

Exhibit No:  
Issues:  
Witness: Michael Yoest  
Type of Exhibit: Direct Testimony  
Sponsoring Party: Southwestern Bell  
Telephone , L.P., d/b/a/  
SBC Missouri  
Case No: TO-2005-0336

SOUTHWESTERN BELL TELEPHONE, L.P.,  
d/b/a SBC MISSOURI

CASE NO. TO-2005-0336

DIRECT TESTIMONY

OF

MICHAEL YOEST

Dallas, Texas  
May 9, 2005

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

In the Matter of Southwestern Bell Telephone, L.P.,  
d/b/a SBC Missouri's Petition for Compulsory ) Case No. TO-2005-0336  
Arbitration of Unresolved Issues for a Successor )  
Agreement to the Missouri 271 Agreement ("M2A") )

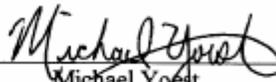
**AFFIDAVIT OF MICHAEL YOEST**

STATE OF TEXAS

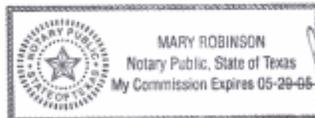
COUNTY OF DALLAS )

I, Michael Yoest, of lawful age, being duly sworn, depose and state:

1. My name is Michael Yoest. I am presently Area Manager-Regulatory Relations for Southwestern Bell Telephone, L.P.
2. Attached hereto and made a part hereof for all purposes is my Direct Testimony.
3. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Michael Yoest

Subscribed and sworn to before me this 4<sup>th</sup> day of May, 2005.



  
\_\_\_\_\_  
Notary Public

My Commission Expires: 5-29-05

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1 **I. INTRODUCTION**

2 **Q. STATE YOUR NAME AND BUSINESS ADDRESS.**

3 A. My name is Michael Yoest. My business address is One SBC Plaza, Room 3440.12,  
4 Dallas, Texas, 75202.

5 **Q. WHO IS YOUR EMPLOYER AND WHAT IS YOUR POSITION?**

6 A. I work for Southwestern Bell Telephone, L.P. (“SBC”). My position is Area  
7 Manager, Regulatory Relations for all Operator Services (“OS”), Directory  
8 Assistance (“DA”), and Directory Assistance Listing Information (“DAL”) topics,  
9 and in that position I am responsible for testifying before state regulatory  
10 commissions and working with our state regulatory offices regarding our OS, DA,  
11 and DAL legal requirements across most of SBC’s 13-state incumbent area.

12 **Q. WHAT IS YOUR EDUCATIONAL BACKGROUND AND WORK**  
13 **EXPERIENCE?**

14 A. I received a Bachelor’s Degree in Business Administration from Loyola Marymount  
15 University in Los Angeles, California. I am also pursuing a Master’s in Business  
16 Administration degree at the University of Texas at Arlington. While working for the  
17 Company, I have attended seminars and training sponsored by SBC Communications,  
18 Inc. (“SBC”), and other industry organizations on various management subjects. I  
19 began my career with SBC in 2000. I have held management positions in Cellular  
20 One Wireless and Southwestern Bell Telephone. From June 2001 to June 2002, I was  
21 the Federal Regulatory Manager for Operator Services and Directory Assistance. I  
22 began my current assignment in Operator Services as Area Manager – Regulatory –  
23 September of 2003.

1 **II. EXECUTIVE SUMMARY**

2  
3 My testimony supports SBC Missouri’s position that The Pager Company should be  
4 required to provide its non-published listings to SBC Missouri’s Directory Assistance  
5 and White Pages operations. The Pager Company’s proposal to withhold its listings  
6 for non-published end users is contrary to the FCC’s regulations and inconsistent with  
7 the practice of every other wireline CLEC and ILEC serving end-users in Missouri.  
8 The Pager Company’s proposal implicates public safety concerns, fails to meet the  
9 needs of all end-user subscribers in Missouri, and fails to comply with the applicable  
10 FCC regulations governing directory assistance.

11 My testimony supports SBC Missouri’s position that it fully meets all of its  
12 obligations in providing access to OS/DA services to MCI. MCI seeks to impose  
13 obligations upon SBC Missouri that are beyond what the FCC found in its UNE  
14 Remand Order and the Triennial Review Orders.

