



S T O L L · K E E N O N · O G D E N  
P L L C

2000 PNC PLAZA  
500 WEST JEFFERSON STREET  
LOUISVILLE, KY 40202-2828  
MAIN: (502) 333-6000  
FAX: (502) 333-6099  
www.skofirm.com

**DOUGLAS F. BRENT**  
DIRECT DIAL: 502-568-5734  
douglas.brent@skofirm.com

August 6, 2009

**R RECEIVED**

AUG 06 2009

PU. PUBLIC SERVICE  
COMMISSION

**HAND DELIVERY**

Jeff DeRouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

Re: **Complaint of Sprint Communications Company LP Against Brandenburg Telephone Company and Request for Expedited Relief**  
**Case No. 2008-00135**

Dear Mr. DeRouen:

Enclosed please find Sprint Communications Company, L.P.'s prefiled rebuttal testimony of Julie A. Walker and Don J. Wood, including attachments. As required by the Commission's most recent procedural order, this information was transmitted to staff and to counsel for Brandenburg Telephone Company on August 5, 2009.

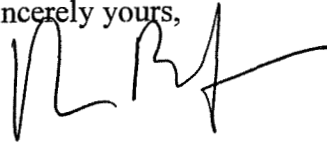
For each witness, there are references to material for which Sprint asserts that confidential treatment is appropriate. Accordingly, one copy of the confidential version of testimony is enclosed. Sprint filed motions for confidential treatment on April 20 and July 22, 2009 that apply to the some of the material highlighted in the testimony and Exhibits 8, 10 and 12 to Ms. Walker's testimony. Other material for which confidential treatment is asserted relates to Sprint billing information filed by Brandenburg Telephone Company for which it has pending a motion for confidential treatment. *Exhibits 9 and 11 contain new material for which Sprint is seeking confidential treatment.* A motion is included with this filing.

Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies and return them to me via our runner.

Jeff DeRouen  
August 6, 2009  
Page 2

Should you have any questions please contact me at your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'DFB', with a long horizontal flourish extending to the right.

Douglas F. Brent

DFB:jms

Enclosures

cc: Parties of Record  
John N. Hughes  
Philip R. Schenkenberg

**RECEIVED**

**COMMONWEALTH OF KENTUCKY**

**AUG 06 2009**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**PUBLIC SERVICE  
COMMISSION**

**In the Matter of:**

<b>COMPLAINT OF SPRINT COMMUNICATIONS</b>	)	
<b>COMPANY LP AGAINST BRANDENBURG</b>	)	<b>CASE NO.</b>
<b>TELEPHONE COMPANY AND REQUEST FOR</b>	)	<b>2008-00135</b>
<b>EXPEDITED RELIEF</b>	)	

**SPRINT'S PETITION FOR CONFIDENTIAL TREATMENT  
OF PORTIONS OF TESTIMONY OF JULIE A. WALKER AND  
DON WOOD AND OF SPRINT EXHIBITS 9 AND 11**

Sprint Communications Company, L.P. ("Sprint"), for its Petition for Confidential Treatment of portions of the prefiled rebuttal testimony of Julie A. Walker and Don Wood, including Exhibits 9 and 11, pursuant to 807 KAR 5:001, Section 7 and KRS 61.878(1)(c), states as follows:

**BACKGROUND**

By this Petition, Sprint requests that the Public Service Commission ("Commission") grant confidential protection to certain information that is confidential and proprietary and that pertains to fully competitive aspects of Sprint's business. Specifically, Sprint petitions the Commission to grant confidential protection to the confidential and proprietary portions of prefiled rebuttal testimony, including references in any derivative Exhibits (JAW-8, 10 and 12) to data contained in the Sprint Percentage of Interstate Usage ("PIU") summary (Attachment JAW-4 to Walker direct testimony) and the Sprint billing dispute summary (Attachment JAW-7 to Walker direct testimony), as well as references to any information disclosed confidentially to Sprint by Brandenburg Telephone Company that is subject to a pending motion for confidential

treatment or any order granting such treatment. Attached herewith is a copy of the testimony and Attachments with confidential and proprietary portions highlighted.<sup>1</sup>

### **GROUNDS FOR PETITION**

1. KRS 61.878(1)(c) protects commercial information, generally recognized as confidential or proprietary, if its public disclosure would cause competitive injury to the disclosing entity. Competitive injury occurs when disclosure of the information would give competitors an unfair business advantage. The Commission has taken the position that the statute and the regulation require the party requesting confidentiality to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed. Both requirements are met here. There is actual competition, as the information in question concerns confidential and proprietary information related to the interexchange services and wireless telecommunications business, which are among the most highly competitive utility services subject to the Commission's jurisdiction. Sprint is an interexchange carrier and its affiliate provides wireless services in Kentucky. Competitors providing identical services are not required to disclose the types of information requested by, and filed with, the Commission in this case. The confidential business information disclosed to the Commission in this case is the type of information which would enable Sprint's competitors to discover, and make use of, confidential information concerning Sprint's costs to terminate traffic not only to exchanges of Brandenburg Telephone Company, but to other exchanges in the state, all to the unfair competitive disadvantage of Sprint.

---

<sup>1</sup> Brandenburg Telephone Company's representatives have entered into a protective agreement with Sprint under which each party will provide to the other material for which confidential treatment is sought. Thus, granting this motion will have no prejudicial effect on any party.



2. Specifically, the information provided in Attachments 4 and 7 to the direct testimony of Julie Walker includes a Traffic Study Analysis and a billing dispute summary prepared by Sprint. This information is discussed within the rebuttal testimony of Ms. Walker and in the rebuttal testimony of Sprint witness Donald Wood and certain derivative Exhibits and is already subject to a motion for confidential treatment filed on July 22, 2009.

3. The Traffic Study Analysis (and rebuttal exhibits derived from it) compares PIU methodologies applied by Sprint and Brandenburg Telephone Company. Critically, the study discloses the exact number of minutes of use terminating from the Sprint network to Brandenburg's end offices during a specific time period. The study also discloses the PIU factor calculated by Sprint using the methodology described in the Exhibit, comparing it to the PIU factor derived by Brandenburg Telephone Company using a different methodology. Finally, the study discloses what Sprint believes is its *exact terminating access cost* for calls handled by Brandenburg Telephone Company.

4. The Traffic Study Analysis was based upon a very large data set. As a statistical matter, competitors interested in estimated Sprint's market share, traffic mix, and gross margins could use this Traffic Study Analysis to extrapolate data concerning Sprint's operations and profitability elsewhere. Assuming the PIU factor in the Traffic Study Analysis would be a reliable factor to apply elsewhere, competitors could estimate Sprint's costs of network termination and origination in other areas of the state. Since the other input to determine switched access expense per minute is the access rate itself, which as a matter of law is published, Sprint's PIU factor is the key to estimating its access costs. Anyone with the PIU can make an inference to estimate Sprint's costs. Such an estimate could be valuable to any

interexchange carrier that competes with Sprint either as a retail provider of long distance services or as a wholesale provider to termination services to other carriers.

5. The billing dispute summary is entitled to protection for the same reasons. It details volumes of access purchases for a period of years, and includes PIU information for each month detailed in the summary. Used separately or in combination with the Traffic Study Analysis, a competitor could make valuable inferences about Sprint's relative costs and marketplace performance.

6. Exhibit 9 contains a cell site count that discloses the number of Sprint/Nextel cell sites in three different states and multiple MTAs. This exhibit also discloses the proportion of cell sites that use particular transmission technologies deployed by Sprint. This information would allow wireless competitors to make valuable inferences about Sprint/Nextel's network investments and strategies, and could be competitively misused.

7. Exhibit 11 is a copy of a recent invoice from Brandenburg Telephone Company to Sprint. This invoice includes information related to the quantity, technical configuration, type, destination and amount of use of a telecommunications service by Sprint, and should be treated as CPNI and afforded confidential treatment under Kentucky law.

8. The documents for which confidential treatment is sought are maintained internally by Sprint. The documents are not on file with the FCC, SEC or other public agency, are not available from any commercial or other source outside of Sprint, and are limited in distribution to those employees who have a business reason to have access to such information. Sprint does not expect to learn about its competitors' network costs by reviewing records at the Commission. Neither should Sprint be expected to furnish that information to its competitors by virtue of having supported its claims in this case. Further, the public interest to be served by its

disclosure is minimal at best. By imposing unfair competitive injury upon Sprint, disclosure in fact harms the public interest.

9. The confidential and proprietary financial and business information for which confidential protection is sought in this case is precisely the sort of information meant to be protected by KRS 61.878(1)(c)1. In *Hoy v. Kentucky Industrial Revitalization Authority*, 907 S.W.2d 766 (Ky. 1995), the Kentucky Supreme Court held that financial information submitted by General Electric Company with its application for investment tax credits was not subject to disclosure simply because it had been filed with a state agency. The Court applied the plain meaning rule to the statute, reasoning that “[i]t does not take a degree in finance to recognize that such information concerning the inner workings of a corporation is ‘generally recognized as confidential or proprietary.’” *Id.* at 768. Similarly, the Kentucky Supreme Court applied the KRS 61.878(1)(c)1. “competitive injury” exemption to financial information that was in the possession of Kentucky’s Parks Department in *Marina Management Services, Inc. v. Commonwealth, Cabinet for Tourism*, 906 S.W.2d 318, 319 (Ky. 1995): “These are records of privately owned marina operators, disclosure of which would unfairly advantage competing operators. The most obvious disadvantage may be the ability to ascertain the economic status of the entities without the hurdles systematically associated with acquisition of such information about privately owned organizations.” The same reasoning applies here.

10. In 96-ORD-176, the Office of the Attorney General found that a municipal utility could properly deny a request for billing records that could be used to infer a customer’s “competitive position.” The Commission cited that opinion with approval when it granted BellSouth’s request to protect information concerning the amount of money involved in a billing dispute with another utility. In *SouthEast Telephone, Inc. v. BellSouth Telecommunications*,

*Inc.*, Case No. 2005-00053 (Order dated March 31, 2006), the Commission noted the need to balance the competing interests of privacy and the public's interest in [government] transparency, citing Kentucky cases stating that questions about "clearly unwarranted" invasions of privacy are "intrinsically situational" and must be determined within a specific context. The context is clear here: the referenced Exhibits and references thereto in testimony would likely be of great interest to Sprint's competitors, and likely of no interest to anyone else. Thus, protection of the data would not undermine the purpose of the Open Records Act, which is primarily to inform the public as to whether government agencies are properly executing their statutory functions. As the Commission put it in *SouthEast Telephone*, "this aim is not fostered by disclosure of information about private citizens accumulated in various government files that reveals little or nothing about an agency's own conduct. *Id.* at 4, citing *Hines v. Com., Dept. of Treasury*, 41 S.W. 39 872 (Ky. App. 2001).

11. As shown above, disclosure of the values and factors in Sprint's Traffic Study Analysis, billing dispute summary and cell site information summary would enable competitors to infer or suggest the competitive position of Sprint or Sprint/Nextel, to Sprint's unfair competitive disadvantage. Thus, the Commission should protect the confidential information. It merits confidential protection pursuant to *Hoy, Marina Management*, and KRS 61.878(1)(c)1. If the Commission disagrees, however, it must hold an evidentiary hearing to protect the due process rights of Sprint and supply the Commission with a complete record to enable it to reach a decision with regard to this matter. *Utility Regulatory Commission v. Kentucky Water Service Company, Inc.*, Ky. App., 642 S.W.2d 591, 592-94 (1982).

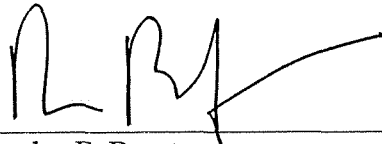
12. In accordance with the provisions of 807 KAR 5:001(7), Sprint files herewith (1) set of the confidential testimony and exhibits in redacted form for filing in the public record.

## CONCLUSION

For the reasons stated, Sprint respectfully requests that the Commission grant confidential protection for the information at issue, or schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated: August 6, 2009

Respectfully submitted,

By: 

---

Douglas F. Brent  
STOLL KEENON OGDEN PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 333-6000  
(502) 627-8722 (fax)

John N. Hughes  
124 West Todd Street  
Frankfort, Kentucky 40601  
(502) 227-7270

Philip R. Schenkenberg  
Briggs and Morgan, P.A.  
2200 IDS Center  
Minneapolis, MN 55402  
(612) 977-8246  
(612) 977-8650 (fax)

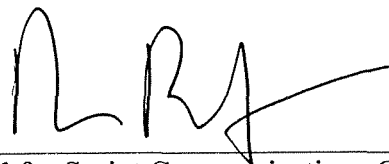
*Counsel for Sprint Communications Co., L.P*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing Petition was served upon the following persons by first class United States mail, postage prepaid, on the 6th day of August, 2009:

John E. Selent  
Dinsmore & Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
*Counsel for Brandenburg Telephone Co.*

J. D. Tobin, Jr.  
President / Manager  
Brandenburg Telephone Company, Inc.  
200 Telco Road  
P. O. Box 599  
Brandenburg, KY 40108



---

Counsel for Sprint Communications Co., L.P.

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF COMPLAINT OF SPRINT  
COMMUNICATIONS COMPANY L.P. AGAINST  
BRANDENBURG TELEPHONE COMPANY FOR  
THE UNLAWFUL IMPOSITION OF ACCESS  
CHARGES

Case No. 2008-00135

---

Rebuttal Testimony of Julie A. Walker  
On Behalf of Sprint Communications Company L.P.  
August 5, 2009

**PUBLIC VERSION**

**RECEIVED**

AUG 06 2009

PUBLIC SERVICE  
COMMISSION

1 **I. INTRODUCTION**

2

3 **Q. Please state your name, business address, employer and current position.**

4 A. My name is Julie A. Walker. My business address is 6500 Sprint Parkway,  
5 Overland Park, KS 66251. I am employed by Sprint Management Company as  
6 an Access Verification Analyst II for Sprint Nextel.

7 **Q. Are you the same Julie A. Walker that filed Direct Testimony in this**  
8 **proceeding on July 21, 2009?**

9 A. Yes.

10 **Q. What is the purpose of your rebuttal testimony?**

11 A. The purpose of my rebuttal testimony is to address certain statements contained in  
12 the Direct Testimony of Brandenburg Telephone Company's witness Allison T.  
13 Willoughby.

14 **Q. What is your initial reaction to Ms. Willoughby's testimony?**

15 A. Ms. Willoughby admits that Brandenburg assigns jurisdiction based on calling  
16 party number, and concedes that this is not accurate when a wireless caller with a  
17 Kentucky number originates a call from an out-of-state location calling back to a  
18 Kentucky destination. *See* Willoughby Direct, p. 10, ll. 9-10; *see also*  
19 Brandenburg's Response to Sprint's Request No. 18. She is left with an  
20 argument that Brandenburg's calling party number ("CPN") proxy is more  
21 accurate than Sprint's process for developing a PIU, which, as I show again  
22 below, is clearly wrong. Also, Ms. Willoughby's claim that Sprint has  
23 intentionally developed an inaccurate PIU methodology in order to underpay  
24 LECs throughout the nation is baseless. It is Brandenburg – not Sprint – that is



1 acting outside of accepted industry standards. Finally, as discussed below, Ms.  
2 Willoughby ignores the fact that Sprint terminates and pays for a very substantial  
3 number of intrastate wireless minutes every month under the applicable local  
4 interconnection agreements. This is an important fact that bears directly on her  
5 claims.

6  
7 **II. BRANDENBURG'S JURISDICTION METHODOLOGY**

8  
9 **Q. Does Ms. Willoughby admit that Brandenburg assigns jurisdiction based on**  
10 **calling party number (CPN)?**

11 A. Yes she does – 100% of calls made by wireless subscribers with Kentucky  
12 telephone numbers are treated as having been made within Kentucky. This  
13 means that when a Kentucky wireless caller travels outside the Commonwealth of  
14 Kentucky for any reason, and calls back to Kentucky, Brandenburg classifies that  
15 call as intrastate. When Kentuckians travel out of state for business, or vacation,  
16 they certainly call back to Kentucky frequently. When thousands of young adults  
17 leave home from Kentucky to attend college in another state, they take their  
18 handsets with Kentucky-assigned numbers with them, and call home often. In  
19 fact, as a Kentucky wireless caller crosses the state line, and travels to Alabama,  
20 Alaska, Arizona, Arkansas, or any of the other 45 states, covering four million  
21 square miles, when they call back home to Kentucky, Brandenburg classifies  
22 those calls as intrastate every single time.

23 When one stops to consider just how often this might happen every day, it  
24 becomes absolutely clear how inaccurate it is for Brandenburg to use the phone

1 number of the handset to determine where a caller is located, and it becomes clear  
2 that Sprint has been wrongly overcharged for calls that were never made within  
3 the Commonwealth of Kentucky.


4 **Q. Does Brandenburg admit that when a Kentucky wireless customer travels**  
5 **outside of Kentucky and calls home, that call is in fact an interstate call?**

6 A. Yes. Brandenburg appears to concede this. Ms. Willoughby makes a significant  
7 statement in defense of Sprint's position, on page 8 of her Direct Testimony.

8 When questioning how Sprint would show so many of the wireless-originated  
9 calls during the traffic study period were determined to be interstate, Ms.

10 Willoughby stated the following, "...could only be true if every relevant wireless  
11 customer *left the state every single day*, making all their Kentucky [terminated]  
12 calls interstate." Her statement includes a clear admission that when Kentucky  
13 wireless customers *leave the state* and call back to Kentucky, those calls are  
14 interstate.

15 That is Sprint's point exactly, and this is what Sprint's entire case is about. To  
16 determine the true jurisdiction of a call, one must determine whether the caller is  
17 located within the same state or not, when the call is made. By admitting that  
18 when wireless customers *leave Kentucky*, the calls made back to their home state  
19 are interstate, Ms. Willoughby acknowledges that Brandenburg is classifying  
20 those calls incorrectly every single time by just using CPN to determine  
21 jurisdiction. When a Kentucky wireless caller leaves the state, and calls back to  
22 Kentucky, thus making an interstate call, Brandenburg classifies the call as

1 Intrastate, and has billed Sprint as much as **[Begin Sprint Confidential]** 

2 **[End Sprint Confidential]** per minute for that call.

3  
4 **III. SPRINT'S JURISDICTIONAL METHODOLOGY**

5  
6 **Q. Are there any remaining disputes regarding the jurisdictionalization of**  
7 **landline traffic?**

8 A. No. Ms. Willoughby has confirmed that the parties jurisdictionalize landline  
9 traffic in the same manner.

10 **Q. On pages 7-8 of her Direct Testimony Ms. Willoughby asserts that Sprint**  
11 **determines jurisdiction for wireless calls by looking at the originating and**  
12 **terminating LATAs for a call. Is she right?**

13 A. No. Sprint does not use LATA, in any way, in determining the state of a wireless  
14 call's origination and termination points to calculate the PIU factors Sprint reports  
15 to Brandenburg. LATA boundaries are irrelevant in this case because there are a  
16 number of LATAs within Kentucky, and a call that is interLATA could be either  
17 interstate or intrastate. This can be seen by looking at the map on the  
18 Commission's website: <http://psc.ky.gov/agencies/psc/images/lata.pdf>. As I  
19 described at page 18, lines 20-21 of my Direct Testimony, Sprint's Message  
20 Processing System ("MPS") "compares the originating and terminating **state**  
21 information to assign the call jurisdiction."

22 **Q. Then why is LATA even discussed in this case?**

1 A. As stated previously, LATA is irrelevant in determining whether a call should be  
2 classified as interstate or intrastate. However, Sprint's MPS system  
3 automatically places calls into one of the following categories:

- 4 1. Intrastate/IntraLATA
- 5 2. Intrastate/InterLATA
- 6 3. Interstate/IntraLATA
- 7 4. Interstate/InterLATA

8 The MPS system does this because LATA is relevant to access billing where LEC  
9 tariffs allow for different rates billable on interLATA versus intraLATA traffic.  
10 Here, for all questions about how Sprint determines the jurisdiction of a call,  
11 LATA is not part of any answer. LATA has no impact whatsoever on Sprint's or  
12 Brandenburg's jurisdiction methods at issue in this case, and has no impact on the  
13 charges that were overbilled by Brandenburg, which Sprint is disputing.

14 **Q. What is the source of Ms. Willoughby's confusion on this point?**

15 A. Sprint's original response to Brandenburg's Data Request No. 3 was interpreted  
16 by Brandenburg as suggesting that Sprint classified a call as intrastate ONLY IF  
17 BOTH the state and LATA fields on the originating MPS record matched the state  
18 and LATA fields on the terminating MPS record's fields, when comparing the  
19 two. Brandenburg took this to mean both had to match in all cases. This is not  
20 the case, and has never been the case. In hindsight, the reference to LATA did  
21 not need to be stated to make the answer correct. Sprint compares the state fields,  
22 and if those two are equal, the call is classified as intrastate. We amended our  
23 response to Brandenburg's Data Request No. 3 in January 2009 to eliminate any

1 confusion, but Ms. Willoughby continues to rely on her understanding of the  
2 original response.

3 **Q. Ms. Willoughby states on page 8, lines 17-19 of her Direct Testimony that**  
4 **Brandenburg confirmed that Sprint has systematically jurisdictionalized**  
5 **intrastate interLATA calls as interstate. Is that correct?**

6 A. No. In fact, the traffic study data we produced in August 2008 included calls that  
7 the MPS system designated as interLATA and intrastate. For example, a call  
8 from a wireless customer connected to a wireless switch in the Winchester (466)  
9 LATA calling either Brandenburg's Radcliff exchange (LATA 462) or  
10 Brandenburg exchange (LATA 462) would be designated by Sprint as interLATA  
11 and intrastate. I have provided examples of such call records as Confidential  
12 Exhibit JAW- 8. I have reviewed the traffic study data again and have confirmed  
13 that every call identified as interLATA and intrastate was jurisdictionalized by  
14 Sprint as intrastate.

15 **Q. Is Sprint's methodology 100% accurate?**

16 A. No, as described in my Direct Testimony, no jurisdiction methodology is 100%  
17 accurate. Due to the very nature of wireless calls, it is impossible to accurately  
18 determine the exact physical location of every caller placing a call. Compounding  
19 the difficulty, there are areas near state borders where network infrastructures  
20 "home" wireless calls to a switch or cell site in a neighboring state. As I  
21 described in my Direct Testimony, Sprint uses the industry standard method of  
22 identifying the originating location of wireless calls, which is the NPA-NXX

1 assigned to the wireless switch (which is the functional equivalent of  
2 Jurisdictional Information Parameter *i.e.* JIP).

3 **Q. Does the application of this industry standard methodology cause the**  
4 **“Covington” situation that both you and Ms. Willoughby described?**

5 A. Yes, calls in the Cincinnati metropolitan area, which are switched through a  
6 Cincinnati switch, would be categorized as having been originated in Ohio. This  
7 would create a slightly higher PIU for calls to Kentucky telephone companies,  
8 and a slightly lower PIU for calls to Ohio telephone companies.

