- requirement.  10       I'd like to maybe take this in a couple of  11 parts. First of all, the assumption that VoIP is, in  12 fact, a substitute for basic local service, I think that  13 that is not right at this point. I don't think it is a  14 substitute. We just discussed, for example, that VoIP  15 services do not, at this point in time, have good solid  16 E-911 services. (Inaudible) team does. We're working on  17 it. It's not there.  18       The other question is: Do people automatically  19 go their computers when they want to make a telephone  20 call? This is an NACENT service. I don't think so. We  21 did think that wireless, for example, was going to be a  22 substitute for the last miles, which it is not. And I  23 don't know if there's anyone in this room that would  24 stand up and would argue that, in fact, it is.  25       So, first of all, I think you have to look at</p>	<p style="text-align: right;">92</p> <p>1 federal jurisdiction is going to be the lead  2 jurisdiction.  3       That being said, are there intra-state  4 facilities that need to be looked at? Level 3, again, is  5 a certificated carrier within this state and others. We  6 do pay regulatory costs where there is, in fact, an  7 intra-state facility; for example, equal access to that  8 facility for everyone we feel that there is a need.  9       State commissions also have consumer  10 protections, which are very important. And also they --  11 with regard to the promotion and the establishment of  12 broadband within the communities, very clearly under  13 Section 706, it's clear it's a state responsibility, as  14 well as the FCC.  15       JOHN VAN ESCHEN: Okay. I've got to cut  16 you off real quick there.  17       Hank, can I give it right back to you? Or --  18       HANK HALQUIST: Okay. I just wanted to  19 make a real quick --  20       JOHN VAN ESCHEN: Okay. Go ahead. Go  21 ahead.  22       HANK HALQUIST: I think nobody's saying  23 that state laws of general applicability are no -- do not  24 apply to VoIP providers. But what I think people are  25 saying is that, through traditional common carrier</p>



<p style="text-align: right;">93</p> <p>1 regulation, that is regulation of entry rates and exit, 2 cannot be applied on a state-by-state basis. 3 Just look at the power to regulate entry, one 4 state could prohibit the entry of a particular provider, 5 and that had the effect of preventing that provider from 6 offering service everywhere, given the nomadic nature of 7 Voice-over-IP. That would clearly be prohibited, that 8 kind of regulation under traditional commerce clause 9 analysis. 10 That's all I have to say. 11 JOHN VAN ESCHEN: Okay. 12 We'll go on to the Century Tel. Did you want 13 to comment, or give an opposing view? 14 JOHN JONES: Well, we don't know what the 15 FCC is going to do in this regard. But whether or not 16 they -- they determine that VoIP is an interstate service 17 or it has an intra-state component, it really doesn't 18 matter. In our view, it's a telecommunication service 19 under the Act. And also under Missouri law, from what 20 I've read about it. 21 The Act defines telecommunication services in 22 functional terms and not on the incoming or transmission 23 format used. In the case of package switch telephony, 24 there is no functional difference. You speak into a 25 phone, it comes out the other end. There's nothing being</p>	<p style="text-align: right;">95</p> <p>1 But there is regulation that goes to public 2 health and safety, that goes to consumer protection that 3 may be applicable, and have traditionally been attended 4 by the states. That would be things like 911. 5 With respect to consumers and consumer 6 protection, AT&amp;T views consumer protection laws in 7 various states that's applicable to VoIP. Consumer 8 protection laws are not necessarily regulated by the 9 utility commissions, but rather by the AGs' offices in 10 the various states. 11 In those states, the AG has the ability to 12 protect the consumers and to launch watch investigations, 13 to file lawsuits and so forth to protect the consumers 14 within those states. We think that those kinds of 15 consumer protection laws are applicable to VoIP services 16 and will tend to the consumers in states sufficiently. 17 So, while we don't want to see the overarching, 18 traditional collecting regulation imposed on VoIP, we do 19 consider some form of oversight, at least with respect to 20 911 to be approved. 21 JOHN VAN ESCHEN: Moving on. Next 22 question: Are consumer protection regulations necessary 23 for VoIP services? 24 Staff -- 25 (Thereupon, Video Tape 2 ended. Video Tape 3 began as</p>
<p style="text-align: right;">94</p> <p>1 changed there. 2 Specifically a telecommunication service is 3 defined by the Act as over the telecommunications 4 directly to the public for a fee or such classes of users 5 as to the effective way available directly to the public, 6 coma, regardless of the facilities used. 7 Another instance where -- is it a common 8 carrier or a telecommunication -- or a telecommunications 9 carrier, a VC circuit, is develop in two-part test for 10 determining whether indeed it's acting as a communica -- 11 communications common carrier. 12 The first holds itself out to serve different 13 -- differently all potential users. The second allows 14 you transmit intelligence of their own design and 15 choosing. That intelligence is packaged as voice. 16 (Inaudible). 17 JOHN VAN ESCHEN: AT&amp;T, did you want to 18 comment? 19 LETTY FRIESEN: AT&amp; -- stop the 20 opposition. 21 AT&amp;T takes a slightly different view than some 22 of my colleagues. We believe that there probably is a 23 state role. We certainly don't want to see each state 24 developing individual rules related to the old 25 monopoly-type regulation.</p>	<p style="text-align: right;">96</p> <p>1 follows:) 2 JOHN VAN ESCHEN: -- and are outdated in a 3 competitive environment. 4 I'd like Staff, Bill Voight, to explain the 5 position that consumer protection regulations are 6 necessary for VoIP. 7 BILL VOIGHT: Well, very briefly -- very 8 briefly, we do believe that there needs to be some type 9 of consumer protection. Whether or not that comes from 10 the expert, subject matter, agencies of governments such 11 as the Public Service Commission, or whether it comes 12 from the Attorney General's Office, I think there's 13 always a lot of work that can be shared in that area. 14 But certainly we've seen competitive markets, 15 telephone markets for over twenty years now, and there's 16 just, in the Staff's view, far too many examples of 17 slamming, cramming and spamming, and certainly there are 18 other issues with PIC (sic) freezes and billing disputes 19 and all of that sort of thing. 20 And the -- our Commission received a report of 21 6,589 complaints or inquiries last year of pertaining to 22 telephone service. And that is more -- almost as much as 23 all of our other utilities that we regulate and put 24 together, none of which are posing anywhere near the 25 level of competition as the telephone industry.</p>