15 **III. NON – PUBLISHED DIRECTORY ASSISTANCE LISTINGS ISSUE**

16  
17 **Pager Company DAL Issue 1; [Att. 18 DAL, 2.2 and 2.3]**

18 **Issue Statement:** *Should CLECs be required to provide all directory listings including non-*  
19 *published listings?*

20  
21 **Q. WHAT IS THE DISAGREEMENT CONCERNING NON-PUBLISHED DA**  
22 **LISTINGS?**

23 A. The disagreement comes from The Pager Company of Missouri, which is the only  
24 CLEC in the state unwilling to provide non-published listings to SBC’s Directory  
25 Assistance and White Pages operations. Since CLECs came into existence after the  
26 1996 federal Telecommunications Act, all CLECs have been loading their end user  
27 listings, including non-published listings, into SBC Missouri’s Directory Assistance  
28 (“DA”) and White Pages (“WP”) databases. They have been doing this pursuant to

1 the Directory Assistance Listings (“DAL”) Attachment<sup>1</sup> to their applicable  
2 interconnection agreements.<sup>2</sup> SBC Missouri uses this information to provide both  
3 retail and wholesale DA and WP services. The Pager Company proposes, however,  
4 for the first time in SBC Missouri’s experience, that it will only provide DAL listings  
5 for its *published* end users, and actually withhold listings for end users who request  
6 non-published status.

7 **Q. WHY DOES SBC MISSOURI DISPUTE THE PAGER COMPANY’S**  
8 **POSITION ON THIS ISSUE?**

9 A. The Pager Company’s proposal (a) conflicts with mandatory FCC rules; (b) fails to  
10 meet end user needs, and (c) raises public safety concerns. As I will further outline  
11 below, the Pager Company’s proposal should be rejected.

12 **Q. WHAT IS A NON-PUBLISHED LISTING?**

13 A. A non-published listing, or number, is a customer’s telephone number that is not  
14 included in DA databases and not included in telephone directories. These telephone  
15 numbers are not available to anyone calling DA service and are not printed in the  
16 phone books distributed to the general public.

17 A non-listed number is a customer’s telephone number that is included in the DA  
18 database and is not included in telephone directories.

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<sup>1</sup> Formally labeled Attachment 18: Mutual Exchange of Directory Listing Information.

<sup>2</sup> E.g., the 1998 AT&T Interconnection Agreement and the Missouri 271 Agreement (“M2A”).

1           a.       **The Pager Company’s Proposal Conflicts with FCC Rules.**

2       **Q.    DO FCC RULES REQUIRE LECs TO PROVIDE EACH OTHER WITH**  
3       **LISTINGS FOR NON-PUBLISHED END USERS?**

4       A.    Yes. The FCC’s Local Competition Rules at 47 C.F.R. § 51.217, require all LECs to  
5       provide non-discriminatory access to the names and addresses of their non-published  
6       customers to other LECs:

7                           “A LEC shall not provide access to unlisted telephone numbers, or  
8                           other information that its customer has asked the LEC not to make  
9                           available, with the exception of customer name and address. The  
10                          LEC shall ensure that access is permitted to the same directory  
11                          information, including customer name and address, that is available  
12                          to its own directory assistance customers.”<sup>3</sup>

13       **Q.    HAS THE FCC EXPLAINED THE BASIS FOR THIS RULE?**

14       A.    Yes. In its Directory Listing Information Order<sup>4</sup>, the FCC “*conclude[d] that names*  
15       *and addresses of subscribers with unlisted information must be shared among*  
16       *LECs,*”<sup>5</sup> It explained that “a requesting LEC is at a disadvantage if it does not have  
17       the names of non-published subscribers for its own directory assistance service.”<sup>6</sup>

18       Responding to a point made by Excell, the FCC stated:

19                           "As Excell correctly observes, *the names and addresses are essential*  
20                           *to enable a competing directory assistance provider to inform callers*  
21                           *that the number requested is unlisted,* whereas, where no information  
22                           on the subscriber with an unpublished number is provided, the  
23                           operator cannot provide any information on the requested number.”<sup>7</sup>

24       And with respect to emergency situations, the FCC stated:

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<sup>3</sup> 47 C.F.R. § 51.217(c)(3)(iv) (emphasis added).

<sup>4</sup> Third Report and Order in CC Docket No. 96-115, Second Order on Reconsideration of the Second Report and Order in CC Docket No. 96-98, and Notice of Proposed Rulemaking in CC Docket No. 99-273, *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, 14 FCC Rcd 15550 (1999) (“Directory Listing Information Order”).

<sup>5</sup> *Directory Listing Information Order*, 14 FCC Rcd at 15557-59, ¶8 (emphasis added).

<sup>6</sup> *Id* at 15638, ¶ 167.

<sup>7</sup> *Id* at 15638, ¶ 167.