9 **Q. How significant is the “Covington” situation?**

10 A. On page 21 of my Direct Testimony I estimated that misclassified Covington  
11 traffic would be **[Begin Sprint Confidential]** [REDACTED] **[End Sprint**  
12 **Confidential]**, or a small fraction of the total traffic. Given that Ms. Willoughby’s  
13 Direct Testimony and test calls focused almost entirely on Covington, I spent  
14 some additional time making sure I was confident that this situation had minimal  
15 impact. In doing so, I looked at all switches in the state of Ohio. After further  
16 review, I can confirm the Covington traffic to be even less of an impact than first  
17 reported. Wireless-originated traffic on the Sprint long-distance network,  
18 connected to wireless switches located in Ohio that has some cell sites in  
19 Kentucky, makes up only **[Begin Sprint Confidential]** [REDACTED] of  
20 the traffic in the Sprint study, as opposed to the [REDACTED] originally quoted on page 21  
21 of my Direct Testimony (Some of the traffic initially calculated within that [REDACTED]  
22 actually belonged to a switch in Indiana.). Calls made from Kentucky would  
23 only represent a fraction of that [REDACTED] **[End Sprint Confidential]**.

1 To accurately estimate this percentage, I asked Sprint's network group to provide  
2 me with the total number of cell sites connected to the wireless switches in Ohio,  
3 and the number of those cell sites physically located in Kentucky. Those  
4 numbers, which are set forth on Confidential Exhibit JAW-9 support my earlier  
5 conclusion – Northern Kentucky originated calls are a very small percentage of  
6 traffic switched through wireless switches in Ohio. Just **[Begin Sprint**  
7 **Confidential]** [REDACTED] of the cell sites served by Ohio wireless switches are located  
8 in Kentucky. To apply that impact to my traffic study, I multiplied the [REDACTED]  
9 Kentucky cell-site factor (cell sites located in Kentucky served by Ohio wireless  
10 switches) by the [REDACTED] which resulted in an overall impact of just [REDACTED]  
11 [REDACTED] **[End Sprint Confidential]**.

12 **Q. Have you identified any other interMTA, intrastate traffic that may follow**  
13 **similar network arrangements?**

14 A. To ensure Sprint had fully captured the impact this scenario might have on our  
15 traffic study, I also asked our network group to identify any other places in  
16 Kentucky (outside MTA 26) in which cell sites serving the Commonwealth of  
17 Kentucky were connected to a wireless switch located outside Kentucky. I was  
18 told this situation could also potentially occur in the small areas of MTAs 43 and  
19 44, which have Kentucky-served cell site locations connected to wireless switches  
20 located in Tennessee – specifically Nashville, and Knoxville. From the traffic  
21 study data, wireless-originated traffic on the Sprint long distance network  
22 connected to wireless switches in Tennessee makes up **[Begin Sprint**  
23 **Confidential]** [REDACTED] **[End Sprint Confidential]** of the total traffic. By looking

1 again at the number of cell sites located in Kentucky for these areas, compared to  
2 the total number of cell sites served by Tennessee wireless switches, I confirmed  
3 that this situation, even for the additional two locations, has a small impact on  
4 Sprint's traffic study and a small impact on the total amount of traffic  
5 Brandenburg jurisdictionalizes incorrectly. For Tennessee, just **[Begin Sprint**  
6 **Confidential]** [REDACTED] **[End Sprint Confidential]** of the cell sites connected to  
7 wireless switches in Tennessee for MTA's 43 and 44 combined, are in Kentucky.  
8 To apply that impact to my traffic study, I multiplied the [REDACTED] Kentucky cell-site  
9 factor (cell sites located in Kentucky served by Tennessee wireless switches) by  
10 the **[Begin Sprint Confidential]** [REDACTED] which resulted in an overall impact of  
11 [REDACTED] **[End Sprint Confidential]**.

12 Said differently, of the **[Begin Sprint Confidential]** [REDACTED] cell sites connected to  
13 wireless switches in MTAs 18, 43, and 44, only [REDACTED] **[End Sprint Confidential]**  
14 are in Kentucky, significantly decreasing the opportunity for Kentucky originated  
15 wireless traffic to be classified incorrectly by Sprint.

16 Sprint thus estimates the entire impact, for all locations in Kentucky served by  
17 out-of-state wireless switches, only affects the PIU reported to Brandenburg by a  
18 mere fraction of **[Begin Sprint Confidential]** [REDACTED]. **[End Sprint Confidential]**

19 This issue has very little impact to the disputes Sprint has filed with Brandenburg  
20 in connection with PIU. Further, as stated previously, Sprint will work with  
21 Brandenburg to correctly account for the anomaly of such traffic, and adjust the  
22 billing accurately.

23 **Q. Could Sprint eliminate the "Covington" situation?**



1 A. No. Neither Sprint, nor Brandenburg, would have absolute confirmation as to  
2 whether a wireless caller served though the Cincinnati switch was standing in  
3 Covington, or elsewhere within that switch's coverage, such as Ohio.  
4 Brandenburg's test calls logged the exact location where a handful of calls were  
5 made, but that is obviously not something we could do in order to report PIU  
6 factors to LECs nationwide.

7 **Q. Ms. Willoughby claims at page 10, lines 7-8, of her Direct Testimony that this**  
8 **methodology errs in Sprint's favor 100% of the time. Have you been able to**  
9 **identify any areas in which Sprint's industry standard methodology would**  
10 **err in favor of a LEC and increase the number of calls designated as**  
11 **intrastate?**

12 A. Yes. Ms. Willoughby is incorrect. As I note above, the Covington traffic would  
13 necessarily decrease the PIU factors reported by Sprint to Ohio LECs, because  
14 Covington to Ohio calls would be classified as intrastate. Similarly, there are  
15 Indiana cell sites connected to a Sprint wireless switch in Louisville, and when  
16 those calls are sent via IXC trunks to a LEC in eastern Kentucky, those calls  
17 would be jurisdictionalized by our MPS system as intrastate.

18 Ms. Willoughby's unsupported claim that Sprint's methodology is an attempt to  
19 game the system or underpay LECs for access charges, is both offensive and  
20 incorrect. We are following industry standards and want only to pay that which is  
21 properly owed.

22 **Q. Why did Brandenburg's test calls suggest to Ms. Willoughby that the**  
23 **Covington, Kentucky situation is significant?**

1 A. The study was apparently designed to identify the Covington, Kentucky situation,  
2 not put it in perspective. The fact that Brandenburg made twelve test calls in the  
3 one area where this situation occurred is insignificant when compared to the  
4 nearly **[Begin Sprint Confidential]** ██████████ **[End Sprint Confidential]** calls  
5 originated from across the country and delivered over Sprint's IXC network to  
6 Brandenburg during that week.

7 **IV. SPRINT'S METHODOLOGY VS. BRANDENBURG'S METHODOLOGY**

8

9 **Q. Is Sprint's methodology more accurate or less accurate than Brandenburg's**  
10 **methodology?**

11 A. Sprint's methodology is undoubtedly more accurate than Brandenburg's outdated  
12 reliance on CPN. As I have shown, the "Covington" issue Brandenburg has  
13 focused on impacts less than **[Begin Sprint Confidential]** ██████████ of the total traffic  
14 delivered. That means that at most, Sprint's PIU was high by less than ██████████  
15 percentage point. For the time period of Sprint's traffic study, Brandenburg's  
16 methodology produced a billed PIU ██████████ percentage points lower than Sprint's,  
17 meaning Brandenburg is still mis-jurisdictionalizing at least ██████████ **[End Sprint**  
18 **Confidential]** percent of total traffic, even after taking the "Covington" issue  
19 into account.

20 **Q. Can you demonstrate this utilizing the August, 2008 traffic study data that**  
21 **was produced by Sprint?**

22 A. Yes. I will show below through a random sample of records contained in  
23 Sprint's traffic study that calls jurisdictionalized as intrastate by Brandenburg

1 using CPN, are in fact more accurately jurisdictionalized as interstate calls  
2 utilizing Sprint's methodology.

3 **Q. How was your sample of call records created?**

4 A. The universe of call records included in the August, 2008 traffic study totaled  
5 **[Begin Sprint Confidential]** ██████████ call records. Because this dispute pertains  
6 to wireless traffic categorized as intrastate by Brandenburg, I selected only the  
7 ██████████ **[End Sprint Confidential]** call records classified as wireless originated  
8 calls, made from a handset assigned a Kentucky telephone number. I then sorted  
9 those call records by Originating Date in ascending order. I then numbered each  
10 record sequentially, starting with number 1. I then selected every tenth call  
11 record (i.e. all those records with a sequential number ending in zero, ex. 10, 20,  
12 30, etc.) to be included in my sample data. This resulted in a sample size of  
13 **[Begin Sprint Confidential]** ██████████ **[End Sprint Confidential]** call records. See  
14 Confidential Attachment JAW-10. Finally, I added a column to show the state of  
15 the Originating Serving Wire Center, depicting the state of the switch that first  
16 picked up the wireless call.

17 **Q. What is evident from reviewing the results of your sample?**

18 A. My review of the sample data shows that in many instances Brandenburg  
19 incorrectly jurisdictionalizes the wireless traffic.

20 **Q. Can you elaborate?**

21 A. Yes, and I will use the first ten records in Confidential Attachment JAW-10 to  
22 demonstrate three points. First, none of these ten calls were switched by a  
23 wireless switch within Kentucky. This would be expected, because the vast

1 majority of wireless calls switched in Kentucky are delivered over local trunks.  
 2 Second, there is one call (call record number 2) where the Originating Serving  
 3 Wire Center is located in a state (Ohio) where the “Covington” issue exists.  
 4 While there is a small possibility that the call was an interMTA intrastate call, it  
 5 is far more likely to have been an interMTA interstate call. Third, the other nine  
 6 records are calls we know cannot be interMTA intrastate calls and have been  
 7 mis-jurisdictionalized by Brandenburg. To sum up, for nine of these records,  
 8 Sprint was right and Brandenburg was wrong, and for the tenth record, Sprint  
 9 was probably right and Brandenburg was probably wrong. Furthermore, not even  
 10 one full minute from this sample was correctly classified by Brandenburg. The  
 11 first ten records of my sample data appear below.

12 **[Begin Sprint Confidential]**

Orig Date	Term CLLI	Diald Phnum	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line Sree IND	Orig SWC NPA	Orig SWC State	Minutes	LEC JUR	Sprint JUR
2080817	RDCLKYXADS	██████████	270	304	██████	62	C	210	TX	0.3	TRA	TER
2080817	RDCLKYXADS	██████████	270	319	██████	62	C	216	OH	0.3	TRA	TER
2080817	CSTRKYXARS	██████████	270	205	██████	62	C	224	IL	1.8	TRA	TER
2080817	RDCLKYXADS	██████████	270	872	██████	62		307	WY	1.4	TRA	TER
2080817	RDCLKYXADS	██████████	270	300	██████	62	C	314	MO	1	TRA	TER
2080817	RDCLKYXADS	██████████	270	850	██████	62	C	315	NY	2.3	TRA	TER
2080817	RDCLKYXADS	██████████	270	300	██████	62	C	317	IN	0.6	TRA	TER
2080817	NGRTKYXARS	██████████	270	304	██████	62	C	334	AL	43.2	TRA	TER
2080817	RDCLKYXADS	██████████	270	319	██████	62	C	404	GA	2.1	TRA	TER
2080817	RDCLKYXADS	██████████	270	872	██████	62		405	OK	0.3	TRA	TER

13  
 14 **[End Sprint Confidential]**

15 **Q. Does this same pattern exist in the remainder of the data?**

1 A. Yes. I believe the above discussion is generally true across the entire random  
2 sample.  
3

4 **V. BRANDENBURG'S FAILURE TO ACCOUNT FOR LOCAL/INTRAMTA**  
5 **WIRELESS TRAFFIC**

6  
7 **Q. Does local/intraMTA wireless traffic have any bearing on the issues**  
8 **presented in this case?**

9 A. Yes. As I explained in my Direct Testimony, almost all intrastate wireless traffic  
10 is delivered to Brandenburg by Sprint's wireless entities pursuant to the  
11 local/intraMTA traffic provision of interconnection agreements approved by the  
12 Commission. That traffic gets delivered on local trunks, never gets passed to  
13 Sprint's IXC network, and would be jurisdictionalized and billed under separate  
14 agreements.

15 **Q. How does Ms. Willoughby account for the presence of local/intraMTA**  
16 **wireless traffic delivered under the local interconnection agreements?**

17 A. She does not account for it at all. On page 8 of her testimony, Ms. Willoughby  
18 states that it "makes no sense" that Sprint's week-long traffic study classified  
19 nearly 100% of Sprint's wireless-originated traffic terminating to Brandenburg's  
20 territory as interstate. She indicates that could only be true if every Kentucky  
21 wireless caller left the state every single day, and made calls back to other  
22 Kentucky numbers. The implication in this statement is that Sprint is not  
23 reporting or paying for any intrastate wireless calls. Quite simply, that makes no  
24 sense, and Brandenburg knows it, even if Ms. Willoughby failed to address it in  
25 her testimony.

1 **Q. Please explain.**

2 A. Confidential Exhibit JAW-11 are recent bills Brandenburg issued to Sprint under  
3 the two local/intraMTA interconnection agreements, for the usage period, June,  
4 2009. These bills show that Brandenburg billed Sprint for approximately **[Begin**  
5 **Sprint Confidential]** [REDACTED] **[End Sprint Confidential]**  
6 minutes of wireless traffic to Brandenburg's territory during June, 2009. As I  
7 have described, these are primarily local/intraMTA calls, and would include  
8 nearly all intrastate wireless calls. See Walker Direct Testimony, pp. 8-9.  
9 Brandenburg billed that traffic at the agreed-to rates, and Sprint has paid those  
10 bills. Contrary to Ms. Willoughby's suggestion, there are no missing intrastate  
11 wireless calls; the vast majority of intrastate wireless calls are delivered,  
12 jurisdictionalized, and billed without dispute under a separate agreement.

13 **Q. Would calls made by out-of state subscribers traveling into Kentucky be**  
14 **treated the same way?**

15 A. Yes. Ms. Willoughby suggests on page 8 that for Sprint not to have classified any  
16 of the wireless originated traffic as intrastate would mean that there would never  
17 be a possibility of a subscriber traveling into the state of Kentucky with a wireless  
18 handset, and placing a call to a Kentucky number. Apparently, Ms. Willoughby  
19 does not understand how Sprint delivers traffic. Wireless callers regularly travel  
20 into Kentucky and make calls to Kentucky numbers. Almost all of these calls are  
21 picked up by Sprint's wireless network and delivered and billed under the  
22 local/intraMTA interconnection agreements. Again, the vast majority of those

1 calls would fall within MTA 26 – making them local/intraMTA, and not subject  
2 to access charges.

3 **Q. Do Brandenburg’s test calls prove that most intrastate wireless calls are**  
4 **delivered as local/intraMTA calls?**

5 A. Yes. As I understand it, the “study” consisted of approximately 175 calls from  
6 two wireless handsets. Most of these calls were intrastate calls. By my count  
7 only 18 of these calls were delivered by Sprint over its long distance network.  
8 That means the remaining 157 calls were carried by Sprint’s wireless network,  
9 delivered and billed pursuant to a wireless interconnection agreement, and have  
10 nothing to do with the PIU dispute we have in this case. Ms. Willoughby ignores  
11 the remaining 157 calls originated and terminated within MTA 26, and does not  
12 claim that those calls are misjurisdictionalized.

13  
14 **VI. USE OF JIP VERSUS USE OF CPN**

15  
16 **Q. Do you have any further comments on Brandenburg’s methodology for**  
17 **determining jurisdiction?**

18 A. On page 4 of her Direct Testimony, Ms. Willoughby states that “CPN has long  
19 been recognized as an acceptable proxy for caller location.” Regardless of  
20 whether it was used in the past, it is clearly an incorrect way to determine the  
21 location of a wireless caller. Anyone who has received a call from a person on a  
22 cell phone and asked “Where are you?” should understand this issue. This fact is  
23 what led to the industry standard that the Jurisdiction Information Parameter (JIP)  
24 be populated where technically feasible on wireless calls to identify the location

1 of the wireless switch. Brandenburg has confirmed in response to Sprint's  
2 Information Request 17 that it does not use this recommended standard to  
3 jurisdictionalize wireless traffic. Given that Sprint passes JIP within the call  
4 detail, I question the statement on page 5 of Ms. Willoughby's Direct Testimony  
5 that states Brandenburg continues to jurisdictionalize traffic "as best we can",  
6 using "the most historically sound and objective proxy for caller location." This  
7 is simply not true.

8 **Q. Has Sprint suggested Brandenburg utilize the JIP field to determine**  
9 **jurisdiction?**

10 A. Yes. Ms. Willoughby also stated on page 4, that Sprint "demanded that  
11 Brandenburg ignore actual call detail..." Quite to the contrary, Sprint  
12 recommended that Brandenburg use actual call detail, by suggesting the use of the  
13 JIP field, which is available in the call detail, to more accurately assign  
14 jurisdiction. Brandenburg has known for at least as long as Sprint has formally  
15 disputed the PIU billed, and likely longer, that the JIP field existed, and was  
16 accepted as an industry-backed solution to the situation it was having with its  
17 billing deficiencies. However, even after suggesting JIP to Brandenburg, Sprint  
18 was never informed that Brandenburg attempted to review the JIP option for  
19 reasonableness, or even compare the results of its use for a given time period  
20 against the methodology they were currently using to bill Sprint, to evaluate how  
21 much more accurate the billing would be using JIP.

22



1 **VII. BRANDENBURG HAS ACCEPTED SPRINT'S PIU FACTOR**

2  
3 **Q. Has Brandenburg agreed with Sprint's reported PIU factors historically?**

4 A. It's important to note that Brandenburg has always utilized Sprint's PIU factor on  
5 some portion of its billed traffic each month – any traffic for which it does not use  
6 the CPN methodology to determine jurisdiction. At no time has Brandenburg  
7 ever formally questioned Sprint's PIU factor, or initiated an audit of such, as  
8 required by its tariffs, in the event there is a disagreement with Sprint's factor. It  
9 is evident then, that Brandenburg found Sprint's PIU factor accurate, and  
10 acceptable to apply to its billing, confirming Sprint's assertion that Brandenburg  
11 would effectively correct its wireless roaming jurisdiction problem by utilizing  
12 Sprint's PIU factor on all billing going forward.

13 **Q. But Ms. Willoughby states that Sprint has never reported a valid PIU.**  
14 **(Willoughby Direct, p, 5, lines 21-22). How do you respond?**

15 A. Brandenburg has never done what its tariff requires in connection with auditing  
16 and challenging the PIU, so I do not believe that Brandenburg can challenge the  
17 PIU in this case. I deal with LECs all over the country on PIU issues, and  
18 Brandenburg has failed to take the most basic steps under its tariff necessary to  
19 challenge an IXC's PIU factor.

20 **Q. Did Sprint have the opportunity to work through any identified traffic**  
21 **anomalies with Brandenburg?**

22 A. Sprint expected from the very beginning to work with Brandenburg on any traffic  
23 anomalies causing concern. In Sprint's historical discussions with other carriers  
24 regarding traveling wireless impacts, there were similar situations of 'traffic

1 anomalies', which were discussed and adjusted, if necessary. Sprint indicated in  
2 its first contact with Brandenburg, that we would need to work together to isolate  
3 the issues and work towards a remedy for billing. The "Covington" traffic  
4 situation could have been discussed two years ago. A negotiated adjustment to  
5 the factor, accounting for "Covington"-estimated traffic, would have been a  
6 reasonable solution for Sprint – and far more acceptable to Sprint than the time,  
7 effort, and expense expended on a formal complaint. Brandenburg never  
8 accepted our first, or repeated, offers to figure it out together.

9  
10 **VIII. SPRINT IS ENTITLED TO A REFUND OF THE AMOUNTS SET FORTH**  
11 **IN DIRECT TESTIMONY.**

12  
13 **Q. Is Sprint withholding payments from Brandenburg Telephone?**

14 A. To be quite clear, Sprint is not withholding any payments from Brandenburg for  
15 valid access charges. All monies withheld to date result from formal billing  
16 disputes calculated on Brandenburg's access charges, and presented to  
17 Brandenburg in detail. Sprint has submitted formal dispute documentation for all  
18 claims filed in good faith against Brandenburg's access billing, for overbilled  
19 charges since 2002.

20 The transaction that takes place when Sprint files a formal dispute, where the  
21 calculated dispute is greater than the valid charges billed by Brandenburg on the  
22 monthly invoice against which the dispute is rendered, causes a debit balance to  
23 be created in our payables system. Sprint essentially credits Brandenburg's  
24 liability to Sprint each month, with each transaction for payment made on valid

1 access charges, which currently includes all originating charges and all  
2 terminating charges correctly billed as Inter or Intrastate. Brandenburg has owed  
3 Sprint monies each month, which have not been credited to date. Instead of a  
4 check being cut to Brandenburg each month, its receivables balances is  
5 appropriately decreased on Sprint's books. This is done instead of requiring  
6 Brandenburg to issue a refund check for the previous overpayments. The monthly  
7 approved credits accumulate for Brandenburg until such time that the overpaid  
8 access is recovered against subsequent billing months.

9 **Q. Does Ms. Willoughby's Exhibit G to her Direct Testimony accurately reflect**  
10 **the amount formally disputed by Sprint with regards to the PIU issue?**

11 A. No. The accurate amount formally disputed is **[Begin Sprint Confidential]**  
12 **[REDACTED]** **[End Sprint Confidential]** as shown in Confidential Attachment  
13 JAW-12 to my Rebuttal Testimony. Ms. Willoughby's analysis does not  
14 recognize disputes dating back to 2002. In addition, Ms. Willoughby's analysis  
15 appears to be missing some disputes from the 2008 timeframe.

16 **Q. Does this conclude your Rebuttal Testimony?**

17 A. Yes.



Case No. 2008-135  
Examples of Intrastate - InterLATA Calls  
Being Classified By Sprint as Intrastate  
In August 2008 Traffic Study

Orig Date	Term CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits (1)	Orig Line	Wom State Lata IND (2)	Orig SWC NPA	Orig SWC NXX	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Seconds	Minutes	Calls	Origination	Orig Phnum NPA	LEC JUR	Sprint JUR
[REDACTED]																								

- (1) - A value of 62 in the Orig Info Digits data field denotes that the call record was originated from a wireless handset.
- (2) - A value of 2 in the State Lata Indicator field indicates the call is Intrastate/InterLATA.