<p style="text-align: right;">97</p> <p>1 So we do think there's a role for the</p> <p>2 regulators to play in the area of consumer protection.</p> <p>3 Whether or not that extends to all of the traditional</p> <p>4 common carrier-type regulations, I think possibly not.</p> <p>5 But we do believe there's a role for some degree of</p> <p>6 oversight of VoIP service.</p> <p>7 UNIDENTIFIED SPEAKER: Regulation is</p> <p>8 pretty much -- consumer protection regulation is pretty</p> <p>9 much an overbroad term. So let me break it down into</p> <p>10 three parts.</p> <p>11 The first is the direct regulatory oversight by</p> <p>12 a regulatory agency. The second is entry/exist,</p> <p>13 rate/term and condition regulation on the services being</p> <p>14 offered. And the third is what we'll call the public</p> <p>15 policy regulation, what Jason or Nuvio offered first was</p> <p>16 a telecommunication welfare regulation.</p> <p>17 Three points, one point on each of these.</p> <p>18 First of all, regulation for regulation's sake really</p> <p>19 isn't appropriate. It serves the purpose of representing</p> <p>20 the consumer when the consumer has no bargaining power.</p> <p>21 So all of my comments are based on at least that</p> <p>22 fundamental premise.</p> <p>23 Regulatory oversight by a regulatory agency, it</p> <p>24 really isn't necessary where there's a competition.</p> <p>25 General consumer protection laws are adequate, and more</p>	<p style="text-align: right;">99</p> <p>1 And last is on public policy regulation. Yes,</p> <p>2 we understand there's a role for public policy</p> <p>3 regulation. We also believe that it needs to be done on</p> <p>4 a national basis first. There will be a role, I think,</p> <p>5 to play for the states. But the national debate has to</p> <p>6 resolve most of these public policy issues.</p> <p>7 JOHN VAN ESCHEN: Any followup comments to</p> <p>8 that?</p> <p>9 PANEL: (No response.)</p> <p>10 JOHN VAN ESCHEN: If not, we'll move on to</p> <p>11 the next question: Is VoIP really phone service?</p> <p>12 We talked a little bit about this earlier.</p> <p>13 However, for the parties claiming that VoIP should be</p> <p>14 classified as an information service, I'd like you to</p> <p>15 specifically explain why VoIP should not be viewed as</p> <p>16 phone service, especially if the VoIP service acts as a</p> <p>17 substitute for traditional phone service in the sense</p> <p>18 that it uses telephone numbers and provides the ability</p> <p>19 to call to and from the public switch network.</p> <p>20 And for the parties claiming VoIP should be</p> <p>21 classified as a telecommunication service, I'd like you</p> <p>22 to specifically explain why VoIP should be treated</p> <p>23 differently than any other form of data communications or</p> <p>24 information services.</p> <p>25 I think --</p>
<p style="text-align: right;">98</p> <p>1 importantly there's an opportunity for consumers to speak</p> <p>2 with their pocketbooks. So, if consumers don't like the</p> <p>3 act -- the conduct of one Voice-over-IP provider, they</p> <p>4 can switch. If they don't like the policies of that VoIP</p> <p>5 provider, they can find another one. They can even go to</p> <p>6 intermode competition then, and eliminate the VoIP</p> <p>7 provider and go to cell.</p> <p>8 So there's a lot of opportunities where there</p> <p>9 is substantial competition, which we believe there will</p> <p>10 be with VoIP services as there is already. We don't</p> <p>11 think that direct regulatory oversight by a regulator</p> <p>12 agency is necessary.</p> <p>13 It also has the effect of, I think, of slowing</p> <p>14 down innovation or at least making the process of</p> <p>15 innovating and developing new services somewhat slower</p> <p>16 than is necessary in this new market.</p> <p>17 Second, the -- whether entry/exit, rate/term</p> <p>18 and condition regulation is necessary, again we're back</p> <p>19 to the point of, where there's competition, consumers</p> <p>20 will go with their pocketbooks. And equally important,</p> <p>21 the VoIP provider understands well that, if they're not</p> <p>22 meeting consumer demand, they'll have to conform their</p> <p>23 activities, conform their conduct, conform their product,</p> <p>24 their prices, their terms and conditions so it does meet</p> <p>25 that requirement.</p>	<p style="text-align: right;">100</p> <p>1 UNIDENTIFIED SPEAKER: It's me again.</p> <p>2 JOHN VAN ESCHEN: Okay.</p> <p>3 UNIDENTIFIED SPEAKER: VoIP, again, is</p> <p>4 probably an overbroad term. VoIP services consists of</p> <p>5 services or applications that use Internet protocol, one</p> <p>6 application of which is voice. There are a myriad of</p> <p>7 applications available to consumers within the framework</p> <p>8 of VoIP services. And we think that any regulation, to</p> <p>9 the extent that any regulation is needed, needs to be</p> <p>10 based on the features and functionality, not the label</p> <p>11 that's applied to the service.</p> <p>12 So, when you -- when you look at the services</p> <p>13 that are being offered by the various Voice-over-IP</p> <p>14 providers, you need to look at all the features and all</p> <p>15 the functionalities that they offer. Not only do they</p> <p>16 offer things that look -- that are similar to basic</p> <p>17 telecommunications service or basic telephone service,</p> <p>18 but they offer access options, like access to a Web port</p> <p>19 for configuring their service, the ability to do protocol</p> <p>20 conversion or to treat a voi -- a PDM voice call as an IP</p> <p>21 voice packet, or even store it for later for -- as a</p> <p>22 storage-and-retrieval service.</p> <p>23 It has the ability to integrate with other</p> <p>24 applications which are not themselves voice services.</p> <p>25 So, if you -- let's say you make a call over a VoIP</p>