1 "We do agree with Excell, however, that it is important that a  
2 requesting LEC should be able to ensure that its subscribers will  
3 have the same ability as the providing LEC's subscribers to contact  
4 subscribers with unlisted numbers in an emergency."<sup>8</sup>

5 The FCC presumed that LECs will always have access to the name and address of  
6 their own customers, and held that failing to provide access to the minimal  
7 information gives rise to a per se "competitive disparity."<sup>9</sup>

8 **Q. ARE THE PAGER COMPANY'S OWN DIRECTORY ASSISTANCE**  
9 **OPERATORS ABLE TO ACCESS THE NAME AND ADDRESS OF NON-**  
10 **PUBLISHED SUBSCRIBERS?**

11 A. Yes. The Pager Company's directory assistance operators are able to access the name  
12 and address of non-published subscribers. Under FCC rules, SBC Missouri must be  
13 given access to the same information.

14 **b. The Pager Company's Proposal Fails to Meet Customer Needs.**

15 **Q. WILL THE PAGER COMPANY'S REFUSAL TO PROVIDE NON-**  
16 **PUBLISHED LISTING INFORMATION IMPAIR OTHER CARRIERS**  
17 **ABILITY TO MEET THEIR CUSTOMERS' NEEDS?**

18 A. Yes, other carriers, and their customers, will be impacted by The Pager Company's  
19 refusal to provide non-published listings.

20 **Q. UNDER NORMAL CIRCUMSTANCES, WHAT DOES DIRECTORY**  
21 **ASSISTANCE PROVIDE A CALLING CUSTOMER WHEN THE CALLER**  
22 **REQUESTS A NON-PUBLISHED NUMBER?**

23 A. The caller hears a recording which states: "The customer has requested this  
24 information not be provided." SBC Missouri developed this recording to explain why  
25 the number is not being released, and it has been in place without complaint for years.

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<sup>8</sup> *Directory Listing Information Order*, 14 FCC Rcd at. at 15639, ¶ 168.

<sup>9</sup> The FCC made the same presumption in paragraph 169: "section 251(b)(3) encompasses all *the customer information, including the names and addresses of persons with unpublished numbers, that a LEC uses to provide directory assistance.*" *Id.* at 15640, ¶ 169 (emphasis added).

1 **Q. WHAT WOULD HAPPEN IF THE NON-PUBLISHED END USER LISTING**  
2 **WAS NOT IN THE DA DATABASE?**

3 A. The caller and the DA operator would struggle to figure out why the requested name  
4 was not found in the database, keep looking, and eventually be frustrated and give up.  
5 SBC's DA operators are trained to confirm the correct spelling of the requested last  
6 name, and then ask the caller whether alternative spellings or different first names  
7 apply. Often the DA operator will broaden the search for the requested name into  
8 neighboring cities, and respond to caller directions as alternatives. But if the name is  
9 not in the database, both caller and DA operator will be wasting their time, and  
10 eventually will give up the search.

11 **Q. WOULD THE PAGER COMPANY'S PROPOSAL TO WITHHOLD NON-**  
12 **PUBLISHED LISTINGS NEGATIVELY IMPACT OTHER DA PROVIDERS**  
13 **IN ADDITION TO SBC MISSOURI?**

14 A. Yes. Withholding the non-published listings would impact all LECs who offer 4-1-1  
15 dialing to Directory Assistance. Hypothetically, imagine that a Navigator CLEC end  
16 user in a Sprint Missouri exchange dials 4-1-1 and speaks to a Sprint Missouri DA  
17 Operator. If the Navigator caller asks for a The Pager Company Non-Published End  
18 User listing found elsewhere in Missouri, the Sprint Missouri DA Operator would  
19 search, check the spelling, and eventually report that it could not find such a listing.  
20 This frustrates the Navigator caller and the Sprint Missouri Operator, both of whom  
21 wasted their time looking for a listing that was not there to begin with. Also, since  
22 National Directory Assistance is now widely offered by all LECs in the United States,  
23 this same hypothetical situation could play out between a CLEC caller and an ILEC  
24 DA Operator in Verizon, Bellsouth, or Qwest territory. Withheld non-published DA

1 listings would also impact competing non-LEC DA providers like InfoNXX and OSC  
2 Teleservices

3 **Q. DID THE PAGER COMPANY EXPLAIN WHY IT WANTED TO**  
4 **WITHHOLD LISTINGS FOR NON-PUBLISHED END USERS?**

5 A. The Pager Company's proposal did not come with an explanation as to why its  
6 proposal was made.

7 **c. The Pager Company's Proposal Raises Serious Public Safety Concerns.**

8 **Q. WILL THE PAGER COMPANY'S REFUSAL TO PROVIDE NON-**  
9 **PUBLISHED LISTING INFORMATION INTERFERE WITH THE ABILITY**  
10 **TO MEET PUBLIC SAFETY NEEDS?**

11 A. Yes there will exist an inability to contact non-published end users with a police, fire,  
12 or medical emergency.