Case No. 2008-135  
Sprint Cell Site Count By State  
For Relevant Kentucky MTAs

MTA #	Network	MSC	IN	KY	OH	TN	Total
18	iDEN	Westerville					
18	CDMA	Sharonville					
18	iDEN	Louisville					
18	CDMA	A7 Charleston					
18	CDMA	Knoxville					
18		Total					

MTA #	Network	MSC	IN	KY	OH	TN	Total
43	CDMA	Evansville					
43	CDMA	Nashville					
43	iDEN	Louisville					
43	iDEN	Nashville					
		Total					

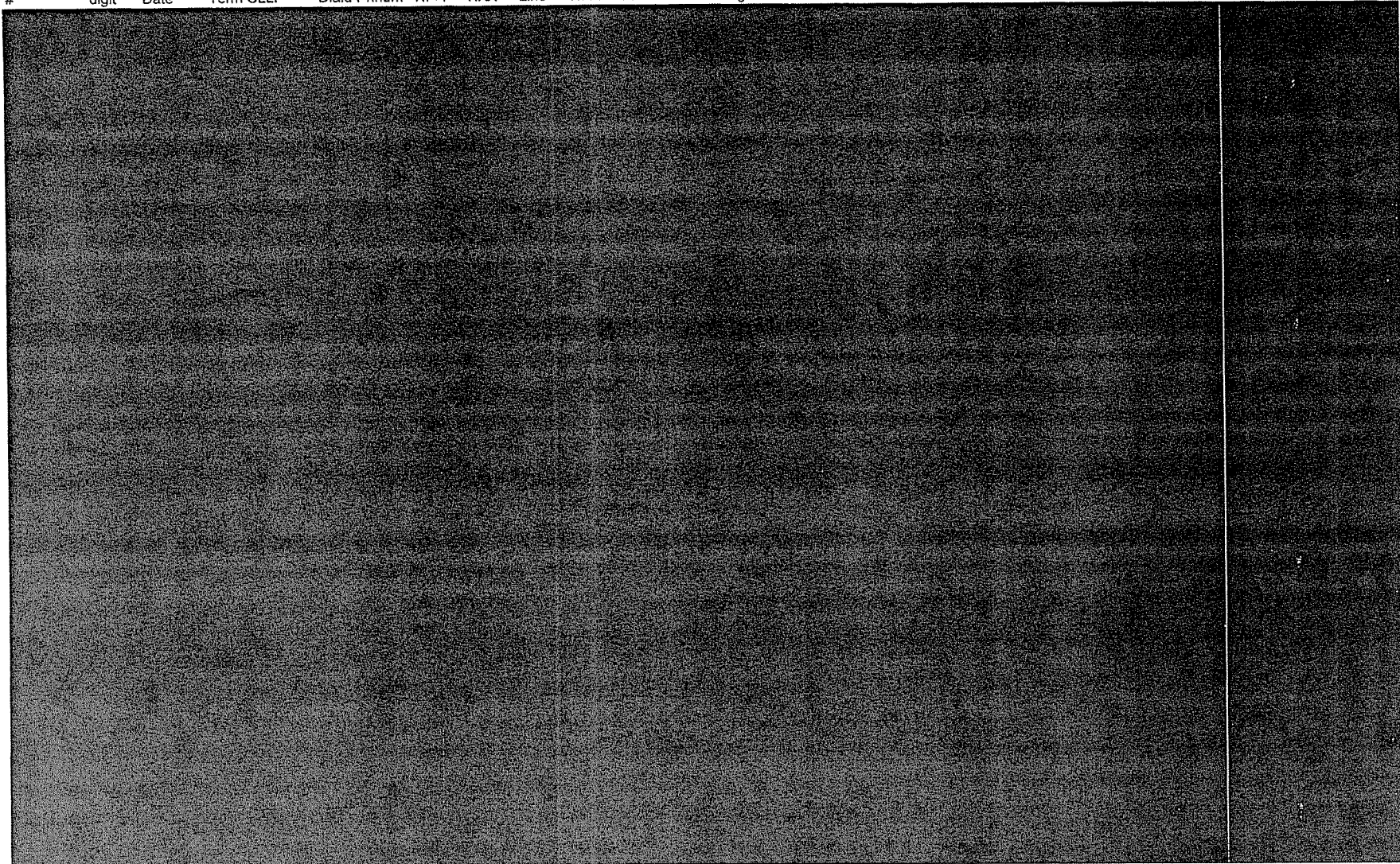
MTA #	Network	MSC	IN	KY	OH	TN	Total
44	CDMA	Knoxville					
44	iDEN	Louisville					
44	iDEN	Nashville					
		Total					





CASE NO. 2008-135  
SPRINT'S AUGUST 2008 TRAFFIC STUDY  
SAMPLE OF TOTAL RECORDS

Record #	far right digit	Orig Date	Term CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Worn Orig Line	State Lata	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	-----------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	----------------	------------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------

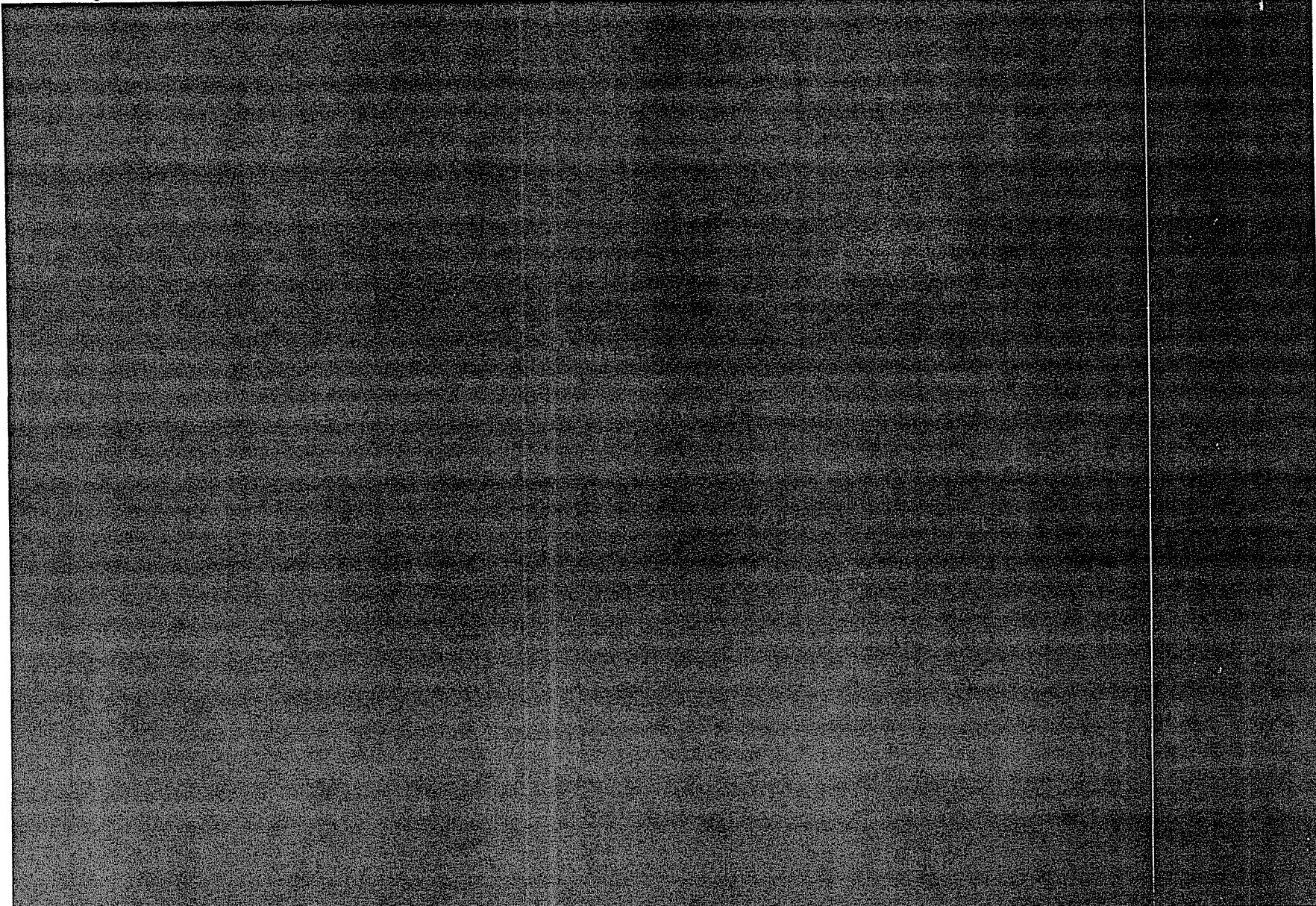


Record #	far right digit	Orig Date	Term CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line Sorce IND	State Lata IND	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	-----------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	-------------------------	----------------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------

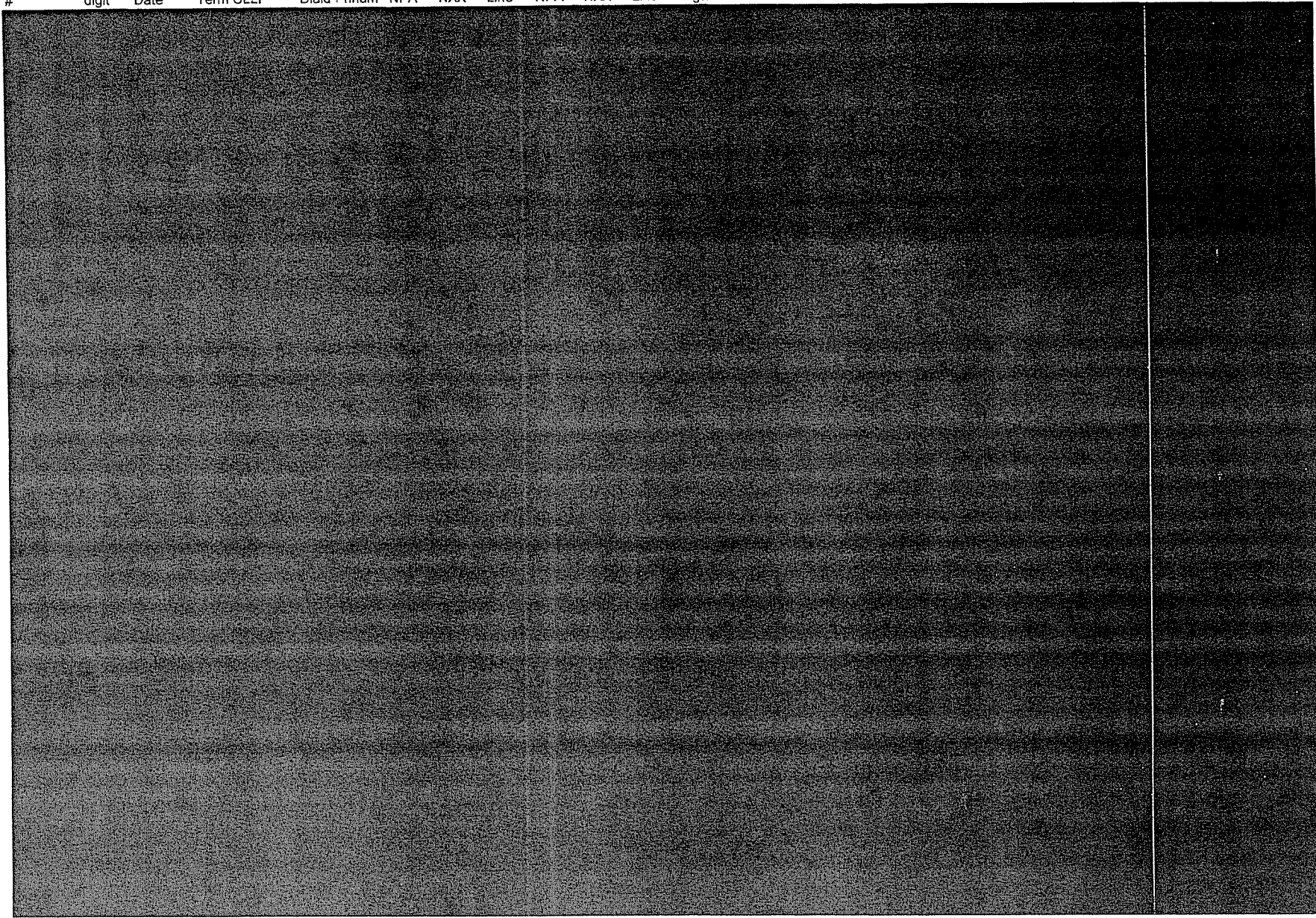
PROPRIETARY



Record #	far right digit	Orig Date	Term CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line	State Lata IND	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	-----------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	---------------	----------------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------

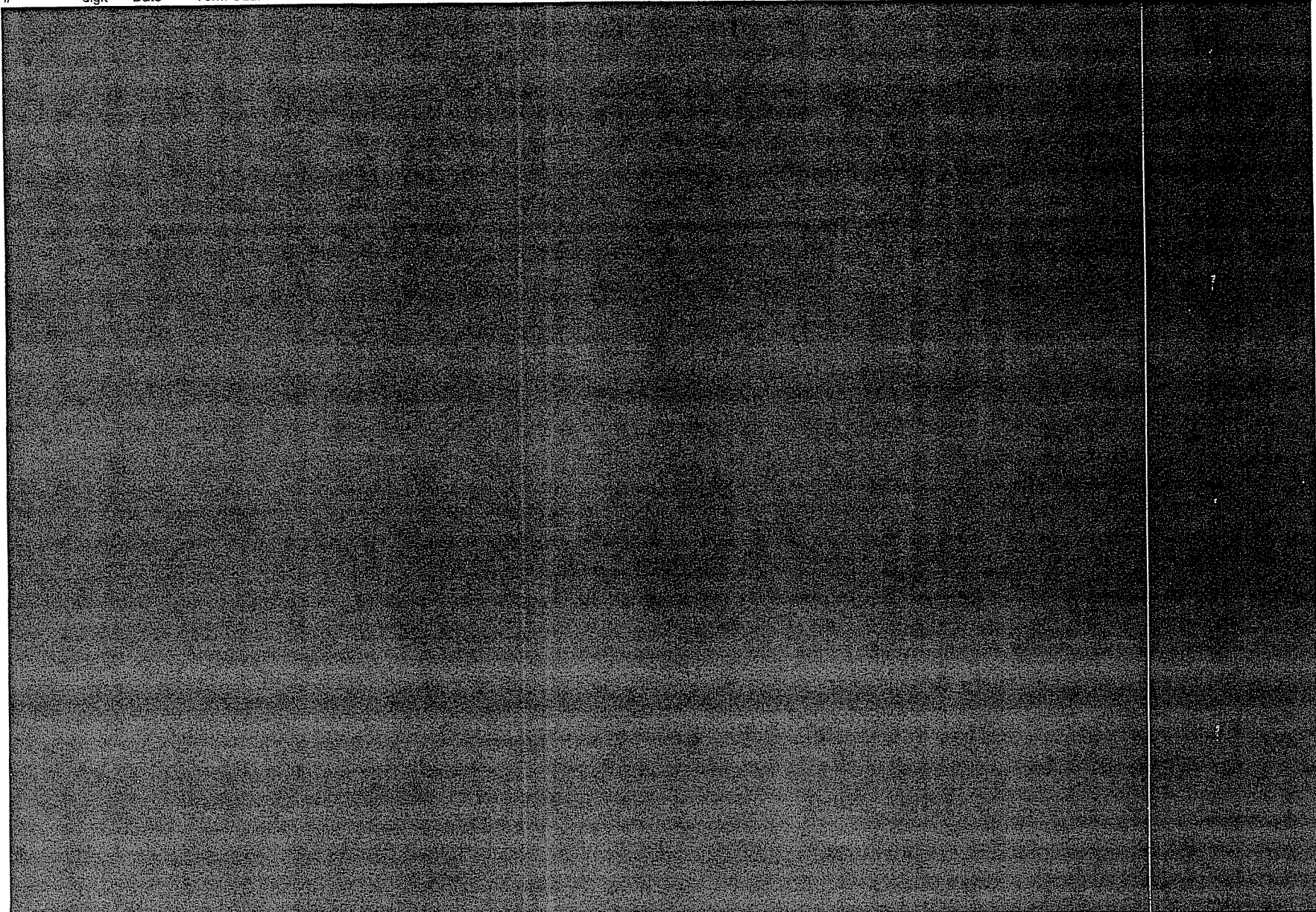


Record #	far right digit	Orig Date	Term	CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line Srce IND	State IND	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	------	------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	------------------------	-----------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------

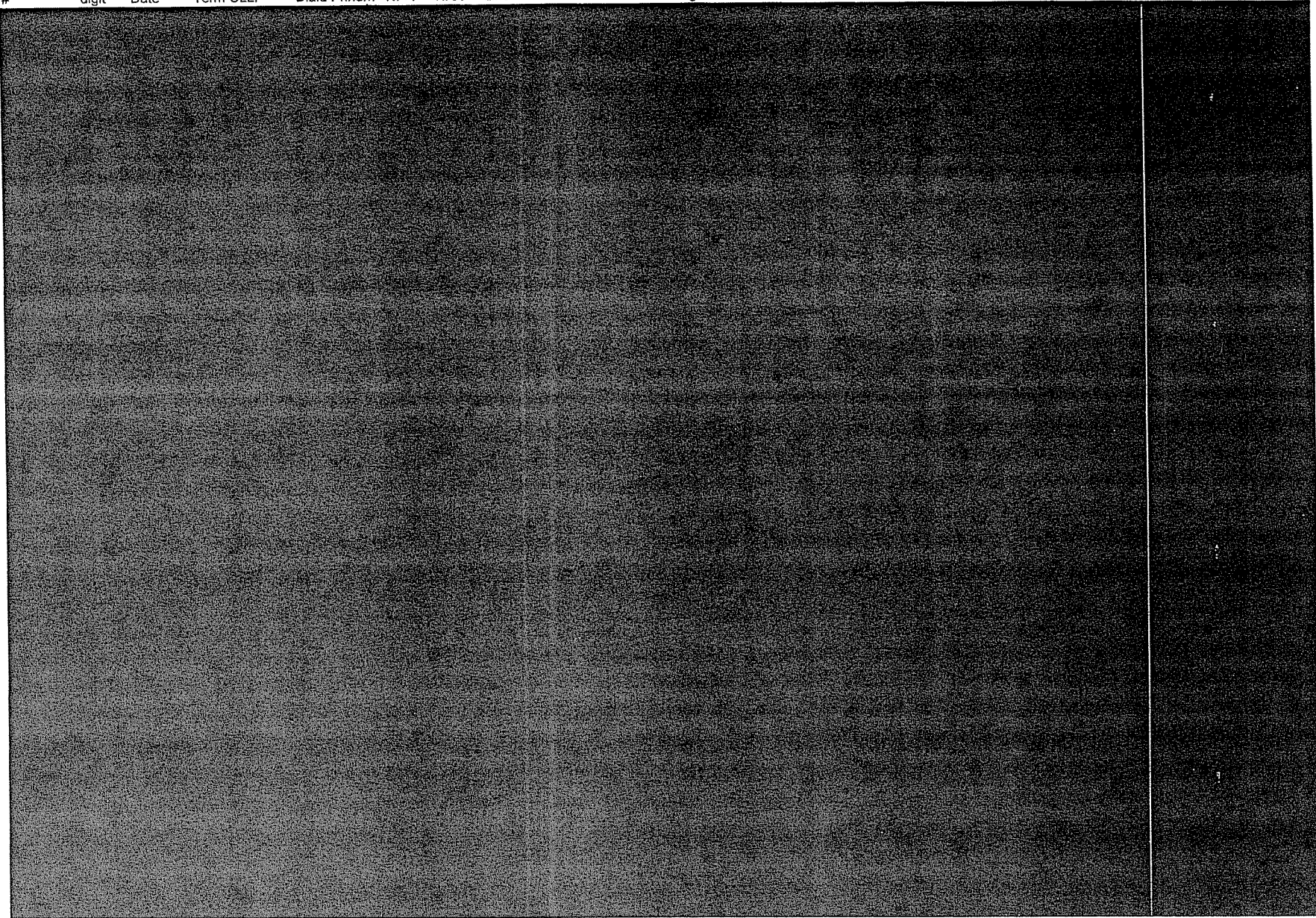




Record #	far right digit	Orig Date	Term	CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line	State Lata	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	------	------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	---------------	------------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------

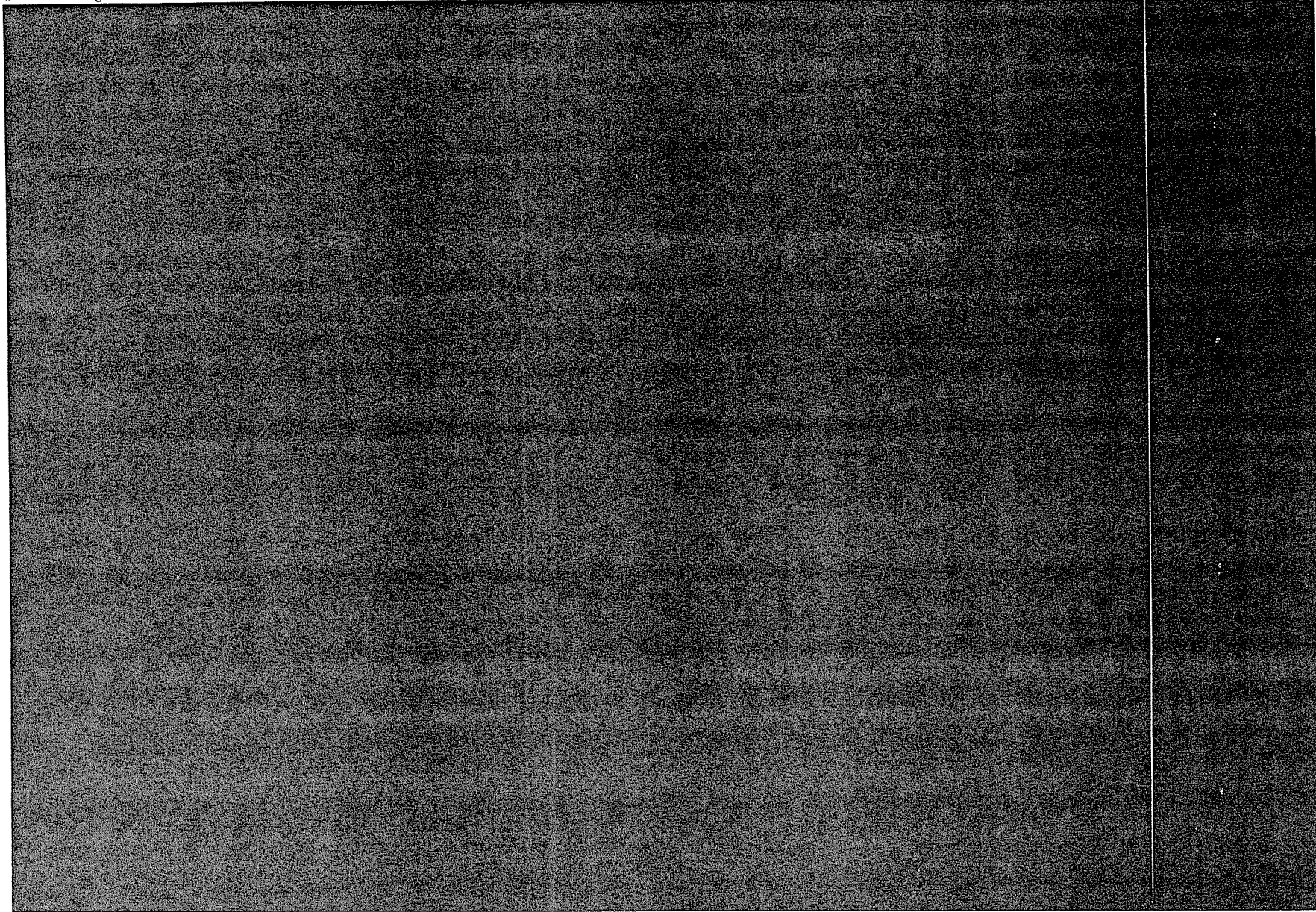


Record #	far right digit	Orig Date	Term CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line	State Lata	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	-----------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	---------------	------------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------