<p style="text-align: right;">101</p> <p>1 service, it's answered by a voice processor, the voice  2 processor stores the packets, and then delivers it to  3 you, say, in E-mail form. That doesn't turn that service  4 into a voice or basic telecommunication service merely  5 because a voice is involved.  6 There are mobility options that make it much  7 more -- much different from plain old POT service or a  8 plain old telephone service, which -- which involve  9 computer application that run on computer networks or  10 computer platforms. Much different from what a POT  11 service will do.  12 And last there are features, functionalities,  13 advanced options that have never been regulated as  14 telecommunication services, or they're subject to a  15 requirement under the federal act, that regulation where  16 it exists needs to be either eliminated or substantially  17 reduced. For example, ATM, a lot of the fast packet  18 services, are subject to Section 706, which requires the  19 FCC to review unnecessary regulation.  20 So, when you look at the constellation of VoIP  21 products, you'll see features of functionalities. You'll  22 have some that look like telephone service, but many more  23 that look nothing like telephone service does today.  24 JOHN VAN ESCHEN: Uh --  25 UNIDENTIFIED SPEAKER: I turned it off. Sorry.</p>	<p style="text-align: right;">103</p> <p>1 these sorts of situations is that we will -- we, the  2 cable company, will send a technician out to your  3 premises. We will install a cable modem, a multi-movie,  4 a terminal adapter, let's just call it adapter, we'll  5 install that on your property. And we want to -- we want  6 you to unplug your telephone from Southwestern Bell's  7 network and plug it into our network. And you will get a  8 ten-digit telephone number, you'll get a very competitive  9 price for the service, you will get bundles of services,  10 local and long distance and all of that, and you'll get  11 -- your telephone number will be published in a  12 directory, if you want that. You can call 911, you can  13 call operators, you can do everything, and that is  14 Voice-over-Internet Protocol telephony. It is used at  15 the local loop. And, yes, we do believe it is telephone  16 service.  17 When the -- as far as the cable company asked  18 the question whether or not it is telephone service, they  19 appeared to have told the Utilities Commission, up to  20 this point at least, we're going to come in and we're  21 going to give a certificate, we're going to file tariffs,  22 and we're going to play by all the rules and so on and so  23 forth, but we do withhold the right, because of all these  24 federal activity -- activities that are going on, that we  25 want to withhold the right to -- we might want to declare</p>
<p style="text-align: right;">102</p> <p>1 JOHN VAN ESCHEN: Bill, you were going to  2 respond to the other side.  3 BILL VOIGHT: And I agree with Keith.  4 There's lot of different kinds of VoIP telephone service.  5 And when we ask this question, when the Staff asked this  6 question in the -- in our workshop, we got a lot of  7 responses like, well, what kind of question is that?  8 VoIP, is it really phone service then? And I appreciate  9 the responses.  10 What we really have is: Does it act to some  11 degree as a substitute for basic local telephone service,  12 is what we had in mind.  13 Our answer to that is yes. VoIP really is  14 telephone service. And I wanted to offer the diagram  15 about the cable/TV VoIP network as -- to use as part of  16 our answer to that question.  17 This shows Voice-over-Internet Protocol  18 technology being used in a cable/TV companies network.  19 This is actually a plaintiff here in Missouri. Of  20 course, we have Time-Warner, and we have Charter  21 represented here today. But there are others, not just  22 in Missouri, that -- or will be launching similar  23 networks.  24 But we have VoIP going all the out to the  25 customer's premises. And what the customer is told in</p>	<p style="text-align: right;">104</p> <p>1 that not to be a telephone service at some point in time  2 in the future, depending on what the court outcomes are.  3 When the cable/TV telephone company talks to  4 their customer, they will say, I believe, as far as that  5 federal excise tax, well, yes, that's going to appear on  6 your telephone bill, and the various state and county and  7 municipal sales taxes, yes, they will appear on your  8 telephone bill.  9 The folks in Jackson County, Missouri, and  10 elsewhere, they have instituted a tax on themselves to  11 pay for 911, and, yes, that fee's going to appear on your  12 bill. And the Utilities Commission has a Relay Missouri  13 charge of 9 cents, and that will appear on your bill as  14 well.  15 The cable/TV company also will tell the  16 customer, in most cases, the municipality charges us a  17 franchise fee because we go around digging up the streets  18 and sidewalks and using the public property. We always  19 try to repair that. But we do have to pay a franchise  20 fee, and by the way that's going to appear on your  21 telephone bill as well.  22 So it looks like telephone service, and when  23 you look at a bill, it appears this particular brand of  24 VoIP appears to be telephone service. All of these  25 burdensome regulatory fees are put on the telephone bill.</p>



<p style="text-align: right;">105</p> <p>1 And the -- in this particular form of VoIP, these types  2 of companies have invested undoubtedly tens, if not one  3 hundreds of millions of dollars, in order to bring this  4 type of VoIP to the marketplace.  5 I guess, in short, the Staff's position on this  6 issue is it sort of looks like a duck, it walks like a  7 duck and it quacks like a duck, we kind of think this  8 particular brand of VoIP is telephone service.  9 This is where the discussion, I think, gets a  10 little bit difficult because there are other panelists  11 here who offer VoIP telephone service to this very same  12 customer out here using the very same facilities who  13 would say that their brand of VoIP service, well, that's  14 really not telephone service at all.  15 You can get a ten-digit telephone number from  16 them, and you can get an adapter from them, plug it right  17 in here to these cable/TV facilities, and get the  18 ten-digit telephone number and everything -- most  19 everything will be done in the traditional manner, but --  20 except those kind of VoIP providers have really put sort  21 of a tax moratorium, if you will, on the customer's phone  22 bill.  23 You will not see that federal excise tax that  24 the federal government instituted a hundred or so years  25 ago to finance World War I. You won't see all the state</p>	<p style="text-align: right;">107</p> <p>1 answer how the network works and figure out what the most  2 reasonable way of dealing with it is. MCI believe the  3 most reasonable way is to adopt the horizontal layers  4 framework.  5 JOHN VAN ESCHEN: Brooke.  6 BROOKE SCHULZ: I'd just like to rebut two  7 things that Bill said in his argument.  8 Firstly, the federal excise tax was instituted  9 to pay for the expansion of the airport. Secondly,  10 (inaudible) does appear in the launch program to bill --  11 voice communications bill, however you like to categorize  12 it. We do pay 3 percent federal excise tax.  13 JOHN VAN ESCHEN: Yeah, Rich.  14 RICH HIGGINS: Just in the form of one  15 very quick point.  16 People have talked a lot about VoIP as a  17 technology. I think one of the other things that we  18 might be missing here is VoIP as viewed by the end  19 customer.  20 The reason that voice is voice largely over an  21 IP network is because that's the way the customers tend  22 to use it. And let me just clarify that just a little  23 bit.  24 It doesn't really matter to a cable network  25 whether you pick up a phone or whether you speak into a</p>
<p style="text-align: right;">106</p> <p>1 and county taxes. You won't see the 911 fees, and so on  2 and so forth. In those instances, what we have is people  3 saying the reason for all it's really not phone service.  4 So it looks like a duck, it is a duck.  5 JOHN VAN ESCHEN: Let me give -- Hank.  6 HANK HALQUIST: Sure.  7 This question is always an interesting  8 question. If you think -- if you answer it in a  9 particular way, it means you must do A or you must do the  10 B. In this case, if you answer is that Voice-over-IP is  11 a phone service, that you must apply all kinds of  12 regulations to it. This is sort of the genesis of why  13 MCI is promoting the idea of reforming regulation to  14 mirror the framework layers' model.  15 This doesn't make any sense. I mean some  16 Voice-over-IP services will look like phone services.  17 Nothing will be identical to them. For instance, Vonage  18 officers -- offers users the ability to receive  19 voice-mail messages as E-mail. So there are always going  20 to be differences.  21 But some of them will look like phone services  22 to consumers. That's not an interesting question for  23 policymakers. The question is: How should you regulate  24 in this conversion network world? And that's the thing  25 that, in order to answer that question, you need to</p>	<p style="text-align: right;">108</p> <p>1 microphone attached to your computer or whether it's a  2 Y5 phone over some other communications device. It is  3 all data, and data on an IP network. And some of that  4 data happens to contain voice packets and could well  5 contain voice-mail, and may contain E-mail, and it will  6 contain video images. It's all data, and it's all  7 treated in exactly the same way (inaudible).  8 But I mean that's the real distinction, is that  9 it's all data, it's all handled in exactly the same way.  10 Now really the question is: How should the  11 user view that? And I think, at least initially, they're  12 going to view that as this is a phone service. I pick up  13 a phone, I talk on the telephone. That doesn't mean that  14 that's the only thing that that network or that service  15 is capable of providing. That's just Day One of how the  16 user views it.  17 I think Day Two, Day Three, two years from now  18 if you were having the same discussion, I think you'd be  19 talking about lots and lots of different types of  20 computer services that look less and less like voice.  21 JOHN VAN ESCHEN: Next question: Should  22 VoIP providers be required to obtain a Certificate  23 of Service of Telephony from the Missouri Commission?  24 Level 3, MCI, Nuvio, AT&amp;T and Vonage contend  25 that Missouri PSC certification should not apply to VoIP</p>