13 **Q. HOW DO DA OPERATORS HANDLE CALLS FROM AN END USERS**  
14 **WITH A POLICE, FIRE, OR MEDICAL EMERGENCY THAT NEED TO**  
15 **CONTACT A NON-PUBLISHED END USER?**

16 A. Like those of other DA providers, SBC's DA Operators are trained to offer the  
17 emergency caller the option of having SBC contact the non-published end user on  
18 behalf of the emergency caller. SBC's DA Operators will hand the caller off to a  
19 Service Assistant ("SA") who takes the caller's information, including callback  
20 number, and then contacts the non-published end user to provide the emergency  
21 information including the caller information and callback number. Those phone  
22 messages could not occur if the DA operator did not have the non-published end user  
23 listing in the database.

1 **Q. DOES THE DA OPERATOR DISCLOSE THE NON-PUBLISHED**  
2 **CUSTOMER'S TELEPHONE NUMBER IN SUCH EMERGENCY**  
3 **SITUATIONS?**

4 A. No. At no point in this process does SBC provide the non-published end user's  
5 telephone number.

6 **Q. WHY NOT CALL "9-1-1" TO CONTACT A NON-PUBLISHED END USER**  
7 **IN AN EMERGENCY?**

8 A. Because the 9-1-1 dispatcher's main responsibility is the dispatch of police, fire, and  
9 medical personnel in the event of an emergency. The 9-1-1 database does not  
10 differentiate between published and non-published, so a 9-1-1 dispatcher would not  
11 be able to tell the difference between a published and non-published listing, requiring  
12 equal treatment for all listings. Also, the 9-1-1 dispatcher has no means by which to  
13 verify that the caller actually is police, fire, or medical personnel, so must treat all  
14 callers equally. As such, state 9-1-1 and privacy laws would apply to the treatment of  
15 the information.

16 **Q. HOW DOES SBC MISSOURI ENSURE THAT AN END USER WHO**  
17 **REQUESTS NON-PUBLISHED STATUS IS NOT PRINTED IN THE WHITE**  
18 **PAGES DIRECTORY?**

19 A. When an end user requests their listing be non-published, the service order is issued  
20 with a Listing Instruction Code Non-published. The software will not pull the listing  
21 into the printed product when Non-published is encountered. For CLEC issuance, as  
22 along as the Listing Type value is "3" the listing will not be pulled for the printed  
23 product. The software works accurately when the Service Order/LSR is issued to  
24 indicate the listing is to be non-published.

1 **Q. HOW DOES SBC MISSOURI ENSURE THAT AN END USER WHO**  
2 **REQUESTS NON-PUBLISHED STATUS IS NOT DISCLOSED TO A**  
3 **CALLER SEEKING DIRECTORY ASSISTANCE?**

4 A. The DA operator's screen does not reveal the non-published phone number. It does  
5 show the non-published end user's name and address information so human error is  
6 taken out of the equation.

7 **Q. WOULD THE PAGER COMPANY'S PROPOSAL TO WITHHOLD NON-**  
8 **PUBLISHED LISTINGS ALSO IMPACT WP DIRECTORY PUBLISHERS?**

9 A. Yes. Withheld non-published listings would affect not only DA, but would also  
10 immediately impact WP publishing. The reason is that modern, computerized WP and  
11 DA listing databases are intertwined, not just by SBC Missouri, but also by  
12 competing WP publishers. It must be understood that end user listings basically  
13 consist of the name, address, and telephone number. DA Operators need that  
14 information when looking up the number, and so do WP publishers delivering the  
15 new annual directory to all addresses.

16 **Q. DOES THE PAGER COMPANY SUPPLY ALL OF ITS LISTINGS, BOTH**  
17 **PUBLISHED AND NON-PUBLISHED, TO SBC MISSOURI FOR WHITE**  
18 **PAGES DIRECTORY PUBLISHING AND DELIVERY?**

19 A. Yes. The Pager Company (like most CLECs) does not publish its own telephone  
20 directories. Instead, The Pager Company and other CLECs submit all their end user  
21 listings (including non-published end user information) to the ILEC for publication of  
22 a directory that does not include non-published numbers. The reason CLECs like The  
23 Pager Company provide the non-published listing is so that those non-published end  
24 users will receive a directory on their doorstep each year. The WP database needs to  
25 be complete for directory delivery, especially when the end user has a rural address.  
26 The non-published end user is entitled to receive a free WP directory just like

1 published end users, and thus the name and address is vital. That also explains why  
2 the FCC drafted Rule 51.217(c)(3)(iv) as it did, to require exchange of name and  
3 address, but not telephone number, for non-published end users.<sup>10</sup>

4 **Q IN SUMMARY, SHOULD CLECS BE REQUIRED TO PROVIDE ALL**  
5 **DIRECTORY LISTING INFORMATION, INCLUDING NON-PUBLISHED**  
6 **LISTINGS?**