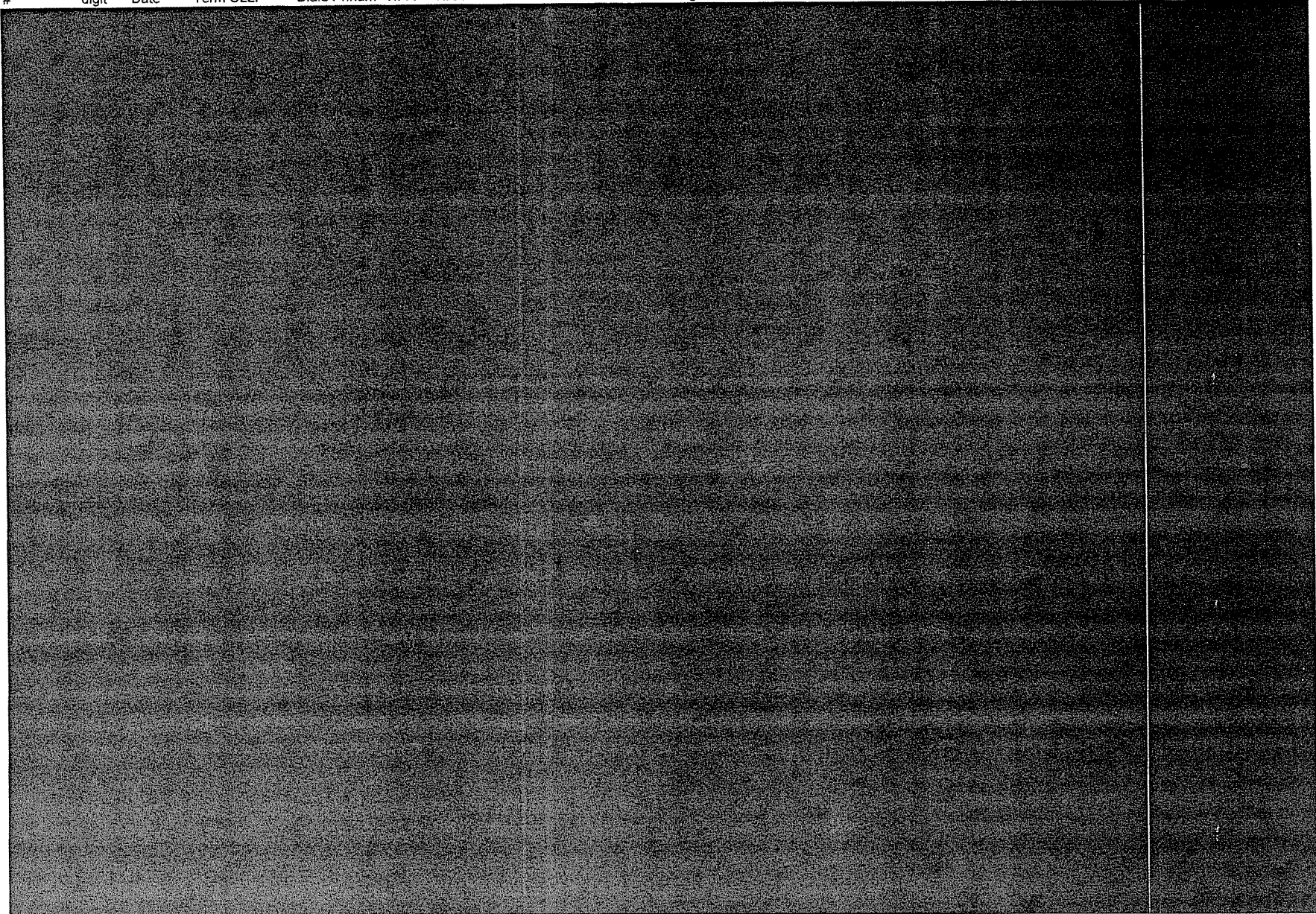




Record #	far right digit	Orig Date	Term CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line	State Lata IND	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	-----------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	---------------	----------------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------

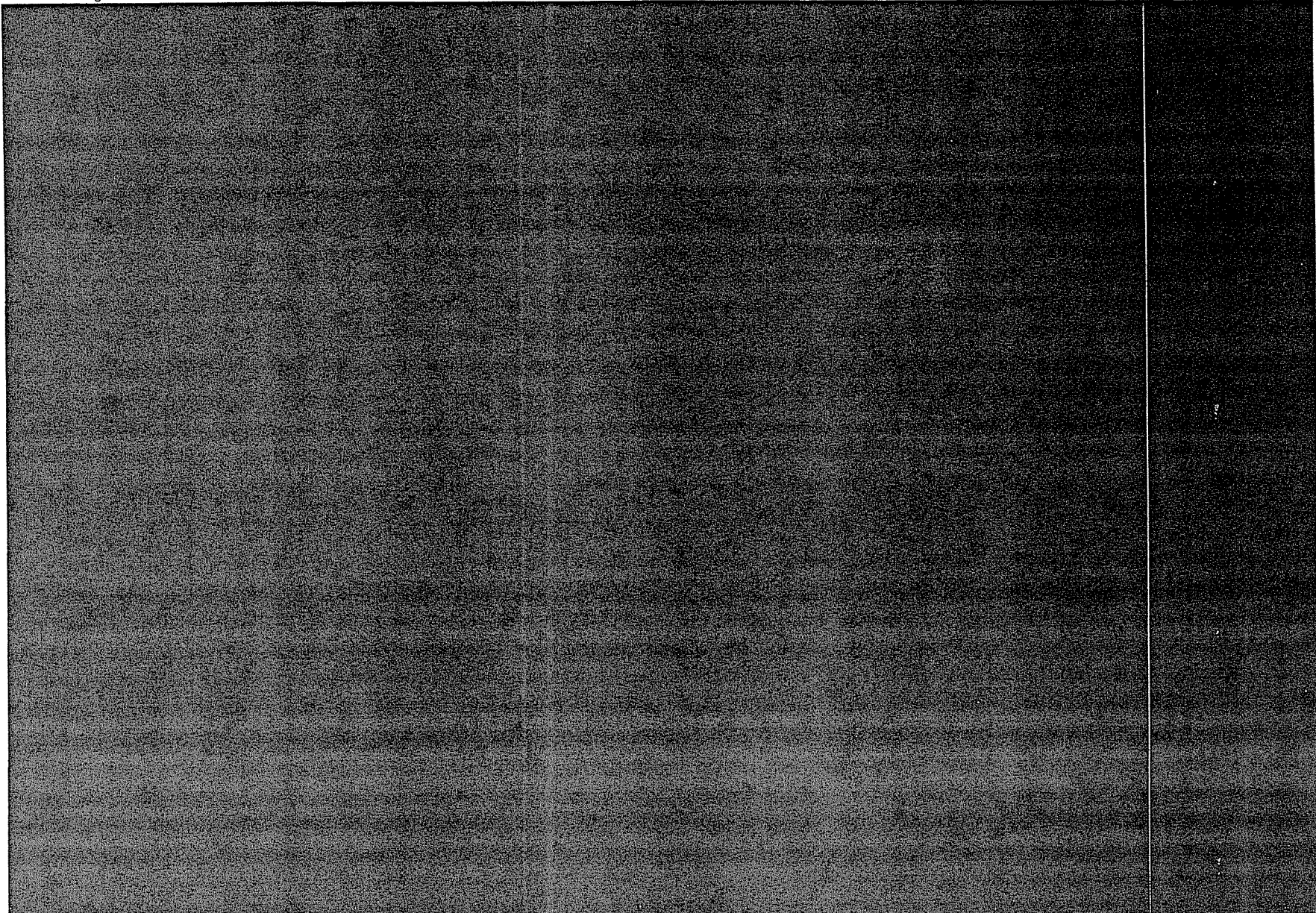


Record #	far right digit	Orig Date	Term CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line Srce IND	State Lata IND	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	-----------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	------------------------	----------------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------

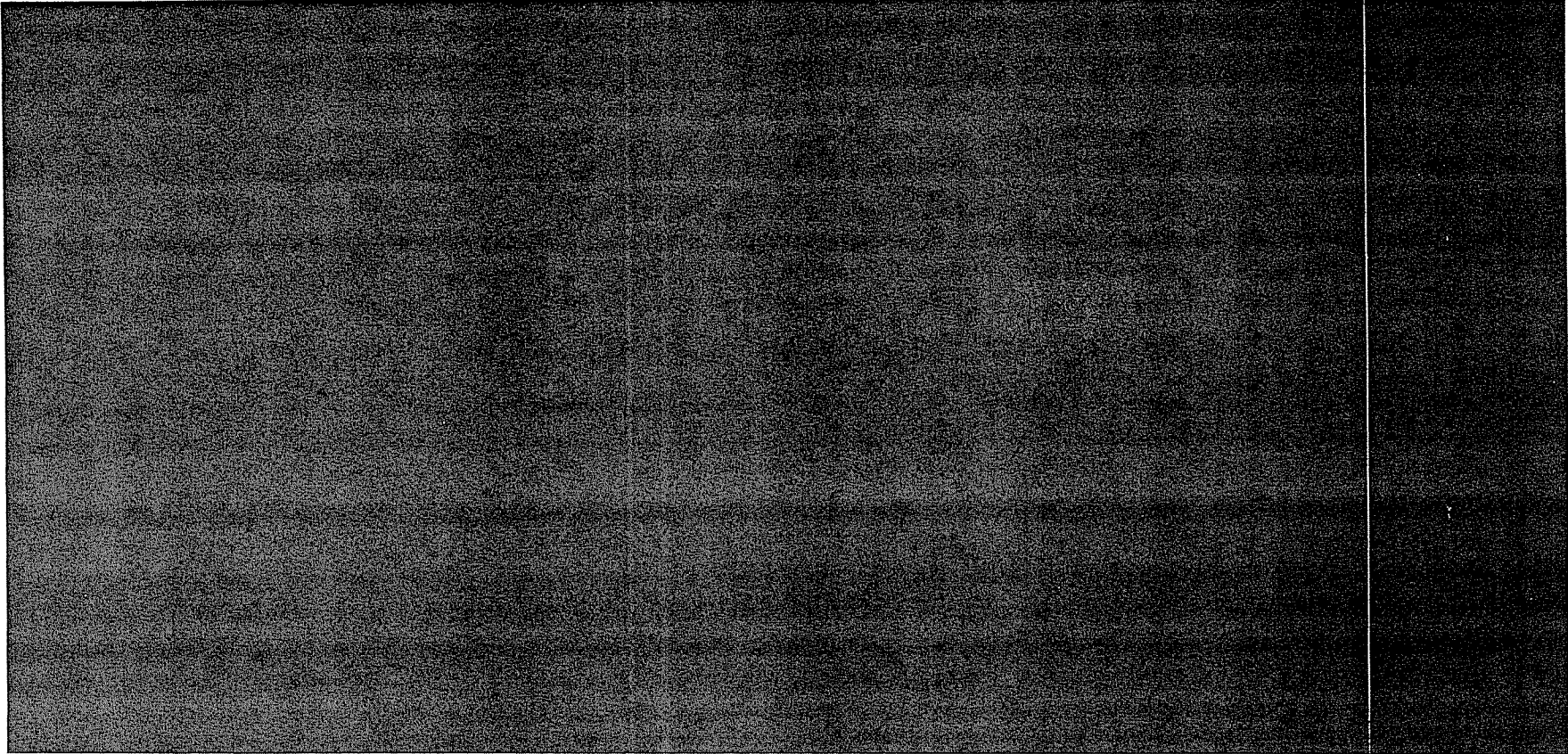




Record #	far right digit	Orig Date	Term	CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line	State IND	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	------	------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	---------------	-----------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------



Record #	far right digit	Orig Date	Term CLLI	Diald Phnum	Calld NPA	Calld NXX	Calld Line	Orig NPA	Orig NXX	Orig Line	Orig Info Digits	Wom Orig Line	State Lata	Orig SWC NPA	Orig SWC State	Orig Switch	Orig Trunk	Orig OPCO	Term OPCO	Minutes	Calls	LEC JUR	Sprint JUR
----------	-----------------	-----------	-----------	-------------	-----------	-----------	------------	----------	----------	-----------	------------------	---------------	------------	--------------	----------------	-------------	------------	-----------	-----------	---------	-------	---------	------------





**PUBLIC**

**ATTACHMENT JAW 11**

BRANDENBURG TELEPHONE CO  
BRANDENBURG, KY 40108

ACCOUNT # [REDACTED]  
7/01/09

A

PREVIOUS BALANCE DUE IMMEDIATELY

REGULATED SERVICES  
OTHER SERVICES  
TAX ON REG & O/S

SCHOOL  
STATE  
FEDERAL  
TOTAL REG O/S & TAX

TOLL CHARGES

OTHER CHARGES/CREDIT

SPRINT  
C/O TEOCO, MET  
12150 MONUMENT DR  
SUITE 700  
FAIRFAX VA 22033-

PAY THIS AMOUNT ON OR BEFORE 7/22/09

PAY THIS AMOUNT AFTER 7/22/09

Any previous balance is due pursuant to original due date

MONTHLY SERVICES & FEES - NONREGULATED

\*\*\*\*\*  
\* NONPAYMENT OF ITEMS ON SECTION BELOW WILL NOT RESULT \*  
\* IN DISCONNECTION OF YOUR LOCAL TELEPHONE SERVICE. \*  
\*\*\*\*\*

DESCRIPTION	QTY	SINGLE RATE	TOTAL CHARGE
Cost Recovery Surcharge	[REDACTED]	[REDACTED]	[REDACTED]
CURRENT MONTH CHARGE			

FOR BILLING INQUIRIES CALL (270) 422-2121

OTHER CHARGES OR CREDITS

Description	Qty	Charge
LOC TRAF [REDACTED]	[REDACTED]	[REDACTED]
INTRA/INTERMTA [REDACTED]	[REDACTED]	[REDACTED]

TOTAL PRE TAX [REDACTED]	SCH TAX / STATE TAX / FED. TAX [REDACTED]	TOTAL INCL TAX [REDACTED]
--------------------------	---	---------------------------

MESSAGES

According to Federal Communications Commission (FCC) rulings, telephone companies can recover their Federal Universal Service Fund contributions. Due to a change in the FCC's prescribed universal service contribution factor, you will see an increase in the Federal Universal Service Charge (FUSC) amount on your bill effective July 1, 2009. The new FUSC amount is calculated by multiplying the FCC's universal service contribution factor of 12.9% times your interstate service charges. The Federal Universal Service Fund program is designed to help keep local telephone service rates affordable for all customers, in all areas of the United States.

Tracking # 9007060330  
TEOCO Corporation



BRANDENBURG TELEPHONE CO  
BRANDENBURG, KY 40108

2

ACCOUNT # [REDACTED]  
7/01/09

1

A

The nationwide switch to digital television broadcasting will be complete on June 12, 2009, but your local television stations may switch sooner. After the switch, analog-only television sets that receive TV programming through an antenna will need a converter box to continue to receive over-the-air TV. Watch your local stations to find out when they will turn off their analog signal and switch to digital-only broadcasting. Analog-only TVs should continue to work as before to receive low power, Class A or translator television stations and with cable and satellite TV services, gaming consoles, VCRs, DVD players, and similar products. Information about the DTV transition is available from your local television stations, [www.DTV.gov](http://www.DTV.gov), or 1-888-CALL-FCC (TTY 1-888-TELL-FCC), and from [www.dtv2009.gov](http://www.dtv2009.gov) or 1-888-DTV-2009 (TTY 1-877-530-2634) for information about subsidized coupons for digital-to-analog converter boxes.

BRANDENBURG TELEPHONE CO  
BRANDENBURG, KY 40108

ACCOUNT # [REDACTED]  
7/01/09

VIEW YOUR BILL ONLINE AND/OR PAY  
YOUR BILL ONLINE AT [WWW.BBTEL.COM](http://WWW.BBTEL.COM)

TO INSURE PROPER CREDIT, PLEASE RETURN THIS PORTION WITH PAYMENT.

PAY THIS AMOUNT ON OR BEFORE 7/22/09 [REDACTED]

PAY THIS AMOUNT AFTER 7/22/09 [REDACTED]

SPRINT  
C/O TEOCO, MET  
12150 MONUMENT DR  
SUITE 700  
FAIRFAX VA 22033-

SEND PAYMENT TO  
BRANDENBURG TELEPHONE CO  
200 TELCO DRIVE  
P O Box 599  
BRANDENBURG, KY 40108-0599

FOR BILLING INQUIRIES CALL (270) 422-2121



BRANDENBURG TELEPHONE CO  
BRANDENBURG, KY 40108

1

ACCOUNT # [REDACTED] A  
7/21/09

PREVIOUS BALANCE DUE IMMEDIATELY [REDACTED]

REGULATED SERVICES [REDACTED]  
OTHER SERVICES [REDACTED]  
TAX ON REG & O/S [REDACTED]

SCHOOL [REDACTED]  
STATE [REDACTED]  
FEDERAL [REDACTED]  
TOTAL REG O/S & TAX [REDACTED]

TOLL CHARGES [REDACTED]

OTHER CHARGES/CREDIT [REDACTED]

SPRINT NEXTEL  
C/O TEOCO, MEX  
12150 MONUMENT DR  
SUITE 700  
FAIRFAX VA 22030-

PAY THIS AMOUNT ON OR BEFORE 8/11/09 [REDACTED]

PAY THIS AMOUNT AFTER 8/11/09 [REDACTED]

Any previous balance is due pursuant to original due date

MONTHLY SERVICES & FEES - NONREGULATED

\*\*\*\*\*  
\* NONPAYMENT OF ITEMS ON SECTION BELOW WILL NOT RESULT \*  
\* IN DISCONNECTION OF YOUR LOCAL TELEPHONE SERVICE. \*  
\*\*\*\*\*

DESCRIPTION	QTY	SINGLE RATE	TOTAL CHARGE
Cost Recovery Surcharge			[REDACTED]
CURRENT MONTH CHARGE			[REDACTED]

FOR BILLING INQUIRIES CALL (270) 351-4466

OTHER CHARGES OR CREDITS

Description	Qty	Charge
LOC TRAF		[REDACTED]
INTRA/INTERSTA		[REDACTED]

TOTAL PRE TAX [REDACTED]

SCH. TAX / STATE TAX / FED. TAX. TOTAL INCL. TAX [REDACTED]

Tracking # 9007230285  
TEOCO Corporation



BRANDENBURG TELEPHONE CO  
BRANDENBURG, KY 40108

2

1

ACCOUNT # [REDACTED]  
7/21/09

A

BRANDENBURG TELEPHONE CO  
BRANDENBURG, KY 40108

ACCOUNT # [REDACTED]  
7/21/09

VIEW YOUR BILL ONLINE AND/OR PAY  
YOUR BILL ONLINE AT WWW.BBTTEL.COM

TO INSURE PROPER CREDIT, PLEASE RETURN THIS PORTION WITH PAYMENT.

PAY THIS AMOUNT ON OR BEFORE 8/11/09 [REDACTED]

PAY THIS AMOUNT AFTER 8/11/09 [REDACTED]

SPRINT NEXTEL  
C/O TEOCO, MET  
12150 MONUMENT DR  
SUITE 700  
FAIRFAX VA 22030-

SEND PAYMENT TO  
BRANDENBURG TELEPHONE CO  
200 TELCO DRIVE  
P O Box 599  
BRANDENBURG, KY 40108-0599

FOR BILLING INQUIRIES CALL (270) 351-4466

---





CASE NO. 2008-135  
ANALYSIS OF DISPUTED AMOUNTS

Brandenburg Telephone  
Analysis of Amounts Owed to Brandenburg from Sprint  
Sprint's Billing since Nov. 07

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
	CABS BILLS	PAID AMOUNT	DISPUTED AMOUNT	TOTAL UNPAID AMOUNT	UNPAID NONDISPUTED AMOUNT		Actual Amount Formally Disputed By Sprint		Actual Non-Disputed Amount
16-Nov-07									
16-Dec-07									
16-Jan-08									
16-Feb-08									
16-Mar-08									
16-Apr-08									
16-May-08									
16-Jun-08									
16-Jul-08									
16-Aug-08									
16-Sep-08									
16-Oct-08									
16-Nov-08									
16-Dec-08									
16-Jan-09									
16-Feb-09									
16-Mar-09									
16-Apr-09									
16-May-09									
16-Jun-09									
16-Jul-09									
Totals									

**NOTE - Columns A through H of this Attachment are identical to Exhibit G to Ms. Whiloughby's Direct Testimony in this case. Columns G through J were added to Brandenburg's Exhibit G for the purpose of completing this Attachment.**

(1) - Disputed amounts do exist for June and July 2009. However, Brandenburg had data available only through May 2009 when their direct testimony was filed.

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF COMPLAINT OF SPRINT  
COMMUNICATIONS COMPANY L.P.  
AGAINST BRANDENBURG TELEPHONE  
COMPANY FOR THE UNLAWFUL  
IMPOSITION OF ACCESS CHARGES

Case No. 2008-00135

**RECEIVED**

AUG 06 2009

PUBLIC SERVICE  
COMMISSION

---

**Direct Testimony of Don J. Wood  
On Behalf of Sprint Communications Company L.P.  
August 5, 2009**

**PUBLIC VERSION**

1 Background and Qualifications..... 1  
2 Purpose of Testimony ..... 3  
3 Section I: The Problem to be Solved ..... 5  
4 Section II: The Clear Language of the Applicable Tariffs Should be Used to Resolve This  
5 Dispute ..... 10  
6 Section III: Taking a Step Back to Gain Perspective..... 17  
7 Section IV: The Relative Merits and Accuracy of the Sprint and Brandenburg Methods ..... 21

8 **Background and Qualifications**

9 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

10 A. My name is Don J. Wood. I am a principal in the firm of Wood & Wood, an economic  
11 and financial consulting firm. My business address is 30,000 Mill Creek Avenue, Suite  
12 395, Alpharetta, Georgia 30022. I provide economic, financial, and regulatory analysis  
13 services of telecommunications and related technology-driven industries, with an  
14 emphasis on economic policy, competitive market development, and cost-of-service  
15 issues.