<p style="text-align: right;">109</p> <p>1 providers.</p> <p>2 Can one member of our group, please, explain</p> <p>3 your position?</p> <p>4 UNIDENTIFIED SPEAKER: That's -- that's</p> <p>5 me.</p> <p>6 We, first of all, I think, would have to ask:</p> <p>7 What is the VoIP provider? If you look at VoIP as an</p> <p>8 application, as we just explained, clearly it's an</p> <p>9 enhanced service. And if you look at the present state</p> <p>10 of the law that originates back to Computer 2 decisions</p> <p>11 up to Computer 3 decisions with the Stevens Report, the</p> <p>12 FCC has been rather clear that an application provider is</p> <p>13 the fact that it's service when they are moving</p> <p>14 applications through a conversation from either TDM or an</p> <p>15 IP. That's been pretty well identified.</p> <p>16 And I think the Minnesota experience, I</p> <p>17 believe, confirms that. It's on appeal right now. But I</p> <p>18 don't see any other state jurisdictions at this point</p> <p>19 jumping on that bandwagon. I think everyone's going to</p> <p>20 wait and see what's going to happen.</p> <p>21 In the meantime, the Federal Commission is</p> <p>22 moving ahead, and they're -- from what we know, they're</p> <p>23 staying with their enhancer's provision dichotomy.</p> <p>24 Having said that, however, if, in fact, you are</p> <p>25 an infra-structure provider, you need to have Title II</p>	<p style="text-align: right;">111</p> <p>1 that point.</p> <p>2 And that -- that means, if -- if they need to</p> <p>3 talk to a real person over a billing issue, if it's a</p> <p>4 business that loses -- it's a VoIP -- let's say it's a</p> <p>5 VoIP business and/or businesses with VoIP applications,</p> <p>6 and they go down three times a month and that costs them</p> <p>7 \$100,000 or more each time they're out for a day.</p> <p>8 But they're serious issues, and we've got to</p> <p>9 talk -- we've got to think about the type of service</p> <p>10 we're talking about here. It's not -- it's not a</p> <p>11 novelty. It's a telephone service that residents and</p> <p>12 businesses rely on to do commerce and talk to people they</p> <p>13 need to talk to.</p> <p>14 If there is degradation, I fear personally that</p> <p>15 we kind of get in the situation where we're in a race to</p> <p>16 the bottom in terms of quality, because after a while, it</p> <p>17 doesn't matter anymore, it's not important. And whether</p> <p>18 you're a telephone company or a VoIP provider, that's</p> <p>19 something that should be a core aspect of what you're</p> <p>20 trying to do as a company.</p> <p>21 And, again, what we're talking about here, I</p> <p>22 think, more than anything else are inconveniences. And,</p> <p>23 yes, we're a regulated -- we're regulated in twenty-two</p> <p>24 states. Is it an inconvenience? Yes. Is it costly?</p> <p>25 Yes. But it's something we're accustomed to anyway, and</p>
<p style="text-align: right;">110</p> <p>1 certification because you have to have intra-connection</p> <p>2 rights. And one of the things that we very seriously</p> <p>3 guard is our ability to interconnect fairly, equally and</p> <p>4 ubiquitously with a PSTN at this point.</p> <p>5 JOHN VAN ESCHEN: Next question: Should</p> <p>6 VoIP providers be required to adhere to the same quality</p> <p>7 of service, tariff filing, director listing and other</p> <p>8 common carrier regulations expected of traditional local</p> <p>9 exchange carriers?</p> <p>10 Parties adhering to agree with this statement</p> <p>11 include Century Tel, Staff and the Small ILECs.</p> <p>12 Could one member of your group please explain</p> <p>13 the -- why continued common carrier regulations are</p> <p>14 necessary for VoIP in areas where customers have viable</p> <p>15 choices for telephone service?</p> <p>16 JOHN JONES: I think we've already touched</p> <p>17 on this in several different ways. But I think I can</p> <p>18 answer this question in two different ways.</p> <p>19 One is, if we just take the companies out of</p> <p>20 this for a second, and look at it from a consumer's</p> <p>21 standpoint, and especially with the area of service</p> <p>22 quality, I don't really see what the downside is for a</p> <p>23 customer if companies, regardless of the platform they're</p> <p>24 going to use, are going to have certain service quality</p> <p>25 obligations. I think it's a win-win for customers at</p>	<p style="text-align: right;">112</p> <p>1 again, we're talking about something that's as essential</p> <p>2 to a customer as anything else.</p> <p>3 On the carrier side of this, I see this as more</p> <p>4 of an equity issue. Really the question is: Who are</p> <p>5 going to be the VoIP providers of tomorrow? If Century</p> <p>6 Tel transitions to it to become a VoIP provider, under</p> <p>7 the Missouri rules or any other state rules or the</p> <p>8 federal rules, that tells me that at that point I should</p> <p>9 not have to be worried about being deregulated, if you</p> <p>10 listen to some of the other arguments here at this table.</p> <p>11 So, again, I think we kind of need to be</p> <p>12 careful what we're asking for here, and if that's the</p> <p>13 case, then, yes, I'm -- yeah, I would love to be</p> <p>14 deregulated in twenty-two states. But the issue, again,</p> <p>15 goes back to my first point, and that's the customers and</p> <p>16 the service quality levels that I think that they would</p> <p>17 expect regardless of the platform being used.</p> <p>18 JOHN VAN ESCHEN: Does anyone have an</p> <p>19 opposing view?</p> <p>20 UNIDENTIFIED SPEAKER: Let me just respond</p> <p>21 to a couple points made by Mr. Jones.</p> <p>22 I think, number one, he said that -- one point</p> <p>23 he made was about customer support, monitored by -- it's</p> <p>24 twenty-four hours, seven-days-a-week customer support</p> <p>25 because of competitive demands, not because of</p>