7 A. Yes, all LECs must provide a complete and total set of their directory listings,  
8 including non-published listings, in order to comply with FCC rules and important  
9 public policy objectives. Again, 47 C.F.R. § 51.217(c) expressly requires that all  
10 LECs must honor the end user request to be non-published, but must provide to each  
11 other the non-published end user's name and address as a part of the listing. The  
12 reason is so that all DA providers, whether ILEC or competing DA providers, can  
13 provide Emergency Non-Pub notifications for police, fire, and hospital emergencies.  
14 Such emergency situations occur without revealing the non-published end user's  
15 listing to the caller, and results in a phone message from the DA Service Assistant  
16 ("SA") to the non-published end user. Those phone messages could not occur if the  
17 DA operator did not have the non-published end user listing in the database. For these  
18 reasons, all listings, published and non-published, are needed to maintain the  
19 accuracy of SBC's directory assistance and operator services databases.

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<sup>10</sup> While SBC Missouri, and potentially 3<sup>rd</sup> party providers, would be provided the non-published end-users' names and addresses, this information would not be disclosed to the public, including through directory assistance or published directories.

1 **IV. OPERATOR SERVICES (OS) AND DIRECTORY ASSISTANCE (DA)**  
2 **ISSUES**

3  
4 **MCIIm OS Issue 1:**

5 **Issue Statement:** *Should SBC Missouri be required to provide Operator Services as a*  
6 *UNE? (i.e., Cost-based TELRIC pricing)?*

7  
8 **MCIIm DA Issue 1:**

9 **Issue Statement:** *Should SBC Missouri be required to provide Directory Assistance as a*  
10 *UNE? (i.e., Cost-based TELRIC pricing)?*

11  
12 **Q. WHAT IS THE DISPUTE REGARDING THE INTRODUCTORY CLAUSE IN**  
13 **THE OS AND DA APPENDICES (OS ISSUE 1 AND DA ISSUE 1)**

14 A. SBC Missouri simply proposes that its Operators will answer MCIIm End Users' "0"  
15 or "411" dialed calls as specified in the OS and DA Appendix, with this introductory  
16 language:

17 [SBC] "SBC Missouri shall provide Operator Services in  
18 accordance with the terms and conditions herein, unless SBC  
19 Missouri provides MCIIm with customized routing as defined in  
20 Appendix UNE."

21 MCIIm, however, proposes that a clause declaring OS and DA to be UNEs be inserted  
22 at the beginning of both the OS and DA Appendix, as follows:

23 [MCIIm] "SBC Missouri shall provide Operator Services as an  
24 unbundled Network Element at TELRIC-based rates, unless SBC  
25 Missouri provides MCIIm with customized routing as defined in  
26 Appendix UNE, and unless authorized to discontinue unbundled  
27 Operator Services by the Commission."

28 **Q. WHY DOES SBC MISSOURI'S INTRODUCTORY CLAUSE BETTER**  
29 **DESCRIBE THE CONTRACT SCOPE?**

30 A. SBC Missouri's introductory clause accurately reflects the fact that SBC Missouri has  
31 no obligation to provide OS and DA as UNEs. Federal law has long established that  
32 CLECs are free to choose any OS/DA provider they wish, and thus CLECs are not  
33 impaired within the meaning of section 251 unbundling. The FCC first established  
34 this fact in its 1999 *UNE Remand Order*<sup>11</sup> where it found that when Incumbent LECs

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<sup>11</sup> Third Report and Order and Fourth Further Notice of Proposed Rulemaking Implementation of the Local  
(cont'd)

1 provide customized routing, they need not provide access to OS/DA as unbundled  
2 network elements. SBC Missouri does indeed provide OS/DA customized routing,  
3 and has publicly displayed the details to carry out customized routing on the "CLEC  
4 Online" website (<https://clec.sbc.com/clec>). SBC Missouri incorporates by reference  
5 the "CLEC Handbook" material on customized routing posted on that website, and  
6 invites the Missouri Commission to see for itself that customized routing is readily  
7 available in Missouri. The OS and DA Appendix are therefore written under the  
8 assumption that the CLEC voluntarily wishes to use SBC Missouri for OS/DA  
9 services. Therefore, the details surrounding the various OS and DA services are  
10 specified in the Appendices without dispute by MCI.

11 **Q. WHAT IS MEANT BY CUSTOMIZED ROUTING?**

12 A. Customized Routing is a service that provides a carrier the ability to route its own OS  
13 and/or DA traffic from a UNE or resold line, according to digits dialed, (e.g., 0+/0-,  
14 411, 555-1212, or NPA 555-1212), to an alternate carrier trunk group. The alternate  
15 carrier trunk group will allow a carrier's customer originated calls to route to a carrier-  
16 selected OS and/or DA platform. CR requires a CLEC to establish its own trunking  
17 for the CR traffic, or to obtain the right to direct the CR traffic to another  
18 telecommunications carrier's trunks. SBC Missouri has fully deployed Customized  
19 Routing in the state of Missouri.