16  
17 Q. PLEASE DESCRIBE YOUR BACKGROUND AND EXPERIENCE.

18 A. I received a BBA in Finance with distinction from Emory University and an MBA with  
19 concentrations in Finance and Microeconomics from the College of William and Mary.  
20 My telecommunications experience includes employment at both a Regional Bell  
21 Operating Company (“RBOC”) and an Interexchange Carrier (“IXC”). Specifically, I  
22 was employed in the local exchange industry by BellSouth Services, Inc. in its Pricing  
23 and Economics, Service Cost Division. My responsibilities included performing cost

1 analyses of new and existing services, preparing documentation for filings with state  
2 regulatory commissions and the Federal Communications Commission (“FCC”),  
3 developing methodology and computer models for use by other analysts, and performing  
4 special assembly cost studies.

5 I was employed in the interexchange industry by MCI Telecommunications  
6 Corporation, as Manager of Regulatory Analysis for the Southern Division. In this  
7 capacity I was responsible for the development and implementation of regulatory policy  
8 for operations in the southern region. I then served as a Manager in MCI’s Economic  
9 Analysis and Regulatory Affairs Organization, where I participated in the development of  
10 regulatory policy for national issues.

11 Since 1993 I have provided consulting services to carriers, trade associations,  
12 regulatory agencies, and not-for-profit organizations.

13

14 Q. HAVE YOU PREVIOUSLY PRESENTED TESTIMONY BEFORE STATE  
15 REGULATORY COMMISSIONS?

16 A. Yes. I have testified on telecommunications issues before the regulatory commissions of  
17 forty-two states, Puerto Rico, and the District of Columbia. I have also presented  
18 testimony regarding telecommunications issues in state, federal, and overseas courts,  
19 before alternative dispute resolution tribunals, and at the FCC. A listing of my previous  
20 testimony is attached as Exhibit DJW-1.

21

22 Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY TO THIS COMMISSION?

23 A. Yes. From 1989 through the present, I have had the opportunity to testify before the

1 Commission on fourteen occasions. My testimony has addressed a range of  
2 telecommunications-related issues. Most recently, I testified in the 2006 Consolidated  
3 Arbitration that addressed questions of intercarrier compensation for calls exchanged  
4 between wireless carriers and independent ILECs.<sup>1</sup> Both Sprint and Brandenburg were  
5 parties to that proceeding.

6

7 Q. WHAT DOCUMENTS HAVE YOU REVIEWED IN ORDER TO PREPARE YOUR  
8 PREFILED TESTIMONY?

9 A. In addition to the complaints and counter-complaints of the parties, I have reviewed  
10 NECA's Tariff No. 5 ("NECA tariff"), Duo County Telephone Corp., Inc's PSC KY  
11 Tariff No. 2A ("Duo County tariff"), the prefiled direct testimony of Ms. Walker and Ms.  
12 Willoughby, each party's responses to data requests, a map of Kentucky LATA  
13 boundaries, a map showing the boundaries of the wireless MTAs, a map of Sprint's  
14 wireless coverage area within Kentucky and in surrounding states, and a map of  
15 Kentucky LEC boundaries. I also reviewed previous orders of the Commission  
16 addressing intercarrier compensation and related issues.

17 **Purpose of Testimony**

18 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

19 A. I have been asked by Sprint Communications Company L. P. ("Sprint")<sup>2</sup> to review and

---

<sup>1</sup> Case No. 2006-00215 *et. al.* ("Consolidated Arbitration").

<sup>2</sup> Sprint Communications Company L.P. operates as an interexchange carrier that delivers landline originated and inter-MTA wireless originated calls to Brandenburg via FGD trunks. Sprint PCS and Nextel (see Sprint's Complaint at ¶4 for a complete description of these entities) are wireless carriers whose customers' inter-MTA calls are transported to Brandenburg by Sprint for completion to the called party residing in Brandenburg's service area. In order to avoid

1           respond to the July 21, 2009 prefiled direct testimony of Allison T. Willoughby on behalf  
2           of Brandenburg Telephone Company (“Brandenburg”).

3           My testimony is divided into four main sections. Section I sets forth my  
4           understanding of the nature of the problem that both Sprint and Brandenburg have  
5           attempted to address: the inability of Brandenburg to determine the originating location  
6           of a call that is originated by a wireless customer (in most cases a Sprint PCS/Nextel  
7           customer), transported by Sprint as an interexchange carrier, and delivered to  
8           Brandenburg for termination via a Feature Group D (“FGD”) trunk that carries calls  
9           originated in both Kentucky and in other states.

10           Section II describes the relevant question before the Commission that must be  
11           addressed in order to resolve this dispute: How should the traffic at issue be billed  
12           pursuant to the provisions of the applicable tariffs? I will also explain why  
13           Brandenburg’s attempts to expand the proceeding to address broad issues of policy, and  
14           to argue the merits of various methods of approximating the percentages of interstate and  
15           intrastate calls delivered over FGD trunks, are red herrings apparently intended to divert  
16           the Commission’s attention from the clear language of the applicable tariffs.

17           Section III of my testimony attempts to provide some perspective by taking a step  
18           back and looking at the possible scenarios in which a call from a Sprint PCS/Nextel  
19           customer to a Brandenburg customer would be delivered over the FGD trunks at issue. A  
20           review of the various possibilities, and their likelihood of occurrence, provides some

---

confusion, I will refer to the interexchange carrier (“IXC”) Sprint Communications Company L.P. simply as “Sprint,” and to the Sprint PCS and Nextel wireless carriers collectively as “Sprint PCS/Nextel.” Sprint operates as an IXC that delivers wireless-originated calls to Brandenburg, including calls made by Sprint PCS/Nextel customers.

1 insight into the relative proportions of intrastate and interstate calls that should be  
2 expected to occur on these FGD trunks.

3 Section IV of my testimony reviews the methods used by Brandenburg and Sprint  
4 to approximate interstate/intrastate percentages, and explains why – even if this  
5 proceeding were to be improperly recast as a “contest” between the two methods –  
6 Sprint’s methodology has the distinct advantage of being demonstrably more accurate.  
7 As a result, the language of the tariffs and the results of the methodology “contest” that  
8 Brandenburg seeks to undertake yield the same outcome: the Commission should  
9 conclude that Brandenburg should bill access charges on the basis of a Percent Interstate  
10 Usage (“PIU”) analysis and report that is conducted by Sprint, and if necessary, audited  
11 by Brandenburg pursuant to the provisions of the Duo County and NECA tariffs.

12 **Section I: The Problem to be Solved**

13 Q. WHAT IS THE NATURE OF THE CALLS WHOSE BILLING IS AT ISSUE IN THIS  
14 PROCEEDING?

15 A. When a Sprint PCS/Nextel customer uses her wireless phone to call a Brandenburg  
16 customer, the call is delivered to Brandenburg using one of two methods, depending on  
17 the physical location of the Sprint PCS/Nextel customer at the time the call is made.  
18 Calls made using a wireless phone and that originate and terminate within a single Major  
19 Trading Area, or “MTA” are typically completed via local interconnection trunks and the  
20 intercarrier compensation is based on the carriers’ reciprocal compensation arrangements.  
21 In contrast, a call made on a wireless phone that originates in one MTA and terminates in  
22 a different MTA is first usually delivered to an IXC, who then delivers the call to  
23 Brandenburg using different network facilities than are used for the intraMTA calls



1 described above.<sup>3</sup> In this case, intercarrier compensation is paid based on Brandenburg's  
2 tariffed rates for access charges.

3

4 Q. YOU STATED THAT WHEN SPRINT DELIVERS A WIRELESS INTERMTA CALL  
5 TO BRANDENBURG FOR COMPLETION, ACCESS CHARGES APPLY. IS IT  
6 NECESSARY TO FURTHER CATEGORIZE THESE INTERMTA CALLS IN ORDER  
7 TO ENSURE THAT THE PROPER ACCESS CHARGES ARE ASSESSED?

8 A. Yes. Because Brandenburg's tariffed intrastate access charges are significantly different  
9 from its tariffed interstate access charges, it is necessary to determine the location of the  
10 Sprint PCS/Nextel customer when making the call in order for Brandenburg to bill Sprint  
11 correctly. This is the process that Ms. Willoughby refers to as "jurisdictionalization."

12

13 Q. YOU STATED THAT IT IS THE LOCATION OF THE WIRELESS CUSTOMER  
14 MAKING THE CALL THAT DETERMINES WHETHER A CALL IS PROPERLY  
15 TREATED AS INTRASTATE OR INTERSTATE. WHAT IS YOUR BASIS FOR  
16 THIS STATEMENT?

17 A. This method of using customer location in order to classify a call as intrastate or  
18 interstate has been in place since the first AT&T divestiture that led to the creation of  
19 access charges. To be more precise, the FCC standard – adopted at least as early as 1985

---

<sup>3</sup> Because the networks of wireless and wireline carriers are not built to exactly follow MTA boundaries, a small percentage of calls may be delivered on the alternate trunk group. In other words, a few intraMTA calls may be carried by an IXC and delivered via FGD trunks, and some interMTA calls may be delivered over local interconnection trunks. In the end, it is the originating and ending points of the call, rather than the facilities used to deliver it, that determine which form of intercarrier compensation (reciprocal compensation for intraMTA calls, access charges for interMTA calls) that must be applied.

1           – is to compare the location of the called party with the location of the call’s entry point  
2           into the IXC’s network. If both are within the same state the call is categorized as  
3           intrastate, and if they are not the call is categorized as interstate. The appropriate access  
4           charges are then assessed based on this determination.<sup>4</sup>

5           As wireless calling became more widespread, the FCC updated its standard in  
6           1996. At that time, the FCC clarified that “the location of the initial cell site when a call  
7           begins shall be used as the determinant of the geographic location of the mobile  
8           customer.”<sup>5</sup> In doing so, the FCC confirmed that it is the *location* of the person making  
9           the call and the person receiving the call that determines jurisdiction.

10

11   Q.    HAS THE FCC EVER ADOPTED A STANDARD FOR CLASSIFYING CALLS  
12           BASED ON THE TELEPHONE NUMBER ASSIGNED TO A HANDSET RATHER  
13           THAN BASED ON THE LOCATION OF THE CALLER?

14   A.    No. The FCC’s references to “the geographic locations of the called party and calling  
15           party” have been consistent, even as technology has evolved.

16

17   Q.    IS A METHOD OF CATEGORIZING A CALL AS INTERSTATE OR INTRASTATE  
18           BASED ON THE TELEPHONE NUMBER ASSIGNED TO A WIRELESS HANDSET  
19           CONSISTENT WITH A STANDARD FOR CATEGORIZING A CALL BASED ON  
20           “THE GEOGRAPHIC LOCATIONS OF THE CALLED PARTY AND CALLING  
21           PARTY”?

---

<sup>4</sup> Both the Duo County tariff and NECA tariff explicitly refer to and adopt this standard.

<sup>5</sup> FCC 96-325, ¶1044.

1 A. No. The problem is immediately obvious: because the wireless phone is mobile and can  
2 be carried across MTA and state boundaries, the telephone number assigned to it provides  
3 no reliable information about “the geographic location of the mobile customer” that the  
4 FCC states must be used to determine whether the call is interMTA or intraMTA, and  
5 interstate or intrastate.

6

7 Q. YOU STATED THAT THE USE OF A CALLING PARTY’S TELEPHONE NUMBER  
8 IS AN UNRELIABLE METHOD OF DETERMINING THE JURISDICTION OF A  
9 WIRELESS CALL. WOULD SUCH A RELIANCE ON TELEPHONE NUMBERS  
10 HAVE PROVEN TO BE A RELIABLE METHOD TO DETERMINE THE  
11 JURISDICTION OF CALLS ORIGINATED ON A WIRELINE NETWORK?

12 A. No. Since a wireline telephone is essentially locked into place and cannot be carried by  
13 the customer to other locations where it might be needed, the telephone number of a  
14 wireline phone is more likely to reveal the customer’s location than the telephone number  
15 of a wireless phone. But a reliance on telephone numbers as a proxy for customer  
16 location would have proven problematic in the past even for wireline phones.

17 For example, the increasing popularity of special access and private line services  
18 in the late 1980s and early 1990s created a scenario in which the assigned telephone  
19 number would have proven to be a very poor predictor of actual customer location.  
20 Similarly, the increasing popularity of foreign exchange or “FX” services in the early  
21 1990s, largely in response to the high intraLATA toll rates in place before intraLATA

1 competition was authorized,<sup>6</sup> often created a mismatch between assigned telephone  
2 number and actual customer location. In the end, the use of assigned telephone numbers  
3 as a proxy for customer location would never have been particularly reliable, especially  
4 during periods in which changes in technology have resulted in changes in customer  
5 behaviors and calling patterns.

6

7 Q. GIVEN THE SHORTCOMINGS ASSOCIATED WITH THE USE OF AN ASSIGNED  
8 TELEPHONE NUMBER RATHER THAN A MORE RELIABLE METHOD OF  
9 DETERMINING CUSTOMER LOCATION, WHY WOULD A CARRIER INSIST ON  
10 RELYING ON THIS METHOD OF DETERMINING CALL JURISDICTION?

11 A. I don't know. I can think of three possibilities: (1) the carrier has allowed its access  
12 billing systems to become antiquated so that it cannot utilize the caller location  
13 information being provided by an IXC; (2) the carrier has simply succumbed to inertia;  
14 without the presence of an outside force requiring change, the carrier implicitly adopts  
15 the approach that it is easier to continue to do things incorrectly than to change; or (3) the  
16 carrier has concluded that the use of assigned telephone number, however flawed, is  
17 nevertheless yielding higher access revenues than the carrier could obtain by using a  
18 more reliable method of categorizing calls.

19

20 Q. SETTING ASIDE FOR A MOMENT THE RECOGNIZED SHORTCOMINGS OF THE  
21 APPROACH, DOES THE COMMISSION NEED TO REACH A CONCLUSION

---

<sup>6</sup> It should be noted that within the former BellSouth nine-state region, customers in Kentucky were the first to enjoy the lower intraLATA toll rates made possible by this Commission's decision to permit competition for these services.

1 REGARDING THE MERITS, IF ANY, OF USING ASSIGNED TELEPHONE  
2 NUMBER TO CATEGORIZE A CALL AS INTRASTATE OR INTERSTATE?

3 A. No. As I will explain in the next section of my testimony, this dispute can and should be  
4 resolved based on the language of the applicable tariffs.

5 **Section II: The Clear Language of the Applicable Tariffs Should be Used to Resolve This**  
6 **Dispute**

7 Q. DO SPRINT AND BRANDENBURG AGREE ON THE RELEVANT TARIFF  
8 LANGUAGE THAT SETS FORTH HOW BRANDENBURG MUST ASSESS ACCESS  
9 CHARGES?

10 A. It appears that they do.

11 There seems to be no dispute regarding the plain language of section 2.3.11(C)(3)  
12 of the Duo County tariff: “When originating call details are insufficient to *determine* the  
13 jurisdiction for the call, the [IXC] shall supply the projected interstate percentage or  
14 authorize the Telephone Company to use the Telephone Company developed percentage.  
15 This percentage shall be used by the Telephone Company as the projected interstate  
16 percentage for originating and terminating access minutes” (emphasis added).

17

18 Q. IS IT ACCURATE TO SAY THAT, BY USING ITS ASSIGNED TELEPHONE  
19 NUMBER METHODOLOGY, BRANDENBURG CAN *DETERMINE* THE  
20 JURISDICTION OF A CALL?

21 A. Absolutely not. Based on the language of their respective prefiled testimonies, Ms.  
22 Willoughby and Ms. Walker seem to be in agreement about this; the disagreement  
23 appears to be between Ms. Willoughby and the attorneys who drafted Brandenburg’s  
24 Answer and Counterclaim.

1 At ¶11 of the Counterclaim, Brandenburg asserts that it uses the assigned  
2 telephone number methodology to *determine* the jurisdiction of access traffic, that  
3 Brandenburg is billing according to “actuals,” and that Brandenburg *determines* the  
4 jurisdiction of this traffic through the use of call detail records.

5 Such an assertion is simply inaccurate. Brandenburg is not using the “*actual*”  
6 location of the calling party to *determine* jurisdiction; *it is making a guess about where*  
7 *that customer might be located* based on a flawed assumption that in every case, at the  
8 time the call is made the customer will be at the geographic location corresponding to the  
9 number assigned to the wireless handset.<sup>7</sup>

10 To her credit, Ms. Willoughby concedes that Brandenburg’s methodology (that it  
11 refers to as the Calling Party Number, or “CPN” methodology), is not a *determination* but  
12 is instead a “proxy” method. As she further concedes at p. 5, “the location of mobile  
13 callers often *cannot be accurately determined*” (emphasis added), and absent the ability  
14 to actually determine the location of the originating caller, Brandenburg is utilizing a  
15 “necessarily imperfect” method of developing a “proxy for caller location.”

16 To be fair, I should note that Ms. Willoughby goes on to present her belief that  
17 Brandenburg’s proxy method represents “the most historically sound and objective”  
18 method. As I will explain in Section IV of my testimony, I disagree with her assessment  
19 of the merits of the CPN method. But the salient point here is not whether Ms.  
20 Willoughby is correct in her assertion that Brandenburg’s proxy method is in fact the “the  
21 most historically sound and objective” means of doing so, but rather the undeniable fact

---

<sup>7</sup> As I will explain in detail in the next section of my testimony, Brandenburg’s guess about the jurisdiction of a call that is (1) originated on the network of Sprint PCS/Nextel or another wireless carrier, and (2) made between, rather than within, MTAs, will almost always be wrong.

1 that Brandenburg is *not* making a *determination* of customer location, but is instead  
2 making a guess based on its preferred, though admittedly “imperfect,” proxy method.  
3

4 Q. HAS THIS COMMISSION PREVIOUSLY ADDRESSED THE ISSUE OF CARRIERS’  
5 ABILITY TO DETERMINE THE JURISDICTION OF AN INTERMTA CALL?

6 A. Yes. This question impacted a number of issues that the Commission was asked to  
7 resolve in the Consolidated Arbitration. In its December 22, 2006 Order, the  
8 Commission concluded that, with regard to interMTA calls, “because there is currently  
9 no way to *determine* whether a call is interstate or intrastate for billing purposes, a factor  
10 must be used.” The Commission also notes the RLEC argument that “actual data to  
11 *determine* the jurisdictional nature of inter-MTA traffic is not available” (emphasis  
12 added).<sup>8</sup>  
13

14 Q. WHAT DO THE DUO COUNTY AND NECA TARIFFS SAY ABOUT A  
15 SITUATION, SUCH AS THIS ONE, WHERE BRANDENBURG IS UNABLE TO  
16 DETERMINE THE LOCATION OF THE CALLING PARTY?

17 A. Both tariffs are clear that absent the ability of Brandenburg to make such a determination,  
18 Brandenburg will request that the IXC (in this case, Sprint) provide a calculation of  
19 percent interstate usage, or PIU, and that this percentage will be used for billing purposes  
20 (this process is described in section 2.3.11(C) of both tariffs).  
21

---

<sup>8</sup> Consolidated Arbitration Order, p. 19. This conclusion is fully consistent with the FCC’s previous conclusions regarding the inability of carriers to determine customer location and call jurisdiction.

1 Q. IF SPRINT USED THE BRANDENBURG METHODOLOGY TO DEVELOP A PIU,  
2 WOULD THAT PIU BE VALID FOR BILLING PURPOSES?

3 A. No. In order to calculate a percent interstate usage, Sprint must of course identify which  
4 calls are jurisdictionally interstate. That determination, according to the FCC, must be  
5 based on the point at which the call enters the originating carrier's network. As I will  
6 explain in more detail in Section IV of my testimony, Brandenburg's methodology  
7 simply guesses at the originating location based on the telephone number associated with  
8 the wireless caller's handset.

9

10 Q. TO YOUR KNOWLEDGE, HAS BRANDENBURG REQUESTED THAT SPRINT  
11 PROVIDE IT WITH A PIU PURSUANT TO THIS TARIFF LANGUAGE?

12 A. Yes. It is my understanding that Brandenburg has made the request, and Sprint has  
13 supplied the PIU calculations necessary to improve the accuracy of Brandenburg's access  
14 billing. Inexplicably, Brandenburg has refused to use the supplied PIU for all but a small  
15 fraction of the traffic that it receives over the FGD trunks in question.

16

17 Q. IF BRANDENBURG QUESTIONS THE ACCURACY OF SPRINT'S REPORTED  
18 PIU, WHAT REMEDY DOES THE TARIFF LANGUAGE PROVIDE?

19 A. Both the Duo County and NECA tariffs include an audit provision that permits  
20 Brandenburg to request Sprint's data used to develop its reported PIU, to provide that  
21 data to an independent auditor, and to adjust the PIU used for billing based on the results  
22 of the audit (NECA tariff section 2.3.11(C)(4), Duo County tariff section 2.3.11(D)).

23



1 Q. HAS BRANDENBURG SOUGHT TO AVAIL ITSELF OF THIS REMEDY AS SET  
2 FORTH IN ITS TARIFFS?

3 A. It is my understanding that it has not.  
4

5 Q. DOES THE DUO COUNTY TARIFF OR NECA TARIFF PROVIDE ANY OTHER  
6 REMEDIES TO BRANDENBURG IF IT DISAGREES WITH SPRINT'S REPORTED  
7 PIU?

8 A. Not that I have been able to locate. I have reviewed the relevant sections of each tariff,  
9 and have been unable to locate any other provisions. More to the point in this  
10 proceeding, I have been unable to locate any language whatsoever suggesting that "if a  
11 billing dispute arises concerning the projected interstate usage, the Telephone Company  
12 may unilaterally reject the reported PIU and substitute a proxy method of its choosing."  
13 In the words of Ms. Willoughby, "the tariff does not authorize this sort of self help."  
14

15 Q. PLEASE SUMMARIZE YOUR UNDERSTANDING OF THE RELEVANT  
16 PROVISIONS OF THE DUO COUNTY AND NECA TARIFFS.

17 A. The first test is whether Brandenburg can *determine* the jurisdiction of a call originated  
18 by a caller on Sprint PCS/Nextel's network and delivered to Brandenburg by Sprint via  
19 FGD trunks. There can be little remaining debate about this; both this Commission and  
20 the FCC have concluded that such a determination cannot be made, and even Ms.  
21 Willoughby concedes that Brandenburg cannot do so.

22 Absent the ability of Brandenburg to make such a determination, the tariff states  
23 that Brandenburg must request a PIU from Sprint. Sprint has provided a PIU to

1           Brandenburg so that it can correctly bill for interstate and intrastate access, but  
2           Brandenburg has ignored the requirements of its own tariff and has refused to bill  
3           according to the supplied PIU for all but a small fraction of traffic.