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1 regulation.

2 He also mentioned that there are fines. One

3 there's a quality of service issue. If their service

4 goes out, well, if a service goes out for a Vonage

5 customer, they will simply find another provider. I

6 don't think the same is true for most of Century Tel's

7 customers.

8 Third, I think he said he would love to

9 deregulate in the twenty-two states. Well, Vonage will

10 volunteer to be a monopoly in twenty-two states.

11 JOHN VAN ESCHEN: Carrie.

12 CARRIE COX: Yeah. Be careful for what

13 you ask for.

14 A couple points I found really fascinating over

15 the last couple of questions. One is the idea that,

16 okay, first of all, voice-mail is not regulated. So this

17 whole idea that if you change voice-mail into an E-mail,

18 all of a sudden you have an enhanced service, and it

19 can't get there on this particular example.

20 Secondly, the idea that if you don't have

21 certain services you can't be regulated as a tele-com

22 provider. Such as, if I don't provide 911 or operator

23 service or some of those other things that are required

24 by telecommunication providers, then I can't possibly be

25 a telecommunication service provider.

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1 Well, let me just say that Charter could all of

2 a sudden not offer four or five of those things, and we

3 would no longer become a tele-com service provider. And

4 I think Bill would have heartburn over that issue because

5 we've got a pretty big market right now in the St. Louis

6 area.

7 And, thirdly, this idea that the application

8 providers are going out there and not substitutable

9 services. One: Anybody who thinks self-service is not a

10 substitutable service these days has their head in the

11 sand. I don't know of any -- I have a 22-year-old

12 daughter, and none of her friends have home phone

13 service. They all use cell phones. It is a substitute

14 for a home phone service.

15 In fact, I argued with her when she was going

16 to move out, she didn't want to get a hard line phone.

17 And I said there's no reliable 911 on cell services.

18 I'll pay for your hard line phone.

19 So it is substitutable, and I think

20 Voice-over-IP is absolutely substitutable, and quite

21 frankly the application providers have gone to market on

22 substitution of their product for a primary line product.

23 They are backing away from that now I think because of

24 the court cases and the regulatory theory that has been

25 created.

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1 But, you know, when you look at the Web sites,

2 there is nothing but, hey, have us as your home phone

3 service provider on those Web sites. So that is a

4 misnomer.

5 JOHN VAN ESCHEN: The last question that

6 we have for the panelist before I open it up for the

7 audience: Do VoIP providers adequately contribute to

8 social programs? For example, the Universal Service

9 Fund, sales taxes, Relay Missouri and 911 service.

10 Some parties, such as Level 3, Nuvio and Vonage

11 say that they do, while other parties, such as Staff and

12 Small ILECs, believe that they may not.

13 I'd like one member of each group to explain

14 their positions.

15 UNIDENTIFIED SPEAKER: You want to go

16 first?

17 GARY TUCKER: Yeah. I can. We do

18 actually. First of all, I'd like to get with the

19 universal service. We've -- there are users in

20 underlying sys -- the underlying carrier systems that, in

21 fact, do pay a universal service this past year.

22 But for the most part, where they're -- and

23 this is -- this is really where the Level 3 position

24 lies, and that is where, in fact, it is found that a

25 Universal Service Fund is, in fact, going to be depleted

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1 because of its present assessment methodology, what you

2 have to do is you have to look at the present

3 methodology, and you need to restructure it. It's as

4 simply as that.

5 So, to the extent that, for example, cable

6 companies provide some support for universal service,

7 (inaudible) they should be maybe extended. I know in my

8 -- my wireless bill, there's a universal service charge

9 on that.

10 So we think that where the purposes of the

11 Universal Service Fund, for example, meet proper social

12 requirements and it should be -- it should be funded, and

13 not in the way -- in the way that it is right now.

14 With regard -- and the same thing goes for

15 relaying services. And, of course, E-911, quite frankly,

16 we are moving, and I think the VoIP and the VoIP-enabled

17 industry is moving to the E-911 solution at this point,

18 and in fact, is funding it.

19 JOHN VAN ESCHEN: Tom.

20 UNIDENTIFIED SPEAKER: Yeah, just a couple

21 comments. I mean it sounds like we have a lot of

22 agreement in regards to universal services and so forth,

23 that there should be support and the support should be

24 equally provided regardless of the type of provider.