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(... cont'd)

Competition Provisions of the Telecommunications Act of 1996, 15 FCC Rcd 3996, 3891-92, ¶ 441-442 (1999)  
("UNE Remand Order").

1 **Q. HAS THE FCC CONTINUED THE DECLASSIFICATION OF OS/DA AS A**  
2 **UNE IN ITS RECENT RULINGS?**

3 Yes, the FCC's *Triennial Review Remand Order*, in February 2005, definitively  
4 eliminated unbundled local switching on a going forward basis, subject to a transition  
5 plan for the embedded base of customers.<sup>12</sup> The FCC reiterated its position, specific  
6 to OS/DA, just this month when it stated:

7 "we acknowledge that carriers are no longer required to provide  
8 OS/DA services as unbundled network elements under section  
9 251(c)(3). However, we note that in coming to the conclusion that  
10 UNE access would no longer be necessary under that section, the  
11 Commission specifically recognized the continued obligation to  
12 provide nondiscriminatory access to OS/DA under section  
13 251(b)(3)."<sup>13</sup>

14 As a consequence of these consistent and continued FCC rulings, SBC should not be  
15 obligated to provide OS/DA as a UNE.

16 **Q. ARE THERE ALTERNATIVE PROVIDERS OF COMPETITIVE**  
17 **WHOLESALE OS AND DA SERVICES?**

18 The FCC's *UNE Remand Order* spoke specifically to this point:

19 Even requesting carriers advocating the unbundling of operator and  
20 directory assistance services acknowledge that there exists a  
21 substantial number of alternative providers of operator and directory  
22 assistance services. For example, AT&T, MCI WorldCom, and  
23 Sprint have already established national operator services via toll-  
24 free numbers. McLeod USA self-provisions nationwide directory  
25 assistance service. Metro One provides OS/DA services to ALLTEL  
26 and GST Telecom. Cox and Omnipoint obtain OS/DA service from  
27 Teltrust, and WinStar obtains these services from Frontier.  
28 Requesting carriers may also obtain OS/DA services and directory  
29 listings from numerous wholesale providers, including CenturyTel

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<sup>12</sup> *In the Matter of Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313 and CC Docket No. 01-338, Order on Remand, FCC 04-290 (rel. Feb. 4, 2005).

<sup>13</sup> Order on Reconsideration in CC Docket No. 96-115, CC Docket No. 96-98, and CC Docket No. 99-273, *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, ¶18

1 Communications, Clifton Forge, Consolidated Communications,  
2 Excell, Experian's TEC Group, Frontier, HebCom, InfoNXX, Metro  
3 One, Quest411 and Teltrust.<sup>14</sup>

4 These same competitive OS/DA alternatives exist today.

5 **Q. IF THE MCIM WORDS ABOUT "UNE" STATUS WERE DELETED, COULD**  
6 **SBC MISSOURI PROVIDE A LOWER GRADE OF OS/DA SERVICE?**

7 A. No. From an operational perspective, when OS/DA calls come into SBC Missouri's  
8 OS and DA platform, SBC Missouri operators answer all OS and DA calls as they are  
9 automatically distributed to the Operator's work station by the switch. The SBC  
10 Missouri Operator does not "pick and choose" which calls to take, and thus does not  
11 have the ability to take a call from an SBC Missouri retail end user ahead of a CLEC  
12 end user. Therefore the automatic call distribution built into the SBC Missouri  
13 OS/DA platforms insures parity treatment with calls placed by other Missouri CLECs  
14 and Missouri Independent LECs utilizing SBC Missouri OS/DA. The automated  
15 OS/DA switches further avoid the live Operator handling the CLEC call any  
16 differently by playing a pre-recorded greeting loaded into the switch at the outset of  
17 the call. The pre-recorded greeting plays the CLEC's chosen announcement to the  
18 OS/DA caller, usually stating the CLEC's brand name and the fact that it is the  
19 CLEC's Operator Services or Directory Assistance (not SBC's) that has just been  
20 dialed. The live SBC Missouri Operator therefore begins each call with "How may I  
21 help you" or "What city, please," depending on whether it is OS or DA. Either way,  
22 the live Operator cannot physically begin the CLEC call any differently than an SBC  
23 Missouri retail call, ensuring that OS/DA services are provided in a competitively  
24 neutral manner.