4                     If Brandenburg disputes Sprint's reported PIU, it has the ability pursuant to both  
5           tariffs to request the information necessary for an audit, and ultimately to adjust the PIU  
6           used for billing based on the results of that audit. Neither tariff provides Brandenburg  
7           with the opportunity to unilaterally impose a different methodology, even if it has  
8           historically used such a method. In other words, Brandenburg's fundamental position –  
9           we've always done it wrong, so we should be allowed to continue to do it wrong – has no  
10          basis in the language of either tariff.

11

12   Q.    MS. WILLOUGHBY REFERS (P. 5) TO AN FCC INVESTIGATION INTO FURTHER  
13          REFORM OF ACCESS CHARGES. IS THIS THE CORRECT FORUM FOR SUCH A  
14          DISCUSSION?

15   A.    No. The purpose of this proceeding is to determine if Brandenburg has complied with the  
16          language of its own tariffs, not to make broad policy determinations. As Ms. Willoughby  
17          herself points out (p. 14), matters of broad policy should not be determined on an *ad hoc*  
18          basis.

19

20   Q.    HAS THE COMMISSION PREVIOUSLY REACHED A CONCLUSION  
21          REGARDING WHETHER IT SHOULD POSTPONE MAKING DECISIONS  
22          PENDING THE OUTCOME OF THE FCC INVESTIGATION CITED BY MS.  
23          WILLOUGHBY?

1 A. Yes. In a recent proceeding that directly addressed the application of access charges by a  
2 LEC, the Commission stated that “a formal proceeding on the issue of intercarrier  
3 compensation reform has been pending before the FCC since 2001. However, as of the  
4 date of this Order, the FCC has not issued a substantive ruling establishing a  
5 methodology for reforming the way that carriers establish access charges - either on an  
6 inter-state or intra-state basis. The Commission is very well aware that the FCC could  
7 issue an order that would preempt all state authority in making determinations on access  
8 charges - even for in-state telephone traffic. However, the mere existence of that  
9 possibility does not dissuade this Commission from the need to address intercarrier  
10 compensation.”<sup>9</sup>

11 As was the case in March of this year, there is no indication that the FCC is on the  
12 verge of reaching a decision in the access charge proceeding that it initiated eight years  
13 ago, and likewise no valid reason to postpone a decision regarding the immediate dispute.

14  
15 Q. IS THIS PROCEEDING THE CORRECT FORUM TO MAKE DECISIONS  
16 REGARDING THE ACCURACY OF SPRINT’S REPORTED PIU?

17 A. No. While I am convinced that Sprint’s methodology is sound, and that the results are far  
18 more accurate than Brandenburg’s CPN proxy method, the language of both tariffs is  
19 clear that the proper remedy – and in fact the only available remedy set forth in the tariffs  
20 – is for Brandenburg to request the information necessary to initiate an audit. It would  
21 then be up to an independent auditor to ascertain the accuracy of Sprint’s methodology  
22 and calculations. Until any such audit is concluded, the tariff is clear that the reported

---

<sup>9</sup> March 11, 2009 Order in Case No. 2007-00503, pp. 5-6.

1 PIU must be used by Brandenburg to assess and bill for access charges.

2

3 Q. HOW SHOULD THE COMMISSION RESOLVE THIS DISPUTE?

4 A. Brandenburg's tariffs set forth the requirement that a PIU be used for access billing, and  
5 provides Brandenburg with a specific forum for raising any concerns regarding the  
6 accuracy of Sprint's calculation. The Commission should direct Brandenburg to comply  
7 with its own tariffs by using Sprint's reported PIU for access billing. To the extent  
8 Brandenburg believes that it has a basis to contest the accuracy of Sprint's percentage, it  
9 must avail itself of the audit process set forth in its tariffs.

10 **Section III: Taking a Step Back to Gain Perspective**

11 Q. IS INFORMATION AVAILABLE THAT CAN SHED SOME LIGHT ON THE  
12 EXPECTED RELATIONSHIP BETWEEN THE AMOUNT OF INTERMTA TRAFFIC  
13 THAT IS INTERSTATE AND THE AMOUNT OF INTERMTA TRAFFIC THAT IS  
14 INTRASTATE?

15 A. Yes. In order to better understand how this process plays out in Kentucky, it is useful to  
16 review a map of MTA boundaries that are within the state (Ms. Willoughby attaches such  
17 a map to her testimony as Exhibit F). As Ms. Willoughby's map clearly shows, most of  
18 the geographic area within the state, including the service area of Brandenburg, is  
19 contained within MTA 26. This map can be used to clarify the kinds of calls that are *not*  
20 at issue in this proceeding.

21 First, if a caller using a wireless phone is located within MTA 26, the call should  
22 be delivered to Brandenburg over local interconnection trunks, and the delivery of – and  
23 compensation for – calls delivered via local interconnection trunks is not at issue. To

1 provide some perspective, calls to Brandenburg customers made from Henderson,  
2 Owensboro, Madisonville, Louisville, Frankfort, and Lexington are to be completed  
3 using local interconnection trunks, and even calls from more faraway towns such as  
4 Eddyville or Paducah to the west or West Morgan or Salyersville in the east are likely to  
5 be completed in this manner. None of these calls are included in this dispute.

6 Second, the calls in question are those to Brandenburg customers from callers  
7 who are outside the MTA *and* that are originated on a wireless network (in most cases the  
8 Sprint PCS/Nextel network). This further narrows the potential intrastate interMTA  
9 calling locations. For example, while Whitesburg and Hyden are outside MTA 26 so that  
10 a call from a customer there to a Brandenburg customer would be an interMTA call,  
11 Sprint PCS/Nextel has no network facilities in those locations making it even less likely  
12 that a call from such a location would appear on these FGD trunks.

13  
14 Q. WHAT CAN YOU CONCLUDE FROM YOUR REVIEW OF MS. WILLOUGHBY'S  
15 MTA BOUNDARY MAP?

16 A. Based on this high-level "sanity check," several general conclusions<sup>10</sup> can be drawn.

17 First, it reasonable to conclude that a large percentage of the calls to Brandenburg  
18 customers from wireless callers located *within* the state will be *within* MTA 26 (which  
19 contains both Brandenburg and many of the state's population centers). In other words,  
20 most of the intrastate calls, including interLATA calls, are likely to be carried over local  
21 interconnection trunks that are different from the facilities at issue here. As a result, there

---

<sup>10</sup> There are, of course, some exceptions to these general conclusions, and I will address those in further detail later in my testimony. I do believe, however, that these general observations are useful in order to provide some important perspective for the dispute at hand.

1 are relatively few intrastate calls remaining that could be delivered on the FGD access  
2 trunks in question; most intrastate calls are delivered via other facilities.

3 Second, given the relatively small size of the areas within Kentucky that are  
4 outside of MTA 26, and particularly given that there are few Sprint PCS/Nextel network  
5 facilities in many of these areas, it is reasonable to conclude that nearly all wireless calls  
6 that originate at a location that is *outside* of MTA 26, are likely to also be originated  
7 *outside* of the state of Kentucky. There are far more locations outside of Kentucky for an  
8 InterMTA call to be originated on Sprint PCS/Nextel's network than there are within the  
9 state. As a result, it is reasonable to expect that a high percentage of the wireless calls  
10 delivered by Sprint to Brandenburg to have been originated outside of Kentucky, and  
11 therefore properly categorized as interstate calls.

12  
13 Q. IS YOUR CONCLUSION HERE CONSISTENT WITH PREVIOUS CONCLUSIONS  
14 OF THE COMMISSION?

15 A. Yes. The Commission addressed this issue at p. 19 of the Consolidated Arbitration  
16 Order. After noting that MTA 26 covers a large part of the state, the Commission  
17 concluded that for this reason, "most interMTA traffic will also be interstate."  
18

19 Q. DOES THIS MEAN THAT YOU EXPECT *ALL* OF THE CALLS DELIVERED BY  
20 SPRINT TO BRANDENBURG ON THE FGD TRUNKS AT ISSUE TO BE  
21 INTERSTATE CALLS?

22 A. No. But given that there are relatively few locations in Kentucky where a customer can  
23 use the Sprint PCS/Nextel network to make a call to a Brandenburg customer that is both

1            *intrastate and interMTA* – and the far greater number of locations outside of Kentucky  
2            where that customer could make an *interMTA* call, I believe that it is certainly reasonable  
3            to expect a very high percentage of such traffic to be interstate.

4  
5    Q.    AT P. 8 OF HER TESTIMONY, MS. WILLOUGHBY ASSERTS THAT IN ORDER  
6            FOR THE PIU TO APPROACH 100%, IT MUST BE TRUE THAT “EVERY  
7            RELEVANT WIRELESS CUSTOMER LEFT THE STATE EVERY SINGLE DAY,  
8            MAKING ALL OF THEIR KENTUCKY CALLS INTERSTATE.” IS SHE RIGHT  
9            ABOUT THIS?

10    A.    Of course not; such a claim is silly. In reality, the vast majority of Sprint PCS/Nextel  
11            wireless customers probably *don't leave the state or MTA 26* when making most of their  
12            calls to Brandenburg customers. *It is likely that a very high percentage of calls from*  
13            *Sprint PCS/Nextel customers to Brandenburg customers are intrastate; but because they*  
14            *are also intraMTA they are usually delivered via local interconnection trunks and would*  
15            *not appear on the FGD trunks at issue in this proceeding.* It would be more accurate to  
16            ask whether it is reasonable to assume that the calls to Brandenburg customers that are  
17            (1) originated on the Sprint PCS/Nextel network and (2) made from outside of MTA 26,  
18            are also likely to have been made from outside of Kentucky. The answer to this question  
19            is clearly yes.<sup>11</sup>

---

<sup>11</sup> The exception to this observation, as described by Ms. Walker at pp. 20-21 of her testimony and addressed further in Section IV of my testimony, concerns calls made from certain locations within MTA 18. As Ms. Walker acknowledges, the existence of this subset of *interMTA* calls could require a small, but non-zero, adjustment to Sprint's PIU calculations.

**Section IV: The Relative Merits and Accuracy of the Sprint and Brandenburg Methods**

Q. MS. WILLOUGHBY DEVOTES A SIGNIFICANT PORTION OF HER PREFILED TESTIMONY TO A DISCUSSION OF WHAT SHE BELIEVES ARE THE RELATIVE MERITS OF THE METHODS USED BY BRANDENBURG AND SPRINT TO ESTIMATE THE PERCENTAGE OF INTERSTATE TRAFFIC. DOES THE COMMISSION NEED TO EVALUATE THE MERITS OF EACH METHODOLOGY IN ORDER TO RESOLVE THIS DISPUTE?

A. No. As set forth in Section II of my testimony, this dispute should be decided based on the clear language of the applicable Brandenburg tariffs. Arguments regarding the merits of the two approaches are ultimately irrelevant to the issue before the Commission.

Because Brandenburg seems intent on having a horse race, I have evaluated the merits of Sprint's PIU calculations and Brandenburg's CPN methodology. Based on this review, I have identified four reasons why Sprint's approach is superior:

- (1) It is the methodology mandated by Brandenburg's own tariffs.
- (2) It is directly based on the information that Brandenburg's witness in the Consolidated Arbitration testified should be used to determine jurisdiction.
- (3) It is demonstrably more accurate than Brandenburg's proxy method.
- (4) To the extent errors are found, the results can be adjusted in a meaningful way to increase the accuracy of the results. In contrast, there is no opportunity to increase the accuracy of Brandenburg's method.

Q. YOU HAVE ALREADY EXPLAINED HOW BRANDENBURG'S TARIFFS REQUIRE THAT A PIU BE USED FOR ACCESS BILLING. PLEASE EXPLAIN WHY SPRINT'S METHODOLOGY IS FULLY CONSISTENT WITH THE TESTIMONY OF BRANDENBURG'S WITNESS IN THE CONSOLIDATED ARBITRATION.



1 A. In the Consolidated Arbitration, the Rural Telephone Company Petitioners (including  
2 Brandenburg) presented the testimony of Steven E. Watkins. In his testimony, Mr.  
3 Watkins argued that wireless carriers should provide the Jurisdictional Information  
4 Parameter, or “JIP,” when transmitting call data to ILECs such as Brandenburg. As Mr.  
5 Watkins correctly points out, the JIP provides the location of the wireless carrier’s switch  
6 over which the call is originated and represents a useful tool for determining the  
7 jurisdiction of a wireless call.

8 As Ms. Walker explains in her direct testimony, Sprint has been populating the  
9 JIP field in the call data that it transmits, and uses the JIP information in its development  
10 of the PIU factors provided to Brandenburg.  
11

12 Q. DOES MS. WILLOUGHBY EXPLAIN WHY, AT LEAST TO DATE,  
13 BRANDENBURG HAS CHOSEN TO IGNORE THE “USEFUL TOOL” REQUESTED  
14 BY ITS WITNESS IN THE CONSOLIDATED ARBITRATION AND PROVIDED TO  
15 IT BY SPRINT?

16 A. No. The fact that this information – previously requested by Brandenburg – has been  
17 ignored while a far less accurate method has been used is puzzling, to say the least.  
18

19 Q. PLEASE EXPLAIN WHY SPRINT’S PIU IS MORE ACCURATE THAN  
20 BRANDENBURG’S CPN PROXY METHOD.

21 A. Sprint’s analysis determines a caller’s location using the JIP information in the way that  
22 Brandenburg’s witness in the Consolidated Arbitration argued that it should be used. This  
23 approach is independent of the telephone number assigned to the handset, because in

1 reality the customer's location is independent of this telephone number.

2 While Brandenburg is ignoring this information and guessing that the customer is  
3 at the location corresponding to the assigned telephone number, Sprint is actually  
4 determining the identity and location of the switch used to initiate the call.

5

6 Q. DOES SPRINT CLAIM THAT ITS METHOD IS 100% ACCURATE?

7 A. No, in fact Ms. Walker identifies a specific limitation of Sprint's analysis. The FCC has  
8 concluded that "for administrative convenience, the location of the initial cell site when a  
9 call begins shall be used as the determinant of the geographic location of the mobile  
10 customer.<sup>12</sup> In hindsight, the FCC's approach has turned out not to be all that  
11 "convenient"; while the originating switch can be readily determined, the specific cell  
12 site usually cannot. In most cases, use of the originating switch will yield that same  
13 conclusion regarding a call's jurisdiction as use of the originating cell site, but this is not  
14 always the case.

15 As Ms. Walker explains, the Sprint PCS/Nextel cell sites serving Covington home  
16 off a switch located in Cincinnati. As a result, the originating cell site is in Kentucky,  
17 while the originating switch is in Ohio. This causes a certain number of calls to be  
18 classified in the Sprint analysis as interstate (i.e., as originating in Ohio and being  
19 delivered to Kentucky) rather than as intrastate (i.e., as originating in Northern Kentucky  
20 and being delivered to Brandenburg).

21

22 Q. CAN THE AMOUNT OF THIS ERROR BE QUANTIFIED?

---

<sup>12</sup> FCC 96-325, ¶1044.

1 A. Yes. As Ms. Walker explains at p. 21 of her testimony, only 2% of the calls in the Sprint  
2 study originate in the Cincinnati MTA. Ms. Walker's rebuttal testimony indicates that  
3 even that number was overstated, and that only 0.92% of calls were wireless calls  
4 originated through an Ohio switch. As a result, the maximum potential error is 0.92%  
5 Of course, it is likely that many of the calls originated through the Cincinnati switch are  
6 actually made by customers in Cincinnati or nearby locations *in Ohio* rather than by  
7 customers in Northern Kentucky. Ms. Walker looked at cell site locations and confirmed  
8 that the expected impact of any error would be a small fraction of 1%. Ms. Walker took  
9 the further step of identifying and quantifying any potential errors that could be  
10 associated with Tennessee switches, and the total error rate is still less than 1%.

11  
12 Q. HOW DOES THIS COMPARE TO THE ERROR INHERENT IN BRANDENBURG'S  
13 CPN METHODOLOGY?

14 A. The confidential information shown at page 27 of Ms. Walker's testimony provides a  
15 good indication of the likely error. This information shows that basing the PIU on the  
16 actual location of the switch used to initiate the call results in a very different percentage  
17 than Brandenburg's method of guessing that the customer is located – not near the  
18 location of the network equipment actually used to process the beginning of the call – but  
19 instead miles away at a location corresponding to his handset's assigned telephone  
20 number. Even if Sprint's percentage is adjusted to reflect the less than 1% expected error  
21 described above, the difference is still significant. In the end, the assigned telephone  
22 number is just not a very accurate way of estimating where a wireless customer is  
23 actually located when a call is made.

1

2 Q. YOU STATED THAT THE ACCURACY OF BRANDENBURG'S PROXY METHOD  
3 CANNOT BE IMPROVED. PLEASE EXPLAIN.

4 A. As described above, the results of Sprint's analysis can be adjusted to reflect a known  
5 source of potential error, and such an adjustment can be made in a meaningful way. In  
6 contrast, there's really not much that you can do with Brandenburg's assumption that a  
7 customer is always at the location of the handset's assigned telephone number. Because  
8 this assumption isn't based on actual call data, no additional call data can be used to  
9 make a meaningful adjustment. The Brandenburg methodology contains significant  
10 potential for error, but because the assumption is inherently arbitrary, and adjustment  
11 would likewise be arbitrary.

12

13 Q. IN HER TESTIMONY, MS. WILLOUGHBY DESCRIBES A STUDY CONDUCTED  
14 BY BRANDENBURG, AND CLAIMS THAT THE RESULTS REVEAL BROAD  
15 ERRORS IN SPRINT'S CALCULATIONS. IS SHE RIGHT?

16 A. No. Unfortunately, Ms. Willoughby's analysis is not based on a statistical sampling of  
17 potential calling locations, but is instead based on a set of essentially equivalent data  
18 points: the call records indicate that the test calls were made from the area where Sprint  
19 PCS/Nextel's cell sites home on the Cincinnati switch. As a result, the frequency of error  
20 in Brandenburg's test calls is in no way indicative of the frequency of error in Sprint's  
21 analysis.

22 In the end, Brandenburg need not to have gone to all this trouble; one test call  
23 would have conveyed exactly the same information: as Ms. Walker acknowledges in her

1 testimony, there is a potential for misclassification because of this homing issue. Ms.  
2 Willoughby's presentation of essentially the same data point over and over does not  
3 change the fact that the expected error is under 1%. A study based on a statistically valid  
4 sampling of potential call locations would have revealed this, but unfortunately  
5 Brandenburg elected not to base its study on a valid sample.

6

7 Q. HAS A STATISTICALLY VALID ANALYSIS BEEN PERFORMED THAT  
8 ILLUSTRATES THE CONSEQUENCES OF MS. WILLOUGHBY'S SAMPLING  
9 ERROR?

10 A. Yes. In her rebuttal testimony, Ms. Walker describes her analysis of the same universe of  
11 **[Begin Sprint Confidential]** ██████████ call records (including ██████████ wireless-originated call  
12 records) **[End Sprint Confidential]** provided to Brandenburg by Sprint that Ms.  
13 Willoughby *should* have analyzed in order to reach any valid conclusions. Ms.  
14 Willoughby's failure to properly sample this universe of call records invalidates the  
15 reported results in two fundamental ways.

16 First, by focusing exclusively on calls from geographic areas that she expected to  
17 support her argument (and ignoring calls made from all other locations in the data set),  
18 Ms. Willoughby has generated results that significantly distort the frequency with which  
19 an event occurs. As described above, Ms. Willoughby's study does confirm that it is  
20 possible for Sprint's methodology to incorrectly categorize a call as interstate if the cell  
21 site where the call originates homes on a switch in another state. But because she  
22 manipulated the sample of call records that she reviewed, her analysis tells us absolutely  
23 nothing about the frequency with which such an error occurs. Again, Ms. Willoughby's

1 analysis would have produced exactly the same degree of useful information if she had  
2 relied on a single call to make her point – her methodology confirms that the error is  
3 theoretically possible (as Sprint has readily acknowledged), but can provide no  
4 information at all about how often the error occurs.

5 Second, by considering only calls that she believes will support her case, while  
6 ignoring the remainder of the universe of wireless-originated calls, Ms. Willoughby's  
7 study fails to identify and report examples of how Brandenburg's methodology  
8 incorrectly assigns jurisdiction. As Ms. Walker's rebuttal testimony clearly illustrates, an  
9 analysis of a random sample of the same call records that were available to – but ignored  
10 by – Ms. Willoughby reveals that errors caused by the Brandenburg methodology occur  
11 with much greater frequency.

12  
13 Q. HAVE YOU REVIEWED THE RANDOM SAMPLE PRODUCED BY MS. WALKER?

14 A. I have. All of the wireless calls in the sample are made by phones with Kentucky  
15 telephone numbers. **[Begin Sprint Confidential]** Approximately █% of the calls and  
16 █% of the minutes originate through switches in either Ohio or Tennessee. That means  
17 for █% of these calls, and █% of these minutes, Brandenburg's methodology produced  
18 the wrong result. **[End Sprint Confidential]** For the remaining minutes, it is far more  
19 likely that Sprint's methodology was correct, and Brandenburg's methodology was  
20 wrong.

21  
22 Q. MS. WILLOUGHBY CLAIMS THAT THE METHODOLOGY USED BY SPRINT  
23 WILL ONLY ERR IN ONE DIRECTION, WHILE BRANDENBURG'S

1           METHODOLOGY IS EQUALLY LIKELY TO ERR IN BOTH DIRECTIONS. DO  
2           YOU AGREE?

3    A.    No. The error in Sprint's methodology is created by the possibility that a cell site on one  
4           side of a state line homes on a switch located on the other side of the line. In this case,  
5           the potential error is caused by the fact that some Kentucky cell sites home on an Ohio or  
6           Tennessee switch, which can cause the percentage of interstate calls to be overstated  
7           (expected to less than 1%). But from the point of view of an Ohio analysis, it is the  
8           percentage of intrastate calls that would be overstated. There is no inherent bias in the  
9           Sprint methodology; it is equally likely to slightly overstate the interstate or intrastate  
10          percentage.

11                 In contrast, the error in the Brandenburg methodology is biased toward an  
12           overstatement of the intrastate percentage. It is certainly possible that a Kentucky  
13           resident, whose wireless handset has been assigned a number based on a Kentucky NPA-  
14           NXX, will sometimes travel out of the state to make calls; in this case, Brandenburg's  
15           methodology will overstate the intrastate percentage and understate the interstate  
16           percentage of calls. But it is unlikely that someone with a wireless handset assigned a  
17           number associated with an NPA-NXX in another state will use that phone to make a call  
18           within the state that is delivered over the FGD trunks (thereby causing Brandenburg to  
19           incorrectly classify an intrastate call as interstate). Because of this, Brandenburg's  
20           methodology is highly biased toward an overstatement of the percentage of intrastate  
21           calls.