25 While I would agree that -- that VoIP providers



<p style="text-align: right;">117</p> <p>1 who purchase retail services are paying the universal 2 service and other surcharges applicable to those retail 3 services, it may not be at the same level that they would 4 as a carrier, and I think that's the thing that we would 5 be concerned about.</p> <p>6 And similarly on 911, the industry has their 7 part to pay. The fees that are typically collected for 8 911 service are to help support the PSAP providers. And 9 those -- depending on how they're funded and the 10 locations that are indicated, VoIP providers may or may 11 not be contributing to the local PSAP support mechanisms, 12 if you will.</p> <p>13 So I think, again, it's an issue of where there 14 needs to be fair charges. There shouldn't be different 15 charges because of the -- a -- a different technology, 16 and in some cases, that may mean that the contribution 17 mechanisms themselves need to be looked at and revised, 18 and take -- take into account changes in the industry.</p> <p>19 JOHN VAN ESCHEN: Keith.</p> <p>20 KEITH EPSTEIN: Just real quickly.</p> <p>21 We hear -- we hear from information service 22 providers that they're paying universal service. And 23 let's recognize what that is.</p> <p>24 They're paying to the extent they buy 25 telecommunication services. They're paying the universal</p>	<p style="text-align: right;">119</p> <p>1 Hey, Larry.</p> <p>2 UNIDENTIFIED SPEAKER: Do the 3 Commissioners have (inaudible) around here, and I know 4 that some folks have referenced the fact that the 5 industry itself is trying to address some of these 6 issues, most notably the 911 commissioning issue.</p> <p>7 ATIS has been mentioned a couple of times. I 8 believe that's the Alliance Telecommunications Industry 9 Solutions.</p> <p>10 But I'm just wondering, if the panelists that 11 may have specifically referenced, if they could just 12 provide the Commissioners with a real short overview of, 13 you know, what is being addressed by the industry itself 14 in terms of the ATIS Forums or -- or other (inaudible) --</p> <p>15 JOHN VAN ESCHEN: Did everyone hear that 16 question?</p> <p>17 I think Larry basically wanted to hear from 18 panelists that were perhaps working at the national level 19 on various issues pertaining to VoIP, whether it be 20 emergency -- access to emergency services and so forth.</p> <p>21 Have any of the panelists been involved in -- 22 in that?</p> <p>23 BROOKE SCHULZ: I can speak to Vonage's 24 involvement.</p> <p>25 Vonage has been involved for the past year and</p>
<p style="text-align: right;">118</p> <p>1 service either on -- as an explicit surcharge on their 2 end user bill or as part of the price they're paying to 3 the telecommunications provider.</p> <p>4 They're not paying universal service on the 5 value add of their own product. So, if they're -- if 6 Voice-over-IP service costs you \$20, you know, \$5 of that 7 cost is for telecommunication services, then the current 8 contribution factor is 8.7 percent. Then the information 9 service providers are paying 8.7 percent of \$5 as 10 universal service, or at least contributing, not the 8.7 11 percent on -- on dollars.</p> <p>12 JOHN VAN ESCHEN: Any other comments?</p> <p>13 Yeah.</p> <p>14 UNIDENTIFIED SPEAKER: I would just 15 clarify what Keith stated. That information service 16 providers are not given the ability to draw from the 17 Universal Service Fund.</p> <p>18 WILLIAM VOIGHT: Well, that's actually not 19 true for schools and libraries.</p> <p>20 UNIDENTIFIED SPEAKER: For schools and 21 libraries, that's not true. Actu -- well, they've held 22 off the E-Bay Program on that particular point. So it is 23 somewhat true.</p> <p>24 JOHN VAN ESCHEN: Does the audience have 25 any questions they'd like to pose for the panelists?</p>	<p style="text-align: right;">120</p> <p>1 a half with NAENA, which is the North American Emergency 2 Numbering Association. They are working on technical 3 solution for Voice-over-IP services.</p> <p>4 And there was a statement issued by NAENA 5 jointly with Vonage and the Bonn Coalition when the NPRN 6 was commenced back in December. And I can 7 E-mail you that statement as to what they are working on.</p> <p>8 But in short, they're working out figuring out 9 the funding contribution as appropriate for PSAPS, as 10 well as the technical solution in terms of call routing 11 and how the calls will get through the infrastructure 12 that's currently in place with the PSAPS, which is a 13 very, very complex issue.</p> <p>14 There's also more forward-looking forums. 15 ATIS. ENRIC is actually looking at ten years from now 16 what the I-911 or enhanced 911 service should look like, 17 which is a fully IP-based 911 system. What sort of 18 geographical obligations should apply there and what's 19 the rate.</p> <p>20 Other information in I-911 environment, I think 21 this gets lost often in 911 conversations. In an I-911 22 environment, there is much more information that can be 23 offered than to public safety dispatcher. For example, 24 medical records, distinct location information in terms 25 of how many people were at the scene, what type of</p>



<p style="text-align: right;">121</p> <p>1 emergency it is, what type of emergency response is  2 required, blueprints for a fire for fire department so  3 that they can know exactly what routes are closed or open  4 to them to make an emergency (inaudible).  5 There's much more information that can provided  6 in an enhanced or in an Internet-enabled 911 environment  7 than can be provided today in an E-911 environment.  8 There's a lot more advanced services that -- that can be  9 applied in an I-911 environment ten years from now, once  10 we get that point.  11 JOHN VAN ESCHEN: Keith.  12 KEITH EPSTEIN: Just real quickly. You  13 know, the concerns that the -- the local exchange  14 carriers have about -- you -- the location with E-911 for  15 VoIP is we're concerned about forty or fifty different  16 proprietary solutions, and us having to test each and  17 every one of them.  18 So what we're really looking for is standards  19 to be developed. Something that everyone can build and  20 adhere to, and that the manufacturers can not only  21 manufacture equipment that's compliant, but retrofit  22 those (inaudible) elements or never (inaudible) -- it's  23 already in place.  24 But so we're just looking at it doing it one  25 way everywhere.</p>	<p style="text-align: right;">123</p> <p>1 user.  2 As an end user, how do you obtain phone  3 numbers?  4 JASON TALLEY: We obtain phone numbers  5 from our -- the local exchange partners that we -- that  6 we derive the local number and ability from. Generally  7 it's CLECs.  8 JOHN VAN ESCHEN: Yes.  9 UNIDENTIFIED SPEAKER: I have a question.  10 This is directed at Vonage. I think Ms. Schulz had made  11 a comment that on the 911 you do it to best of your  12 ability as of now.  13 Could you give a brief description of what that  14 means? What -- what is -- how does it work?  15 BROOKE SCHULZ: Sure.  16 AUDIENCE: I'm familiar with inside  17 dressing on the local telephone site.  18 BROOKE SCHULZ: Right. It's a good  19 question.  20 How does our current 911 solution work for  21 (inaudible)? Firstly, because Vonage is based on IP  22 addresses, not telephone number resources, we need the  23 customer to tell us where the phone service with Vonage  24 VOCs will live, because we don't know.  25 All we use is an IP address to be able to route</p>
<p style="text-align: right;">122</p> <p>1 LETTY FRIESEN: And just to beat a dead  2 horse, AT&amp;T is a member of the Bonn Coalition as well,  3 and we've worked on NAENA. We are also working on the  4 Alliance for Telecommunications Industry Solutions,  5 that's ATIS. That is a standards group that Mr. Epstein,  6 I'm sure, is aware of.  7 AT&amp;T, in addition to working on these standards  8 bodies and looking at the Bonn Coalition, is also working  9 its own labs to come up with solutions, solutions that it  10 intends to share with the industry as a whole so that  11 they will be inter-operable among many ILECs and VoIP  12 providers.  13 UNIDENTIFIED SPEAKER: Well, I think  14 that's the point I was going to make, is that ATIS is  15 truly a very broad, diverse industry group made up of a  16 different types of carriers. And I expect many of these  17 have representatives on various ATIS committees that are  18 here today trying to address the Commission.  19 JOHN VAN ESCHEN: Are there any other  20 questions from the audience?  21 Arthur.  22 UNIDENTIFIED SPEAKER: My question is to  23 Mr. Talley.  24 Earlier, when we were discussing inter-carrier  25 compensation, you referred to your company as an end</p>	<p style="text-align: right;">124</p> <p>1 the calls to that IP address, and then we wrap the  2 telephone number around it because that's what the PSTN  3 knows how to route to.  4 Okay. So there's two different routing motions  5 going on here. Our -- our routing functions based on the  6 IP address, which is a geographical information  7 associated with it. There's no fixed information  8 associated with it as it varies with land line service  9 where the facility coming into the home is fixed.  10 So we require customers to tell us where that  11 Vonage VOCs will be located. Once we take that  12 information and they give us our chute address, we take  13 that information and we geo-code it with our partner  14 ENTRADO. ENTRADO sells us functionality in the field to  15 know what public safety answering point is in that  16 customer's area.  17 So what we do is we take that PSAP information  18 that Entrado gives us, and basically they give us a  19 ten-digit phone number. We route the 911 call, once the  20 customer dials 911, over PSTN to the ten-digit phone  21 number, the ADVIN of the PSAP. That is what is made  22 available to us today.  23 Because we're not a carrier, because we're not  24 inter-connected at the facility's level with the CLECs,  25 with the local LECs, we are unable to access the</p>