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<sup>14</sup> UNE Remand Order, ¶ 448

1 Q. WHAT DO THE ADDITIONAL WORDS PROPOSED BY MCIM ABOUT  
2 “UNE” STATUS ACCOMPLISH?

3 A. MCIm is simply trying to lower the price for OS/DA, which is already addressed in  
4 Issue 25, discussed below.

5 Q. DOES TELRIC PRICING OF OS/DA APPLY UNDER ANY  
6 CIRCUMSTANCES?

7 A. No. The FCC analyzed Incumbent LECs unbundling obligations under both Section  
8 251(b)(3), Section 251(c)(3) and Section 271, and found that market-based pricing  
9 applies to OS and DA. *UNE Remand Order*, 15 FCC Rcd at 3906, ¶ 473.

10 **MCIm Prices Issue 25:**

11 **Issue Statement:** *What are the appropriate rates for OS/DA, including OS/DA Branding,*  
12 *and Rate Reference?*

13  
14 Q. HOW DO THE PARTIES DIFFER ON RECURRING PRICES FOR  
15 DIRECTORY ASSISTANCE (DA) IN THE PRICE APPENDIX?

16 A. The basic price comparison is as follows:

17	Directory Assistance - per call	SBC MO:	\$0.37
18		MCIm:	\$0.263
19	DA Call Completion - per call	SBC MO:	\$0.15
20		MCIm:	\$0.02
21	National DA - per call	SBC MO:	\$0.65
22		MCIm:	\$0.35
23	Reverse DA - per call	SBC MO:	\$0.65
24		MCIm:	\$0.00
25	Business Category Search	SBC MO:	\$0.65
26		MCIm:	\$0.00

27 Q. HOW DOES SBC MISSOURI'S RATES FOR DA COMPARE  
28 TO THE PRIOR MCIM CONTRACT?

1 A. SBC Missouri proposes keeping both the recurring and non-recurring rates for DA  
2 exactly the same as they were in the existing DA Attachment 22 (M2A, DA-Fac-  
3 Based):

4 **7.0 Pricing**

5 7.1 The charges for Directory Assistance are as follows:

6 7.1.1 A charge per DA call: **\$0.3700**

7 7.1.2 Directory Assistance Call Completion (DACC)

8 Rate per completed call: **\$0.1500**

9

10 **Q. DOES MCIM EXPLAIN WHY THE RATES FROM THE**  
11 **EXISTING CONTRACT SHOULD NOW BE LOWERED?**

12 A. MCIm claims that SBC's OS/DA rates were not approved by the Missouri  
13 Commission, and points to a TELRIC based rate determined by a state other than  
14 Missouri. But MCIm forgets that the foregoing OS/DA rates were approved in the  
15 MCIm Arbitration in TO-2002-222, as well as in the overall M2A contract. MCIm  
16 has no rationale for why another state's TELRIC pricing should apply to Missouri,  
17 and in fact, TELRIC pricing is always state-specific for components such as the  
18 common cost allocation and cost of capital.

19 **Q. DOES MCIM EXPLAIN WHY THE RATE FOR REVERSE DIRECTORY**  
20 **ASSISTANCE (“RDA”) AND BUSINESS CATEGORY SEARCH (“BCS”)**  
21 **SHOULD BE ZERO?**

22 A. No, other than to state that those particular rates were not included in the prior MCIm  
23 contract. What MCIm forgets is that RDA and BCS were not available in Missouri at  
24 the time their existing contract was being established, and so no price was mentioned.  
25 But now, in the agreed upon section of the new MCIm contract for Missouri, RDA  
26 and BCS are definitely included. MCIm therefore must purposefully intend to get  
27 RDA and BCS service for free. That would be blatantly unfair to SBC and the rest of

1 the Missouri CLECs who must pay for these services. In fact, RDA and BCS take  
2 longer to complete than all other DA call types and should not be given away for free.

3 **Q. WHAT DOES MCIM CHARGE ITS OWN CUSTOMERS FOR NATIONAL**  
4 **DIRECTORY ASSISTANCE?**

5 A. My research indicated a rate of \$2.49. With SBC Missouri's rate of \$0.65, MCIm  
6 retains a healthy margin of \$1.84 per call.

7 **Q. ARE SBC MISSOURI'S WHOLESALE RATES IN LINE WITH THE**  
8 **WHOLESALE RATES OF OTHER PROVIDERS?**

9 A. Yes. SBC Missouri's rates are comparable with the rates charged by others for the  
10 same service. For example, Qwest has a wholesale rate of \$0.34 for DA and \$0.38  
11 for NDA<sup>15</sup> and 1800Teledeal has a wholesale rate of \$0.35 for all its services.<sup>16</sup> If  
12 MCI or another carriers believes that SBC's rates for some of these services are too  
13 high, they are free to choose another provider or to purchase only certain OS/DA  
14 services from SBC Missouri

15 **Q. WHAT ARE REVERSE DIRECTORY ASSISTANCE ("RDA") AND**  
16 **BUSINESS CATEGORY SEARCH ("BCS")?**

17 A. Reverse Directory Assistance ("RDA") is an Information Service consisting of  
18 providing listed local and national name and address information associated with a  
19 telephone number provided by the individual originating the call.