22

23    Q.    WHAT ARE YOUR CONCLUSIONS REGARDING THE MERITS OF SPRINT'S

1            CALCULATIONS AND BRANDENBURG’S PROXY METHOD?

2    A.        While this case should be about the plain language of Brandenburg’s tariffs and should  
3            not be a contest of PIU methodologies, it is clear that Sprint’s methodology is just better  
4            – it is far more accurate and can be adjusted based on any known errors. In contrast,  
5            Brandenburg’s methodology is really just a guess, a guess that is likely to be incorrect for  
6            a wireless caller, and a guess whose accuracy can’t be improved. Of course, Sprint’s  
7            methodology has the additional benefit of being the methodology explicitly set forth in  
8            Brandenburg’s tariffs as the appropriate mechanism for billing access charges.

9

10    Q.        DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

11    A.        Yes.

12





***Vita of Don J. Wood***

*30000 Mill Creek Avenue, Suite 395, Alpharetta, Georgia 30022*

*Voice 770.475.9971, Facsimile 770.475.9972*

---

**CURRENT EMPLOYMENT**

Don J. Wood is a principal in the firm of Wood & Wood. He provides economic, financial, and regulatory analysis services in telecommunications and other technology-driven industries, specializing in economic policy related to the development of competitive markets, inter-carrier compensation, and cost of service issues. In addition, Mr. Wood advises industry associations on regulatory and economic policy and assists investors in their evaluation of investment opportunities in the telecommunications industry. The scope of his work has included wireline and wireless communications, data services, and emerging technologies.

As a consultant, Mr. Wood has assisted his clients in responding to the challenges and business opportunities of the industry both before and subsequent to the Telecommunications Act of 1996. Prior to his work as a consultant, Mr. Wood was employed in a management capacity at a major Local Exchange Company and an Interexchange Carrier. He has been directly involved in both the development and implementation of regulatory policy and business strategy.

Mr. Wood has presented testimony before the regulatory bodies of forty-two states, the District of Columbia, and Puerto Rico, and has prepared comments and testimony for filing with the Federal Communications Commission. The subject matter of his testimony has ranged from broad policy issues to detailed cost and rate analysis.

Mr. Wood has also presented testimony in state, federal, and overseas courts regarding business plans and strategies, competition policy, inter-carrier compensation, and cost of service issues. He has presented studies of the damages incurred by plaintiffs and has provided rebuttal testimony to damage calculations performed by others. Mr. Wood has testified in alternative dispute resolution proceedings conducted pursuant to both AAA and CPR rules.

**PREVIOUS INDUSTRY EMPLOYMENT**

**Klick, Kent & Allen/FTI Consulting, Inc.**

Regional Director.

**GDS Associates, Inc.**

Senior Project Manager.

**MCI Telecommunications Corporation**

Manager of Regulatory Analysis, Southeast Division.

Manager, Corporate Economic Analysis and Regulatory Affairs.

**BellSouth Services, Inc.**

Staff Manager.

**EDUCATION**

**Emory University, Atlanta, Ga.**

BBA in Finance, with Distinction.

**College of William and Mary, Williamsburg, Va.**

MBA, with concentrations in Finance and Microeconomics.

**TESTIMONY - STATE REGULATORY COMMISSIONS:**

**Alabama Public Service Commission**

Docket No. 19356, Phase III: Alabama Public Service Commission vs. All Telephone Companies Operating in Alabama, and Docket 21455: AT&T Communications of the South Central States, Inc., Applicant, Application for a Certificate of Public Convenience and Necessity to Provide Limited IntraLATA Telecommunications Service in the State of Alabama.

Docket No. 20895: In Re: Petition for Approval to Introduce Business Line Termination for MCI's 800 Service.

Docket No. 21071: In Re: Petition by South Central Bell for Introduction of Bidirectional Measured Service.

Docket No. 21067: In Re: Petition by South Central Bell to Offer Dial Back-Up Service and 2400 BPS Central Office Data Set for Use with PulseLink Public Packet Switching Network Service.

Docket No. 21378: In Re: Petition by South Central Bell for Approval of Tariff Revisions to Restructure ESSX and Digital ESSX Service.

Docket No. 21865: In Re: Petition by South Central Bell for Approval of Tariff Revisions to Introduce Network Services to be Offered as a Part of Open Network Architecture.

Docket No. 25703: In Re: In the Matter of the Interconnection Agreement Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. 25704: In Re: Petition by AT&T Communications of the South Central States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE South Incorporated and CONTEL of the South, Inc. Concerning Interconnection and Resale under the Telecommunications Act of 1996.

Docket No. 25835: In Re: Petition for Approval of a Statement of Generally Available Terms and Conditions Pursuant to §252(f) of the Telecommunications Act of 1996 and Notification of Intention to File a §271 Petition for In-Region InterLATA Authority with the Federal Communications Commission Pursuant to the Telecommunications Act of 1996.

Docket No. 26029: In Re: Generic Proceeding - Consideration of TELRIC Studies.

Docket No. 25980: Implementation of the Universal Support Requirements of Section 254 of the Telecommunications Act of 1996.

Docket No. 27091: Petition for Arbitration by ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 27821: Generic Proceeding to Establish Prices for Interconnection Services and Unbundled Network Elements.

Docket Nos. 27989 and 15957: BellSouth "Full Circle" Promotion and Generic Proceeding Considering the Promulgation of Telephone Rules Governing Promotions.

Docket No. 28841: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 29075: Petition of CenturyTel to Establish Wholesale Avoidable Cost Discount Rates for Resale of Local Exchange Service.

Docket No. 29054: IN RE: Implementation of the Federal Communications Commission's Triennial Review Order (Phase II – Local Switching for Mass Market Customers).

Docket No. 29172: Southern Public Communication Association, Complainant, and BellSouth Telecommunications, Inc., Defendant.

**The Regulatory Commission of Alaska**

Case No. U-02-039: In the Matter of Request by Alaska Digitel, LLC for Designation as a Carrier Eligible To Receive Federal Universal Service Support Under the Telecommunications Act of 1996.

Case No. U-04-62: In the Matter of the Request by Alaska Wireless Communications, LLC For Designation as a Carrier Eligible to Receive Federal Universal Service Support Under the Telecommunications Act of 1996.

**Arkansas Public Service Commission**

Docket No. 92-337-R: In the Matter of the Application for a Rule Limiting Collocation for Special Access to Virtual or Physical Collocation at the Option of the Local Exchange Carrier.

**Public Utilities Commission of the State of California**

Rulemaking 00-02-005: Order Instituting Rulemaking on the Commission's Own Motion into Reciprocal Compensation for Telephone Traffic Transmitted to Internet Service Provider Modems.

Application Nos. 01-02-024, 01-02-035, 02-02-031, 02-02-032, 02-02-034, 02-03-002: Applications for the Commission to Reexamine the Recurring Costs and Prices of Unbundled Network Element Costs Pursuant to Ordering Paragraph 11 of D.99-11-050.

Application No. 05-02-027: In the Matter of the Joint Application of SBC Communications Inc. ("SBC") and AT&T Corp. ("AT&T") for Authorization to Transfer Control of AT&T Communications of California (U-5002), TCG Los Angeles, Inc. (U-5462), TCG San Diego (U-5389), and TCG San Francisco (U-5454) to SBC, Which Will Occur Indirectly as a Result of AT&T's Merger With a Wholly-Owned Subsidiary of SBC, Tau Merger Sub Corporation.

Application No. 05-04-020: In the Matter of the Joint Application of Verizon Communications Inc. ("Verizon") and MCI, Inc. ("MCI") to Transfer Control of MCI's California Utility Subsidiaries to Verizon, Which Will Occur Indirectly as a Result of Verizon's Acquisition of MCI.

**Public Utilities Commission of the State of Colorado**

Docket No. 96A-345T: In the Matter of the Interconnection Contract Negotiations Between AT&T Communications of the Mountain States, Inc., and US West Communications, Inc., Pursuant to 47 U.S.C. Section 252. Docket No. 96A-366T: In the Matter of the Petition of MCIMetro Access Transmission Services, Inc., for Arbitration Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with US West Communications, Inc. (consolidated).

## **Exhibit DJW-1**

Docket No. 96S-257T: In Re: The Investigation and Suspension of Tariff Sheets Filed by US West Communications, Inc., with Advice Letter No. 2608 Regarding Proposed Rate Changes.

Docket No. 98F-146T: Colorado Payphone Association, Complainant, v. US West Communications, Inc., Respondent.

Docket No. 02A-276T: In the Matter of the Application of Wiggins Telephone Association for Approval of its Disaggregation Plan

Docket No. 02A-444T: In the Matter of NECC's Application to Redefine the Service Area of Eastern Slope Rural Telephone Association, Inc., Great Plains Communications, Inc., Plains Coop Telephone Association, Inc., and Sunflower Telephone Co., Inc.

Docket No. 07a-153t: In the Matter of the Combined Application of N. E. Colorado Cellular, Inc. for Designation as an Eligible Telecommunications Carrier and Eligible Provider in Additional Areas of Colorado.

### **State of Connecticut, Department of Utility Control**

Docket 91-12-19: DPUC Review of Intrastate Telecommunications Services Open to Competition (Comments).

Docket No. 94-07-02: Development of the Assumptions, Tests, Analysis, and Review to Govern Telecommunications Service Reclassifications in Light of the Eight Criteria Set Forth in Section 6 of Public Act 94-83 (Comments).

Docket No. 03-11-16: Petition of Tel Comm Technologies, et. al., for Review and Amendment of Southern New England Telephone Company's Charges for Pay Telephone Access Services.

### **Delaware Public Service Commission**

Docket No. 93-31T: In the Matter of the Application of The Diamond State Telephone Company for Establishment of Rules and Rates for the Provision of IntelliLinQ-PRI and IntelliLinQ-BRI.

Docket No. 41: In the Matter of the Development of Regulations for the Implementation of the Telecommunications Technology Investment Act.

Docket No. 96-324: In the Matter of the Application of Bell Atlantic-Delaware, Inc. for Approval of its Statement of Terms and Conditions Under Section 252(f) of the Telecommunications Act of 1996 (Phase II).

Docket No. 02-001: In the Matter of the Inquiry into Verizon Delaware Inc.'s Compliance with the Conditions Set Forth in 47 U.S.C. § 271(c).

### **Florida Public Service Commission**

Docket No. 881257-TL: In Re: Proposed Tariff by Southern Bell to Introduce New Features for Digital ESSX Service, and to Provide Structural Changes for both ESSX Service and Digital ESSX Service.

Docket No. 880812-TP: In Re: Investigation into Equal Access Exchange Areas (EAEAs), Toll Monopoly

## Exhibit DJW-1

Areas (TMAs), 1+ Restriction to the Local Exchange Companies (LECs), and Elimination of the Access Discount.

Docket No. 890183-TL: In Re: Generic Investigation into the Operations of Alternate Access Vendors.

Docket No. 870347-TI: In Re: Petition of AT&T Communications of the Southern States for Commission Forbearance from Earnings Regulation and Waiver of Rule 25-4.495(1) and 25-24.480 (1) (b), F.A.C., for a trial period.

Docket No. 900708-TL: In Re: Investigation of Methodology to Account for Access Charges in Local Exchange Company (LEC) Toll Pricing.

Docket No. 900633-TL: In Re: Development of Local Exchange Company Cost of Service Study Methodology.

Docket No. 910757-TP: In Re: Investigation into the Regulatory Safeguards Required to Prevent Cross-Subsidization by Telephone Companies.

Docket No. 920260-TL: In Re: Petition of Southern Bell Telephone and Telegraph Company for Rate Stabilization, Implementation Orders, and Other Relief.

Docket No. 950985-TP: In Re: Resolution of Petitions to establish 1995 rates, terms, and conditions for interconnection involving local exchange companies and alternative local exchange companies pursuant to Section 364.162, Florida Statutes.

Docket No. 960846-TP: In Re: Petition by MCI Telecommunications Corporation and MCI Metro Access Transmission Services, Inc. for Arbitration of Certain Terms and Conditions of a proposed agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 and Docket No. 960833-TP: In Re: Petition by AT&T Communications of the Southern States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 960847-TP and 960980-TP: In Re: Petition by AT&T Communications of the Southern States, Inc., MCI Telecommunications Corporation, MCI Metro Access Transmission Service, Inc., for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE Florida Incorporated Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 961230-TP: In Re: Petition by MCI Telecommunications Corporation for Arbitration with United Telephone Company of Florida and Central Telephone Company of Florida Concerning Interconnection Rates, Terms, and Conditions, Pursuant to the Federal Telecommunications Act of 1996.

Docket No. 960786-TL: In Re: Consideration of BellSouth Telecommunications, Inc.'s Entry Into InterLATA Services Pursuant to Section 271 of the Federal Telecommunications Act of 1996.

Docket Nos. 960833-TP, 960846-TP, 960757-TP, and 971140-TP: Investigation to develop permanent rates for certain unbundled network elements.

Docket No. 980696-TP: In Re: Determination of the cost of basic local telecommunications service, pursuant to Section 364.025 Florida Statutes.

Docket No. 990750-TP: Petition by ITC^DeltaCom Communications, Inc., d/b/a/ ITC^DeltaCom, for arbitration of certain unresolved issues in interconnection negotiations between ITC^DeltaCom and BellSouth Telecommunications, Inc.

## Exhibit DJW-1

Docket No. 991605-TP: Petition of BellSouth Telecommunications, Inc. for Arbitration of the Interconnection Agreement Between Time Warner Telecom of Florida, L.P., pursuant to Section 252 (b) of the Telecommunications Act of 1996.

Docket No. 030137-TP: In re: Petition for Arbitration of Unresolved Issues in Negotiation of Interconnection Agreement with BellSouth Telecommunications, Inc. by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom.

Docket No. 030300-TP: In re: Petition for expedited review of BellSouth Telecommunications, Inc.'s intrastate tariffs for pay telephone access services (PTAS) rate with respect to rates for payphone line access, usage, and features, by Florida Public Telecommunications Association.

Docket No. 030851-TP: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Docket No. 040353-TP: In Re: Petition of Supra Telecommunications and Information Systems, Inc. to Review and Cancel BellSouth's Promotional Offering Tariffs Offered In Conjunction with its New Flat Rate Service Known as PreferredPack.

Docket No. 040604-TL: In Re: Adoption of the National School Lunch Program and an Income-based Criterion at or Below 135% of the Federal Poverty Guidelines as Eligibility Criteria for the Lifeline and Linkup Programs.

Docket No. 050119-TP: Joint Petition of TDS Telecom d/b/a TDS Telecom/Quincy Telephone, ALLTEL Florida, Inc., Northeast Florida Telephone Company d/b/a NEFCOM, GTC, Inc. d/b/a GT Com, Smart City Telecommunications, LLC d/b/a Smart City Telecom, ITS Telecommunications Systems, Inc., and Frontier Communications of the South, LLC ("Joint Petitioners") objecting to and requesting suspension of Proposed Transit Traffic Service Tariff filed by BellSouth Telecommunications, Inc. and Docket No. 050125-TP: Petition and complaint for suspension and cancellation of Transit Tariff Service No. FL 2004-284 filed by BellSouth Telecommunications, Inc. by AT&T Communications of the Southern States, LLC (consolidated).

Docket No. 060598-TL: In Re: Petition by BellSouth Telecommunications, Inc., Pursuant to Florida Statutes §364.051(4) to Recover 2005 Tropical System Related Costs and Expenses.

Docket No. 060644-TL: Petition by Embarq Florida, Inc., Pursuant to Florida Statutes §364.051(4) to Recover 2005 Tropical System Related Costs and Expenses.

Docket No. 060763-TL: In Re: Petition for waiver of carrier of last resort obligations for multitenant property in Collier County known as Treviso Bay, by Embarq Florida, Inc.

### **Georgia Public Service Commission**

Docket No. 3882-U: In Re: Investigation into Incentive Telephone Regulation in Georgia.

Docket No. 3883-U: In Re: Investigation into the Level and Structure of Intrastate Access Charges.

Docket No. 3921-U: In Re: Compliance and Implementation of Senate Bill 524.

Docket No. 3905-U: In Re: Southern Bell Rule Nisi.

Docket No. 3995-U: In Re: IntraLATA Toll Competition.



## **Exhibit DJW-1**

Docket No. 4018-U: In Re: Review of Open Network Architecture (ONA) (Comments).

Docket No. 5258-U: In Re: Petition of BellSouth Telecommunications for Consideration and Approval of its "Georgians FIRST" (Price Caps) Proposal.

Docket No. 5825-U: In Re: The Creation of a Universal Access Fund as Required by the Telecommunications Competition and Development Act of 1995.

Docket No. 6801-U: In Re: Interconnection Negotiations Between BellSouth Telecommunications, Inc. and AT&T Communications of the Southern States, Inc., Pursuant to Sections 251-252 and 271 of the Telecommunications Act of 1996.

Docket No. 6865-U: In Re: Petition by MCI for Arbitration of Certain Terms and Conditions of Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Docket No. 7253-U: In Re: BellSouth Telecommunications, Inc.'s Statement of Generally Available Terms and Conditions Under Section 252 (f) of the Telecommunications Act of 1996.

Docket No. 7061-U: In Re: Review of Cost Studies and Methodologies for Interconnection and Unbundling of BellSouth Telecommunications Services.

Docket No. 10692-U: In Re: Generic Proceeding to Establish Long-Term Pricing Policies for Unbundled Network Elements.

Docket No. 10854-U: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 16583-U: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 17749-U: In Re: FCC's Triennial Review Order Regarding the Impairment of Local Switching for Mass Market Customers.

Docket No. 22682-U: In Re: Notice of Merger of AT&T, Inc. and BellSouth Corporation together with its Certificated Georgia Subsidiaries.

### **Public Utilities Commission of Hawaii**

Docket No. 7702: In the Matter of Instituting a Proceeding on Communications, Including an Investigation of the Communications Infrastructure of the State of Hawaii.

### **Idaho Public Utilities Commission**

Case No. GNR-T-03-08: In the Matter of the Petition of IAT Communications, Inc., d/b/a NTCIdaho, Inc., or ClearTalk, for Designation as an Eligible Telecommunications Carrier, and Case No. GNR-T-03-16: In the Matter of the Application of NCPR, Inc., d/b/a Nextel Partners, seeking designation as an Eligible Telecommunications Carrier.

**Illinois Commerce Commission**

Docket No. 04-0653: USCOC of Illinois RSA #1, LLC., USCOC of Illinois RSA #4 LLC., USCOC of Illinois Rockford, LLC., and USCOC of Central Illinois, LLC. Petition for Designation as an Eligible Telecommunications Carrier Under 47 U.S.C. Section 214(e)(2).

Docket Nos. 05-0644, 05-0649, and 05-0657: Petition of Hamilton County Telephone Co-Op et. al. for Arbitration under the Telecommunications Act to Establish Terms and Conditions for Reciprocal Compensation with Verizon Wireless and its Constituent Companies.

**Indiana Utility Regulatory Commission**

Cause No. 42303: In the Matter of the Complaint of the Indiana Payphone Association for a Commission Determination of Just and Reasonable Rates and Charges and Compliance with Federal Regulations.

Cause No. 41052-ETC-43: In the Matter of the Designation of Eligible Telecommunications Carriers by the Indiana Utility Regulatory Commission Pursuant to the Telecommunications Act of 1996 and Related FCC Orders. In Particular, the Application of NPCR, Inc. d/b/a Nextel Partners to be Designated.

Cause No. 42530: In the Matter of the Indiana Utility Regulatory Commission's Investigation of Matters Related to Competition in the State of Indiana Pursuant to Ind. Code 8-1-2 *et seq.*

**Iowa Utilities Board**

Docket No. RPU-95-10.

Docket No. RPU-95-11.

**State Corporation Commission of the State of Kansas**

Docket No. 00-GIMT-1054-GIT: In the Matter of a General Investigation to Determine Whether Reciprocal Compensation Should Be Paid for Traffic to an Internet Service Provider.

Docket No. 04-RCCT-338-ETC: In the Matter of Petition of RCC Minnesota, Inc. for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2).

Docket No. 07-GIMT-498-GIT: In the Matter of a Review of the Commission's Federal USF Certification Requirements to Remove All Expenses and Investments by Competitive Eligible Telecommunications Carriers in a Southwestern Bell Telephone, L.P., Study Area from the Competitive Eligible Telecommunications Carrier's Justification of Use of High Cost Federal USF Support.

Docket No. 06-GIMT-187-GIT: IN the Matter of the General Investigation into the Commission's Telecommunications Billing Practices Standards.

**Kentucky Public Service Commission**

Administrative Case No. 10321: In the Matter of the Tariff Filing of South Central Bell Telephone Company to Establish and Offer Pulselink Service.

Administrative Case No. 323: In the Matter of An Inquiry into IntraLATA Toll Competition, An

## Exhibit DJW-1

Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.

- Phase IA: Determination of whether intraLATA toll competition is in the public interest.
- Phase IB: Determination of a method of implementing intraLATA competition.
- Rehearing on issue of Imputation.

Administrative Case No. 90-256, Phase II: In the Matter of A Review of the Rates and Charges and Incentive Regulation Plan of South Central Bell Telephone Company.

Administrative Case No. 336: In the Matter of an Investigation into the Elimination of Switched Access Service Discounts and Adoption of Time of Day Switch Access Service Rates.

Administrative Case No. 91-250: In the Matter of South Central Bell Telephone Company's Proposed Area Calling Service Tariff.

Administrative Case No. 96-431: In Re: Petition by MCI for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Administrative Case No. 96-478: In Re: The Petition by AT&T Communications of the South Central States, Inc. for Arbitration of Certain Terms and Conditions of a Proposed Agreement with GTE South Incorporated Concerning Interconnection and Resale Under the Telecommunications Act of 1996.

Administrative Case No. 96-482: In Re: The Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Administrative Case No. 360: In the Matter of: An Inquiry into Universal Service and Funding Issues.

Administrative Case No. 96-608: In the Matter of: Investigation Concerning the Provision of InterLATA Services by BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Administrative Case No. 382: An Inquiry into the Development of Deaveraged Rates for Unbundled Network Elements.

Case No. 2003-00143: In the matter of: Petition of NCPR, Inc., d/b/a Nextel Partners for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky.

Case No. 2003-00397: Review of Federal Communications Commission's Triennial Review Order Regarding Unbundling Requirements for Individual Network Elements.

Case Nos. 2006-00215: Petition of Ballard Rural Telephone Cooperative Corporation, Inc. for Arbitration of Certain Terms and Conditions of Proposed Interconnection Agreement with American Cellular f/k/a ACC Kentucky License LLC, Pursuant to the Communications Act of 1934, as Amended by the Telecommunications Act of 1996, and consolidated Case Nos. 2006-00217, 2006-00218, 2006-00220, 2006-00252, 2006-00255, 2006-00288, 2006-00292, 2006-00294, 2006-00296, 2006-00298, and 2006-00300.

Louisiana Public Service Commission

Docket No. 17970: In Re: Investigation of the Revenue Requirements, Rate Structures, Charges, Services, Rate of Return, and Construction Program of AT&T Communications of the South Central States, Inc., in its Louisiana Operations.

Docket No. U-17949: In the Matter of an Investigation of the Revenue Requirements, Rate Structures, Charges, Services, Rate of Return, and Construction Program of South Central Bell Telephone Company, Its Louisiana Intrastate Operations, The Appropriate Level of Access Charges, and All Matters Relevant to the Rates and Service Rendered by the Company.