<p style="text-align: right;">125</p> <p>1 selective routing system.</p> <p>2 Another complicated problem that this adds is</p> <p>3 that the idea of a customer using an out-of-rate center</p> <p>4 number. For example, I have a 212 phone number on my</p> <p>5 Vonage service, but I can use it here, here in Jefferson</p> <p>6 City. And if Jefferson City's collective routers are</p> <p>7 unable to take a seven-digit or ten-digit number, my call</p> <p>8 will not -- my 911 call will not go through the selective</p> <p>9 routing system.</p> <p>10 So there's -- there's technical issues around</p> <p>11 the routing of the calls through the PSAP system, and</p> <p>12 there's also provisioning issues around location</p> <p>13 information in the databases and ANI information in the</p> <p>14 databases.</p> <p>15 So those -- those two things we are working on</p> <p>16 with the industry.</p> <p>17 UNIDENTIFIED SPEAKER: Just curious, would</p> <p>18 an end user -- would you -- if an end user took your</p> <p>19 service --</p> <p>20 BROOKE SCHULZ: Uh-huh.</p> <p>21 UNIDENTIFIED SPEAKER: -- would you be</p> <p>22 able to give them the information to let them know that</p> <p>23 you've asked or you're requested that information, but</p> <p>24 would an end user know that I've taken a ten-digit</p> <p>25 number --</p>	<p style="text-align: right;">127</p> <p>1 JOHN VAN ESCHEN: Any other questions?</p> <p>2 UNIDENTIFIED SPEAKER: Thanks.</p> <p>3 I'd like to go back to the issue of access</p> <p>4 charges, and have a little more discussion, if you would,</p> <p>5 about how that works.</p> <p>6 And I heard Nuvio saying that we deal with ICs,</p> <p>7 and ICs are dealing with the access charges. I know</p> <p>8 that's the end of the story, and I want to hear a little</p> <p>9 more discussion about that because, if it is the end of</p> <p>10 the story, then you can tell me that. But I have the</p> <p>11 feeling that's not the case.</p> <p>12 Thanks.</p> <p>13 JIM BURT: I'll discuss it from the --</p> <p>14 Sprint's perspective and what we have seen as a local</p> <p>15 exchange carrier.</p> <p>16 We establish interconnection trunks with CLECs,</p> <p>17 and I believe a number of Voice-over-IP providers create</p> <p>18 these partnerships with those CLECs. They deliver</p> <p>19 traffic over PRI circuits, and that's the local service</p> <p>20 that they're purchasing, the USF on that. And that CLEC</p> <p>21 then terminates that traffic to the incumbent LEC, or the</p> <p>22 CLECs, over these inter-connection facilities.</p> <p>23 In some instances, the records of those</p> <p>24 facilities are such that the call appears to be a local</p> <p>25 call because the -- the originating number will appear to</p>
<p style="text-align: right;">126</p> <p>1 BROOKE SCHULZ: Uh-huh.</p> <p>2 AUDIENCE: -- that the selected router</p> <p>3 will not call that route. So, therefore, 911 will not</p> <p>4 work?</p> <p>5 BROOKE SCHULZ: Actually, yes. There are</p> <p>6 several ways that we notify customers of the differences</p> <p>7 between our current 911 -- dialing 911 solution and what</p> <p>8 they're used to on E-911 system.</p> <p>9 They're sev -- if you look at our Web site,</p> <p>10 there's a detailed page called Dialing 911 that explains</p> <p>11 the differences and why you need to opt in. And then</p> <p>12 when you opt in, there are several boxes that you need to</p> <p>13 elect to that say I know this service will not work in an</p> <p>14 I -- in an E-911 fashion. I know that there is no E-911</p> <p>15 service in the traditional 911 service on this -- on this</p> <p>16 service that I'm buying.</p> <p>17 And there's a -- in addition to that, in our</p> <p>18 terms of service, there's a detailed description of how</p> <p>19 this service routes the calls over the PSTN to the</p> <p>20 tendage data end line, and how that differs from E-911.</p> <p>21 So we do -- we think we do a very good job of</p> <p>22 explaining to customers the limitations of the 911</p> <p>23 service and letting them make an educated decision of the</p> <p>24 three steps along the way as to whether or not they want</p> <p>25 to purchase the service.</p>	<p style="text-align: right;">128</p> <p>1 be a number on that PRI, which may indeed be local.</p> <p>2 However, the call didn't necessarily originate there.</p> <p>3 Therefore, reciprocal compensation is applying to those</p> <p>4 calls rather than what ILECs would expect to get for</p> <p>5 access inter- or intra-state.</p> <p>6 So I think that's how it's typically done. As</p> <p>7 far as what the Voice-over-IP providers pay to any</p> <p>8 intermediate parties, I don't know. But I'm assuming</p> <p>9 that it takes into account what the party pays to the</p> <p>10 incumbent LEC as they terminate those calls. And I</p> <p>11 think, you know, that's the big debate that maybe started</p> <p>12 with AT&amp;T, what really should apply.</p> <p>13 But there are a number of -- I'm reluctant to</p> <p>14 call them carriers. There are a number of providers out</p> <p>15 there that advertize this wholesale inter-connection</p> <p>16 service. And I believe the vast majority -- the vast</p> <p>17 majority of those are avoiding access charges.</p> <p>18 Therefore, if they're paying .0007 cents to terminate</p> <p>19 that call, rather than several pennies potentially, I</p> <p>20 think that's reflected in the wholesale charge that they</p> <p>21 provide to the Voice-over-IP service providers.</p> <p>22 I -- I would imagine that there are instances</p> <p>23 where, if there is not a CLEC partner to terminate to, I</p> <p>24 think there are a couple of alternatives. They can hand</p> <p>25 it off to an IXE and they might terminate those calls</p>