20 Business Category Search ("BCS") is an Information Service in which the end user  
21 may request business telephone number listings for a specified category of business,  
22 when the name of the business is not known. Telephone numbers may be requested

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<sup>15</sup>

[http://www.qwest.com/about/policy/sgats/SGATSdocs/arizona/AZ\\_14th\\_Rev\\_3rd\\_Amend\\_Exh\\_A\\_2\\_10\\_05\\_Clean.pdf](http://www.qwest.com/about/policy/sgats/SGATSdocs/arizona/AZ_14th_Rev_3rd_Amend_Exh_A_2_10_05_Clean.pdf)

<sup>16</sup> <http://1800teledeal.com/411.pdf>

1 for local and national businesses. These are both considered premium services  
2 because it is necessary to query a national data base and the call duration exceeds that  
3 of a typical DA call.

4 **Q. WHAT IS THE NATURE OF THE DISPUTE REGARDING NON-**  
5 **PUBLISHED EMERGENCY SERVICE?**

6 A. MCIIm would like the service provided for free, whereas SBC Missouri proposes  
7 continuing a modest charge of \$2.00 per call.

8 (If a higher price is shown on any price schedules filed with the Missouri  
9 Commission, SBC is hereby amending its price proposal to be \$2.00 a call).

10 The price for this same service was \$2.10 per call in the existing MCIIm contract. (See  
11 Attachment 18 DALI, Section 8.2).

12 **Q. WHAT IS NON-PUBLISHED EMERGENCY SERVICE?**

13 A. Please see page 7 of my testimony above for an explanation of the service.

14 **Q. DOES MCIM EXPLAIN WHY THE RATE FOR NON-PUBLISHED**  
15 **EMERGENCY MESSAGE SERVICE SHOULD NOW BE ZERO?**

16 A. No, and the strike of this particular rate is especially surprising because (1) MCIIm  
17 agrees to describe to the service in Appendix DALI, (2) non-published emergency  
18 messages impact public safety, and (3) MCIIm is free to pass the charge to its retail  
19 customers via its retail tariff.

1 **MCIIm Prices Issue 26:**

2 **Issue Statement:** *What are the appropriate rates for Directory Assistance Listing*  
3 *Information (DALI)?*

4  
5 **Q. HOW DO THE PARTIES DIFFER ON RECURRING PRICES FOR**  
6 **DIRECTORY ASSISTANCE LISTINGS (“DAL”) IN THE PRICE**  
7 **APPENDIX?**

8 A. SBC Missouri proposes keeping the rates exactly the same as they are currently for  
9 MCIIm, which is \$0.0585 per listing for an initial load and daily updates. MCIIm  
10 proposes rates of \$0.0011 per listing for an initial load and \$0.0014 for daily updates.  
11 MCIIm is proposing to introduce rates from another state’s TELRIC proceeding, and  
12 asking the Missouri Commission to blindly adopt the same rates as its own, without  
13 evidence or proper rationale.

14 **Q. IS SBC MISSOURI REQUIRED TO PROVIDE DA LISTINGS (“DAL”) AS A**  
15 **UNE?**

16 A. No, the FCC’s *UNE Remand Order* reinforced the holding that DAL is not an  
17 unbundled network element, and never has been. The FCC specifically declined to  
18 expand the definition of OS/DA to include an affirmative obligation “to provide  
19 directory listings updates in daily electronic batch files.” *Id.*, 15 FCC Rcd at 3892-93,  
20 ¶ 444. The FCC regarded such a finding as unnecessary because the obligation to  
21 provide directory assistance listings “exists under Section 251(b)(3) and the relevant  
22 ruled promulgated thereunder.” *Id.* Neither Section 251(b)(3) nor the related FCC  
23 rules require provision of access to such listings as unbundled network elements.  
24 Rather, under these rules, SBC Missouri is required to make such listings available on  
25 a non-discriminatory basis.

1 **Q. DOES TELRIC PRICING OF DAL APPLY UNDER ANY**  
2 **CIRCUMSTANCES?**

3 A. No. The FCC analyzed Incumbent LECs unbundling obligations under both Section  
4 251(b)(3), Section 251(c)(3), and Section 271, and found that market-based pricing  
5 applies to DAL. *UNE Remand Order*, 15 FCC Rcd at 3906, ¶ 473.

6 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

7 A. Yes.