

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

In the Matter of a Commission Inquiry into)	
the Possibility of Impairment without)	<u>Case No. TO-2004-0207</u>
Unbundled Local Circuit Switching When)	
Serving the Mass Market)	

**CENTURYTEL'S RESPONSE TO
ORDER DIRECTING FILING**

COME NOW CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel (collectively "CenturyTel") and, pursuant to the Missouri Public Service Commission's ("Commission's") Order Creating Case and Establishing Initial Filing Deadlines ("Order"), respectfully file their Response to the Order and state as follows:¹

1. On November 5, 2003, in response to information received in Case Number TW-2004-0149, the Commission created this proceeding to investigate the issues raised in that case and to "establish a record on which the Commission may order that action be taken with respect to those issues." (Order

¹ On May 24, 2002, the United States Court of Appeals for the District of Columbia Circuit issued its decision in United States Telecom Association, et al. ("USTA Decision"), 290 F.3d 415 (D.C. Cir. 2002), and on August 21, 2003, the FCC released its Triennial Review Order, In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147 (FCC 03-36). In submitting its positions, pleadings, testimony, other written submissions and oral statements made by persons representing CenturyTel or speaking on behalf of CenturyTel in this proceeding, CenturyTel does not waive, and expressly reserves, all of its rights, remedies, and arguments with respect to the USTA Decision, the Triennial Review Order, and any other federal or state regulatory, legislative or judicial action(s) which relate to the matters addressed in this proceeding, including, but not limited to, its intervening law rights and any legal or equitable rights of review and remedies (including agency reconsideration and court review). Accordingly, CenturyTel reserves the right to withdraw, revise or otherwise modify its positions consistent with the USTA Decision, the Triennial Review Order and/or any other relevant government action.

at 1). As a part of that Order, CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel were made parties to this case.

2. The Commission's Ordered Paragraph 8 requires:

That any party or proposed intervenor that plans to challenge the FCC's finding of impairment for mass market switching, loops and transport shall file a pleading stating that intent no later than November 12, 2003. This pleading shall include:

- a. The incumbent local exchange carrier's proposal for geographically defining the market;
- b. The incumbent local exchange carrier's proposal for defining the appropriate DS0/DS1 cross-over between the mass market and the enterprise market;
- c. The geographic areas where the incumbent local exchange carrier will be challenging impairment based on its response to Nos. 1 and 2;
- d. The competitor(s) that the incumbent local exchange carrier asserts satisfies the impairment triggers for mass market switching in each geographic market;
- e. The specific routes where the incumbent local exchange carrier will be challenging the finding of impairment for dedicated transport;
- f. The identity of the competitor(s) that the incumbent local exchange carrier asserts satisfies the impairment triggers for dedicated transport; and
- g. The specific customer locations where the incumbent local exchange carrier will be challenging the finding of impairment for enterprise loops.

3. CenturyTel hereby advises the Commission that it intends to challenge the FCC's finding of impairment for mass market switching, transport and loops. Accordingly, CenturyTel will provide the requested information, to the extent it is currently available, in conformance with each of the Commission's requirements set forth above. On November 6, 2003, the Commission established its standard protective order in this proceeding, and discovery is just now underway. As a result, CenturyTel respectfully reserves its rights to amend, revise or supplement the following proposals or information, based upon future

discovery and analysis. In that event, CenturyTel will notify the Commission and all parties of such action.

4. CenturyTel's proposal for geographically defining the market: CenturyTel believes that it is appropriate to utilize Metropolitan Statistical Areas ("MSAs")² in Missouri for the purpose of geographically defining the market in this proceeding.³

5. CenturyTel's proposal for defining the appropriate DS0/DS1 cross-over between the mass market and the enterprise market: At this time, CenturyTel proposes to utilize the FCC default⁴ cutoff level of three or fewer DS0s. Under this initial proposal, those multi-line customers served by three DS0 loops or fewer would be considered part of the mass market, while those multi-line customers served by four or more DS0 lines would be considered part of the enterprise market.

6. The geographic areas where CenturyTel will be challenging impairment based on Paragraphs 4 and 5 above: Based on its proposed geographic market (MSAs) and its proposed DS0/DS1 cutoff (three DS0s or less forming the mass market), CenturyTel will demonstrate that CLECs are not impaired without access to unbundled local switching with regard to the St. Louis,

² Metropolitan Statistical Area is defined by the Office of Management and Budget in OMB Bulletin No. 03-04, June 6, 2003.

³ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri filed SBC Missouri's Response To Order Directing Filing ("SBC Response") in this matter on November 10, 2003. At Paragraphs 3-5 of the SBC Response, SBC Missouri sets forth its rationale and support for its position that MSAs establish the appropriate geographic market area for Missouri in this proceeding, consistent with the FCC's TRO and implementing rules. CenturyTel concurs in and supports those paragraphs of the SBC Response as it relates to this issue.

⁴ In the TRO, the FCC has established a default rule for the DS0 crossover, which it has determined to be four lines or more in density zone one of the top 50 MSAs.

Missouri-Illinois Metropolitan Statistical Area⁵. At this time, CenturyTel intends to demonstrate non-impairment by showing that the triggers identified in the TRO have been satisfied and does not intend to present a potential deployment analysis. However, to the extent a geographic market or DS0/DS1 cutoff different than that proposed by CenturyTel is considered, CenturyTel reserves the right to present evidence of non-impairment through a potential deployment analysis as permitted under the applicable FCC rules.⁶

7. The competitor(s) that CenturyTel asserts satisfies the impairment triggers for mass market switching in each geographic market: As noted above, CenturyTel will demonstrate non-impairment with regard to access to unbundled switching for mass market customers in the St. Louis MSA. Attached as Exhibit A-HC to this pleading, based upon information currently available to CenturyTel, is a list of competitors offering switching services to serve mass market customers in the St. Louis MSA.

8. The specific routes where CenturyTel will be challenging the finding of impairment for dedicated transport: The transport routes for which CenturyTel intends to seek a non-impairment determination are those identified in Exhibit B. These transport routes are identified by the Common Language Location Identifier (“CLLI”) code of each end of the transport route.

⁵ As noted in Paragraph 3, *supra*, CenturyTel reserves the right to demonstrate non-impairment based on future discovery and analysis, as well as supporting determinations of non-impairment provided by other telecommunications providers in this proceeding (*e.g.*, SBC Missouri proposals contained in the SBC Response).

⁶ As reflected in Footnote 5 of the SBC Response, some states have indicated an intent to adopt a “cooling off” period for subsequent demonstrations of non-impairment for mass market switching. If the Missouri Commission indicates that it will seek to impose such a “cooling off” period, CenturyTel reserves the right to present evidence of non-impairment through a potential deployment analysis in this proceeding.

9. The identity of the competitor(s) that CenturyTel asserts satisfies the impairment triggers for dedicated transport: The CLECs on which CenturyTel will rely to demonstrate compliance with the triggers set forth in the FCC's TRO (either self provisioning or wholesale), are identified in Exhibit B-HC.

10. The specific customer locations where CenturyTel will be challenging the finding of impairment for enterprise loops: Based on the limited time-frame provided and the fact that discovery in this proceeding is just now being initiated, CenturyTel is not able to provide a response to this Commission directive at this time. As stated in Paragraph 3, *supra*, CenturyTel will promptly advise the Commission and the parties of any supplement filed hereto.

WHEREFORE, for all the foregoing reasons, CenturyTel respectfully requests the Commission to accept its Response to the Commission's Order and for such other and further relief as the Commission deems just and appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered, emailed or mailed this 12th day of November, 2003 to:

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**Competitors Offering Switching Services
To Mass Market Customers
In The St. Louis MSA**

MSA	COMPETITOR NAME
St. Louis, MO-IL	* *
St. Louis, MO-IL	* *
St. Louis, MO-IL	* *
St. Louis, MO-IL	* *
St. Louis, MO-IL	* *
St. Louis, MO-IL	* *
St. Louis, MO-IL	* *

Initial Transport Routes Identified For Non-Impairment St. Louis MSA

ROUTE		COMPANY
WIRE CENTER CLLI A *	WIRE CENTER CLLI Z *	
WNVLMOXA	OFLNMOXA	* *
		* *
		* *
WNVLMOXA	WNVLMOXA	* *
		* *
		* *
STPRMOXA	STPRMOXA	* *
		* *
		* *

* CLLI A represents one end of a transport route, while CLLI Z represents the other end.