<p style="text-align: right;">129</p> <p>1 over traditional access facilities. I would imagine that  2 that's a very small percentage of the total traffic in  3 the United States.  4 The alternative then would be to purchase PRIs  5 as end users again, just as they do with the CLEC. They  6 can purchase those facilities directly from incumbent  7 LECs. And I think that's what -- and I don't know how  8 much of that is taking place. We've seen an announcement  9 by QWest whereby I think that's the service that they are  10 not advertizing. Come to me, deliver your Voice-over-IP  11 -- Voice-over-IP traffic to me over my PRI circuits. I  12 think that's -- I don't know that's a new idea.  13 What I don't know is how much they charge for  14 that PRI. If it's going to be the same cost as the  15 traditional end user PRI, or if they're somehow factoring  16 in some surrogate minutes of use and it's -- the price is  17 actually recovering the cost of access charges that they  18 would normally -- normally have received.  19 UNIDENTIFIED SPEAKER: Just a couple of  20 additions. I think most of what was previously discussed  21 is what is happening in an urban environment where an  22 ISD, NPI makes sense in a rural environment.  23 I mean, first of all, I would agree with the  24 comments made by Jason that -- that some VoIP providers  25 are using IXCs to terminate traffic, and they'll come in</p>	<p style="text-align: right;">131</p> <p>1 demand from our IXEs that we terminate to that they are,  2 in fact, paying that compensation to -- in many cases to  3 rural telephone companies because there's an efficiency  4 of size. It's not worth it for us to basically place our  5 gateway head servers in a minimal area. I mean it simply  6 does not make sense for us to do that.  7 And we want to make sure that we're not using,  8 as providers, (inaudible) -- that are, you know, charging  9 us .00007 cents per minute, because obviously there's  10 something wrong in that case.  11 And from a customer's standpoint as well, those  12 providers usually have very minimal service. And our  13 consumers and our customers would not stay with us if  14 they had poor service.  15 From a rural standpoint as well, if a rural  16 customer has one of our units and is using it over their  17 broadband provider, chances are they don't have a rural  18 telephone number in there. They have some other type of  19 telephone number, be it a major metropolitan area close  20 to them or far away.  21 If they call a neighbor across the street,  22 we're paying access charges for that. So, in some ways,  23 we're paying more than we would be paying if it was a  24 geographically-based (inaudible).  25 So we work within the system that exists today,</p>
<p style="text-align: right;">130</p> <p>1 and access will be paid by those IXCs in rural areas,  2 although the jurisdiction may change.  3 We had a couple of clients recently who tested  4 the service with a call between two Missouri locations,  5 and it appears as a call terminating from New Jersey.  6 So there's some -- there's some jurisdictional issues  7 related to it.  8 To the extent you get into extended area of  9 service or wide local calling areas, rural companies may  10 get traffic that's terminated through the urban area  11 using PRIs.  12 The other piece of the axis that we really  13 didn't talk about as much specifically is the originating  14 site. That is, to the extent that a rural subscribing  15 uses a broadband facility and VoIP provider to originate  16 the call, the terminating access that the carrier  17 currently gets would be lost because it's not going  18 through the PSTN at that point in time, although the same  19 local loop may be used to provide the broadband  20 connection.  21 JOHN VAN ESCHEN: Rich.  22 RICH HIGGINS: I'd just like to follow up  23 a little bit.  24 AUDIENCE: Rich -- yes.  25 RICH HIGGINS: We believe that -- and we</p>	<p style="text-align: right;">132</p> <p>1 and I think everybody agrees that there's probably some  2 changes that need to be made.  3 KEITH EPSTEIN: And taking that,  4 continuing where Jason left off, the changes that are  5 likely to be made probably there aren't as many alterna  6 -- potential alternatives as they are interested parties.  7 But one of the things that have been bandied  8 about is new -- is new access, which frequently I've  9 heard it referred to as the future VoIP. It is something  10 different from what is -- from what currently exists. It  11 may take a (inaudible). It may set a new rate. It may  12 normalize the rates on inter- and intra-state basis.  13 It will be something different from what it is  14 today. How far out that is, we don't know. Certainly  15 won't see any absolute solution, although QWest's recent  16 announcement suggests what they think of the decision. I  17 think the other ILECs probably are not as far along as  18 QWest is in that thinking. And there's a lot of internal  19 discussion going on within at least SBC about how to  20 appropriately handle that.  21 But I think probably in about eighteen months  22 we probably see some, you know, preferred solutions  23 emerge.  24 JOHN VAN ESCHEN: Any other questions?  25 UNIDENTIFIED SPEAKER: Thank you.</p>



1 This is -- this isn't so much a question as a  
2 comment. I -- I have a lot I'd like to say, so I'm  
3 controlling myself.

4 But I want to thank everybody for having -- for  
5 being here. This is really a quality group, and there's  
6 a lot of knowledge in this room. And I really appreciate  
7 your coming and sharing your knowledge with us.

8 I've been looking forward to this because I  
9 think VoIP is just tremendous. I think technolo --  
10 technological advances in general and more choices for  
11 consumers are fantastic.

12 And my great fear is that regulators will get  
13 in the way, and I think knowledge helps us all. So thank  
14 you very much.

15 JOHN VAN ESCHEN: Any other questions,  
16 comments, that people would like to make?

17 AUDIENCE: (No response.)

18 JOHN VAN ESCHEN: If not, I'd like to  
19 thank everybody for coming, and also like to thank the  
20 panelists for coming and sharing their thoughts.

21 And with that, thanks again.  
22 (Thereupon, Video Tape 3 concluded.)



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