- Subdocket A (SCB Earnings Phase)
- Subdocket B (Generic Competition Phase)

Docket No. 18913-U: In Re: South Central Bell's Request for Approval of Tariff Revisions to Restructure ESSX and Digital ESSX Service.

Docket No. U-18851: In Re: Petition for Elimination of Disparity in Access Tariff Rates.

Docket No. U-22022: In Re: Review and Consideration of BellSouth Telecommunications, Inc.'s TSLRIC and LRIC Cost Studies Submitted Pursuant to Sections 901(C) and 1001(E) of the Regulations for Competition in the Local Telecommunications Market as Adopted by General Order Dated March 15, 1996 in Order to Determine the Cost of Interconnection Services and Unbundled Network Components to Establish Reasonable, Non-Discriminatory, Cost Based Tariffed Rates and Docket No. U-22093: In Re: Review and Consideration of BellSouth Telecommunications, Inc.'s Tariff Filing of April 1, 1996, Filed Pursuant to Section 901 and 1001 of the Regulations for Competition in the Local Telecommunications Market Which Tariff Introduces Interconnection and Unbundled Services and Establishes the Rates, Terms and Conditions for Such Service Offerings (consolidated).

Docket No. U-22145: In the Matter of Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. U-22252: In Re: Consideration and Review of BST's Preapplication Compliance with Section 271 of the Telecommunications Act of 1996, including but not limited to the fourteen requirements set forth in Section 271 (c) (2) (b) in order to verify compliance with section 271 and provide a recommendation to the FCC regarding BST's application to provide interLATA services originating in-region.

Docket No. U-20883 Subdocket A: In Re: Submission of the Louisiana Public Service Commission's Forward Looking Cost Study to the FCC for Purposes of Calculating Federal Universal Service Support.

Docket No. U-24206: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. U-22632: In Re: BellSouth Telecommunications, Inc. Filing of New Cost Studies for Providing Access Line Service for Customer Provided Public Telephones and Smartline Service for Public Telephone Access.

Docket No. Docket No. U-24714-A: In Re: Final Deaveraging of BellSouth Telecommunications, Inc. UNE Rates Pursuant to FCC 96-45 Ninth Report and Order and Order on Eighteenth Order on Reconsideration Released November 2, 1999.

Docket No. U-27571: In Re: Louisiana Public Service Commission Implementation of the Requirements

Arising from The Federal Communications Commission's Triennial Review Order, Order 03-36: Unbundled Local Circuit Switching for Mass Market Customers and Establishment of a Batch Cut Migration Process.

**Public Service Commission of Maryland**

Case 8584, Phase II: In the Matter of the Application of MFS Intelenet of Maryland, Inc. for Authority to Provide and Resell Local Exchange and Intrastate Telecommunications Services in Areas Served by C&P Telephone Company of Maryland.

Case 8715: *In the Matter of the Inquiry into Alternative Forms of Regulating Telephone Companies.*

Case 8731: In the Matter of the Petitions for Approval of Agreements and Arbitration of Unresolved Issues Arising Under Section 252 of the Telecommunications Act of 1996.

**Massachusetts Department of Telecommunications and Energy**

D.P.U./D.T.E. 97088/97-18 (Phase II): Investigation by the Department of Telecommunications & Energy on its own motion regarding (1) implementation of section 276 of the Telecommunications Act of 1996 relative to public interest payphones, (2) Entry and Exit Barriers for the Payphone Marketplace, (3) New England Telephone and Telegraph Company d/b/a NYNEX's Public Access Smart-Pay Service, and (4) the rate policy for operator service providers.

**Michigan Public Service Commission**

Case No. U-14781: In the matter on the Commission's Own Motion to examine the total service long run incremental costs of the Michigan Exchange Carriers Association Companies, including Ace Telephone Company, Barry County Telephone Company, Deerfield Farmers' Telephone Company, Kaleva Telephone Company, Lennon telephone Company, Ogden telephone Company, Pigeon Telephone Company, Upper Peninsula Telephone Company, and Waldron Telephone Company.

**Minnesota Public Utilities Commission**

PUC Docket No. PT6153/AM-02-686, OAH Docket No. 3-2500-14980-2: In the Matter of Petition of Midwest Wireless Communications, LLC for Designation as an Eligible Communications carrier under 47 U.S.C. § 214(e)(2).

PUC Docket No. PT-6182, 6181/M-02-1503: In the Matter of RCC Minnesota, Inc. and Wireless Alliance, LLC for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2).

**Mississippi Public Service Commission**

Docket No. U-5086: In Re: MCI Telecommunications Corporation's Metered Use Service Option D (Prism I) and Option E (Prism II).

Docket No. U-5112: In Re: MCI Telecommunications Corporation's Metered Use Option H (800 Service).

Docket No. U-5318: In Re: Petition of MCI for Approval of MCI's Provision of Service to a Specific Commercial Banking Customers for Intrastate Interexchange Telecommunications Service.

## **Exhibit DJW-1**

Docket 89-UN-5453: In Re: Notice and Application of South Central Bell Telephone Company for Adoption and Implementation of a Rate Stabilization Plan for its Mississippi Operations.

Docket No. 90-UA-0280: In Re: Order of the Mississippi Public Service Commission Initiating Hearings Concerning (1) IntraLATA Competition in the Telecommunications Industry and (2) Payment of Compensation by Interexchange Carriers and Resellers to Local Exchange Companies in Addition to Access Charges.

Docket No. 92-UA-0227: In Re: Order Implementing IntraLATA Competition.

Docket No. 96-AD-0559: In Re: In the Matter of the Interconnection Agreement Negotiations Between AT&T Communications of the South Central States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. 98-AD-035: Universal Service.

Docket No. 97-AD-544: In Re: Generic Proceeding to Establish Permanent Prices for BellSouth Interconnection and Unbundled Network Elements.

Docket No. 2003-AD-714: Generic Proceeding to Review the Federal Communications Commission's Triennial Review Order.

### **Public Service Commission of the State of Missouri**

Case No. TO-2004-0527: In the Matter of the Application of WWC License, LLC, d/b/a CellularOne, for Designation as an Eligible Telecommunications Carrier, and Petition for Redefinition of Rural Telephone Company Areas.

Case No. to-2005-0384: Application of USCOC of Greater Missouri, LLC For Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996.

### **Public Service Commission of the State of Montana**

Docket No. D2000.8.124: In the Matter of Touch America, Inc.'s Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 of the Terms and Conditions of Interconnection with Qwest Corporation, f/k/a US West Communications, Inc.

Docket No. D2000.6.89: In the Matter of Qwest Corporation's Application to Establish Rates for Interconnection, Unbundled Network Elements, Transport and Termination, and Resale Services.

Docket No. D2003.1.14: In the Matter of WWC Holding Co. Application for Designation as an Eligible Telecommunications Carrier in Montana Areas Served by Qwest Corporation.

Dockets D2007.7.86 and D2007.7.87: In the Matter of the Filing of a Notice of the Making of a Bona Fide Request for Interconnection with Ronan Telephone Company (D2007.7.86) and Hot Springs Telephone Company (D2007.7.87) by Gold Creek Cellular of Montana Limited Partnership and Verizon Wireless LLC Both d/b/a/ Verizon Wireless Pursuant to 487 U.S.C. §§ 251 and 252 and §69-3-834, MCA.

**Nebraska Public Service Commission**

Docket No. C-1385: In the Matter of a Petition for Arbitration of an Interconnection Agreement Between AT&T Communications of the Midwest, Inc., and US West Communications, Inc.

Application No. C-3324: In the Matter of the Petition of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless for designation as an Eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2).

Docket No. 3725: In the Matter of Application of United States Cellular Corporation for Designation as an Eligible Telecommunications Carrier Pursuant To Section 214(e)(2) of the Communications Act of 1934.

**Public Utilities Commission of Nevada**

Docket No. 04-3030: In re: Application of WWD License LLC, d/b/a CellularOne, for redefinition of its service area as a designated Eligible Telecommunications Carrier.

**New Jersey Board of Public Utilities**

Docket No. TM0530189: In the Matter of the Joint Petition of Verizon Communications Inc., and MCI, Inc. for Approval of Merger.

**New York Public Service Commission**

Case No. 28425: Proceeding on Motion of the Commission as to the Impact of the Modification of Final Judgement and the Federal Communications Commission's Docket 78-72 on the Provision of Toll Service in New York State.

**North Carolina Public Utilities Commission**

Docket No. P-100, Sub 72: In the Matter of the Petition of AT&T to Amend Commission Rules Governing Regulation of Interexchange Carriers (Comments).

Docket No. P-141, Sub 19: In the Matter of the Application of MCI Telecommunications Corporation to Provide InterLATA Facilities-Based Telecommunications Services (Comments).

Docket No. P-55, Sub 1013: In the Matter of Application of BellSouth Telecommunications, Inc. for, and Election of, Price Regulation.

Docket Nos. P-7, Sub 825 and P-10, Sub 479: In the Matter of Petition of Carolina Telephone and Telegraph and Central Telephone Company for Approval of a Price Regulation Plan Pursuant to G.S. 62-133.5.

Docket No. P-19, Sub 277: In the Matter of Application of GTE South Incorporated for and Election of, Price Regulation.

Docket No. P-141, Sub 29: In the Matter of: Petition of MCI Telecommunications Corporation for Arbitration of Interconnection with BellSouth Telecommunications, Inc., Petition of AT&T Communications of the Southern States, Inc. for Arbitration of Interconnection with BellSouth Telecommunications, Inc. (consolidated).

## **Exhibit DJW-1**

Docket No. P-141, Sub 30: *In the Matter of: Petition of MCI Telecommunications Corporation for Arbitration of Interconnection with General Telephone Company of North Carolina, Inc., Petition of AT&T Communications of the Southern States, Inc. for Arbitration of Interconnection with General Telephone Company of North Carolina, Inc. (consolidated).*

Docket No. P-100, Sub 133b: *Re: In the Matter of Establishment of Universal Support Mechanisms Pursuant to Section 254 of the Telecommunications Act of 1996.*

Docket No. P-100, Sub 133d: *Re: Proceeding to Determine Permanent Pricing for Unbundled Network Elements.*

Docket No. P-100, Sub 84b: *Re: In the Matter of Petition of North Carolina Payphone Association for Review of Local Exchange Company Tariffs for Basic Payphone Services (Comments).*

Docket No. P-561, Sub 10: *BellSouth Telecommunications, Inc., Complainant, v. US LEC of North Carolina, LLC, and Metacomm, LLC, Respondents.*

Docket No. P-472, Sub 15: *In the Matter of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Time Warner Telecom of North Carolina, L.P. Pursuant to Section 252(b) of the Telecommunications Act of 1996.*

Docket Nos. P-7, Sub 995; P-10, Sub 633: *ALEC., Inc. v. Carolina Telephone and Telegraph Company and Central Telephone Company.*

Docket No. P-500, Sub 18: *In the Matter of: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.*

Docket No. P-118, Sub 30: *In the matter of: Petition of Celco Partnership d/b/a Verizon Wireless for Arbitration Pursuant to Section 252 of the Telecommunications Act of 1996.*

Docket No. P-100, Sub 133q: *In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.*

### **Public Utilities Commission of Ohio**

Case No. 93-487-TP-ALT: *In the Matter of the Application of The Ohio Bell Telephone Company for Approval of an Alternative Form of Regulation.*

Case No. 05-0269-TP-ACO: *In the matter of the Joint Application of SBC Communications, Inc. and AT&T Corp. for Consent and Approval of a Change of Control.*

### **Oklahoma Corporation Commission**

Cause No. PUD 01448: *In the Matter of the Application for an Order Limiting Collocation for Special Access to Virtual or Physical Collocation at the Option of the Local Exchange Carrier.*

Cause No. PUD 200300195: *Application of United States Cellular Corporation for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996.*

Cause No. PUD 200300239: *Application of Dobson Cellular Systems, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996.*



## **Exhibit DJW-1**

Cause No. PUD 200500122: In the matter of Dobson Cellular Systems, Inc., and American Cellular Corporation Application for Designation as a Competitive Eligible Telecommunications Carrier and Redefinition of the Service Area Requirement Pursuant to Section 214(e) of the Telecommunications Act of 1996.

Cause No. PUD 200500229: In the Matter of the Complaint of Inventive Technology, LTD for an Order Enforcing the Compensation Provisions of an Existing Interconnection Agreement with Southwestern bell Telephone, L.P. d/b/a SBC Oklahoma.

Cause No. 200700408: Application of United States Cellular Corporation for Designation as an Eligible Telecommunications Carrier and Redefinition of Service Areas Pursuant to the Telecommunications Act of 1996.

### **Public Utility Commission of Oregon**

Docket No. UT 119: In the Matter of an Investigation into Tariffs Filed by US West Communications, Inc., United Telephone of the Northwest, Pacific Telecom, Inc., and GTE Northwest, Inc. in Accordance with ORS 759.185(4).

Docket No. ARB 3: In the Matter of the Petition of AT&T Communications of the Pacific Northwest, Inc., for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996. Docket No. ARB 6: In the Matter of the Petition of MCIMetro Access Transmission Services, Inc. for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996 (consolidated).

Docket No. ARB 9: In the Matter of the Petition of an Interconnection Agreement Between MCIMetro Access Transportation Services, Inc. and GTE Northwest Incorporated, Pursuant to 47 U.S.C. Section 252.

Docket No. UT-125: In the Matter of the Application of US West Communications, Inc. for an Increase in Revenues.

Docket No. UM 1083: RCC Minnesota, Inc. Application for Designation as an Eligible Telecommunications Carrier, Pursuant to the Telecommunications Act of 1996.

Docket No. UM 1084: United States Cellular Corporation Application for Designation as an Eligible Telecommunications Carrier, Pursuant to the Telecommunications Act of 1996.

Docket No. UM 1217: Staff Investigation to Establish Requirements for Initial Designation and Recertification of Telecommunications Carriers Eligible to Receive Federal Universal Service Support.

### **Pennsylvania Public Utilities Commission**

Docket No. I-00910010: In Re: Generic Investigation into the Current Provision of InterLATA Toll Service.

Docket No. P-00930715: In Re: The Bell Telephone Company of Pennsylvania's Petition and Plan for Alternative Form of Regulation under Chapter 30.

Docket No. R-00943008: In Re: Pennsylvania Public Utility Commission v. Bell Atlantic-Pennsylvania, Inc. (Investigation of Proposed Promotional Offerings Tariff).

Docket No. M-00940587: In Re: Investigation pursuant to Section 3005 of the Public Utility Code, 66 Pa.

## Exhibit DJW-1

C. S. §3005, and the Commission's Opinion and Order at Docket No. P-930715, to establish standards and safeguards for competitive services, with particular emphasis in the areas of cost allocations, cost studies, unbundling, and imputation, and to consider generic issues for future rulemaking.

Docket No. A-310489F7004: Petition of Cellco Partnership d/b/a Verizon Wireless for Arbitration Pursuant to Section 252 of the telecommunications Act of 1996.

Docket Nos. A-310580F9, A-310401F6, A-310407F3, A-312025F5, A-310752F6, A-310364F3: Joint Application of Verizon Communications Inc. and MCI, Inc. For Approval of Agreement and Plan of Merger.

### South Carolina Public Service Commission

Docket No. 90-626-C: In Re: Generic Proceeding to Consider Intrastate Incentive Regulation.

Docket No. 90-321-C: In Re: Petition of Southern Bell Telephone and Telegraph Company for Revisions to its Access Service Tariff Nos. E2 and E16.

Docket No. 88-472-C: In Re: Petition of AT&T of the Southern States, Inc., Requesting the Commission to Initiate an Investigation Concerning the Level and Structure of Intrastate Carrier Common Line (CCL) Access Charges.

Docket No. 92-163-C: In Re: Position of Certain Participating South Carolina Local Exchange Companies for Approval of an Expanded Area Calling (EAC) Plan.

Docket No. 92-182-C: In Re: Application of MCI Telecommunications Corporation, AT&T Communications of the Southern States, Inc., and Sprint Communications Company, L.P., to Provide IntraLATA Telecommunications Services.

Docket No. 95-720-C: In Re: Application of BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company for Approval of an Alternative Regulation Plan.

Docket No. 96-358-C: In Re: Interconnection Agreement Negotiations Between AT&T Communications of the Southern States, Inc. and BellSouth Telecommunications, Inc., Pursuant to 47 U.S.C. § 252.

Docket No. 96-375-C: In Re: Interconnection Agreement Negotiations Between AT&T Communications of the Southern States, Inc. and GTE South Incorporated Pursuant to 47 U.S.C. § 252.

Docket No. 97-101-C: In Re: Entry of BellSouth Telecommunications, Inc. into the InterLATA Toll Market.

Docket No. 97-374-C: In Re: Proceeding to Review BellSouth Telecommunications, Inc. Cost for Unbundled Network Elements.

Docket No. 97-239-C: Intrastate Universal Service Fund.

Docket No. 97-124-C: BellSouth Telecommunications, Inc. Revisions to its General Subscriber Services Tariff and Access Service Tariff to Comply with the FCC's Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996.

Docket No. 1999-268-C: Petition of Myrtle Beach Telephone, LLC, for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Horry Telephone Cooperative, Inc.

Docket No. 1999-259-C: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996.

Docket No. 2001-65-C: Generic Proceeding to Establish Prices for BellSouth's Interconnection Services, Unbundled Network Elements and Other Related Elements and Services.

Docket No. 2003-326-C: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Docket No. 2003-227-C: Application of Hargray Wireless, LLC for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. 214(e)(2).

**South Dakota Public Utilities Commission**

Docket No. TC03-191: In the Matter of the Filing by WWC License, LLC d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Other Rural Areas.

Docket No. TC03-193: In the Matter of the Petition of RCC Minnesota, Inc., and Wireless Alliance, L.L.C., for Designation as an Eligible Telecommunications Carrier under 47 U.S.C. §214(e)(2).

**Tennessee Public Service Commission**

Docket No. 90-05953: In Re: Earnings Investigation of South Central Bell Telephone Company.

Docket Nos. 89-11065, 89-11735, 89-12677: AT&T Communications of the South Central States, MCI Telecommunications Corporation, US Sprint Communications Company -- Application for Limited IntraLATA Telecommunications Certificate of Public Convenience and Necessity.

Docket No. 91-07501: South Central Bell Telephone Company's Application to Reflect Changes in its Switched Access Service Tariff to Limit Use of the 700 Access Code.

**Tennessee Regulatory Authority**

Docket No. 96-01152: In Re: Petition by AT&T Communications of the South Central States, Inc. for Arbitration under the Telecommunications Act of 1996 and Docket No. 96-01271: In Re: Petition by MCI Telecommunications Corporation for Arbitration of Certain Terms and Conditions of a Proposed Agreement with BellSouth Telecommunications, Inc. Concerning Interconnection and Resale Under the Telecommunications Act of 1996 (consolidated).

Docket No. 96-01262: In Re: Interconnection Agreement Negotiations Between AT&T of the South Central States, Inc. and BellSouth Telecommunications, Inc. Pursuant to 47 U.S.C. § 252.

Docket No. 97-01262: Proceeding to Establish Permanent Prices for Interconnection and Unbundled Network Elements.

Docket No. 97-00888: Universal Service Generic Contested Case.

Docket No. 99-00430: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc. pursuant to the Telecommunications Act of 1996.

## **Exhibit DJW-1**

Docket No. 97-00409: In Re: All Telephone Companies Tariff Filings Regarding Reclassification of Pay Telephone Service as Required by Federal Communications Commission Docket No. 96-128.

Docket No. 03-00119: In Re: Petition for Arbitration of ITC^DeltaCom Communications, Inc. with BellSouth Telecommunications, Inc.

Docket No. 03-00491: In Re: Implementation of Requirements Arising from Federal Communications Commission Triennial UNE Review: Local Circuit Switching for Mass Market Customers.

Docket No. 06-00093: In Re: Joint Filing of AT&T, Inc., BellSouth Corporation, and BellSouth's Certified Tennessee Subsidiaries Regarding Change of Control.

### **Public Utility Commission of Texas**

Docket No. 12879: Application of Southwestern Bell Telephone Company for Expanded Interconnection for Special Access Services and Switched Transport Services and Unbundling of Special Access DS1 and DS3 Services Pursuant to P. U. C. Subst. R. 23.26.

Docket No. 18082: Complaint of Time Warner Communications against Southwestern Bell Telephone Company.

Docket No. 21982: Proceeding to Examine Reciprocal Compensation Pursuant to Section 252 of the Federal Telecommunications Act of 1996.

Docket No. 23396: Joint Petition of CoServ, LLC d/b/a CoServ Communications and Multitechnology Services, LP d/b/a CoServ Broadband Services for Arbitration of Interconnection Rates, Terms, Conditions, and Related Arrangements with Southwestern Bell Telephone Company.

Docket No. 24015: Consolidated Complaints and Requests of Post-Interconnection Dispute Resolution Regarding Inter-Carrier Compensation for FX-Type Traffic Against Southwestern Bell Telephone Company.

PUC Docket No. 27709: Application of NPCR, Inc., dba Nextel Partners for Eligible Telecommunications Carrier Designation (ETC).

PUC Docket No. 28744: Impairment Analysis for Dedicated Transport.

PUC Docket No. 28745: Impairment Analysis for Enterprise Loops.

PUC Docket No. 29144: Application of Dobson Cellular Systems, Inc., for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to 47 U.S.C. 241 (e) and P.U. C. Subst. Rule 26.418.

### **State of Vermont Public Service Board**

Docket No. 6533: Application of Verizon New England Inc. d/b/a Verizon Vermont for a Favorable Recommendation to Offer InterLATA Services Under 47 U.S.C. 271.

Docket No. 6882: Investigation into Public Access Line Rates of Verizon New England, Inc., d/b/a Verizon Vermont.

Docket No. 6934: Petition of RCC Atlantic Inc. for designation as an Eligible Telecommunications Carrier in areas served by rural telephone companies under the Telecommunications Act of 1996.

**Virginia State Corporation Commission**

Case No. PUC920043: Application of Virginia Metrotel, Inc. for a Certificate of Public Convenience and Necessity to Provide InterLATA Interexchange Telecommunications Services.

Case No. PUC920029: Ex Parte: In the Matter of Evaluating the Experimental Plan for Alternative Regulation of Virginia Telephone Companies.

Case No. PUC930035: Application of Contel of Virginia, Inc. d/b/a GTE Virginia to implement community calling plans in various GTE Virginia exchanges within the Richmond and Lynchburg LATAs.

Case No. PUC930036: Ex Parte: In the Matter of Investigating Telephone Regulatory Methods Pursuant to Virginia Code § 56-235.5, & Etc.

Case No. PUC-200540051: Application of Verizon Communications Inc. and MCI, Inc. for approval of Agreement and Plan of Merger resulting in the indirect transfer of control of MCImetro Access Transmission Services of Virginia, Inc., to Verizon Communications Inc.

**Washington Utilities and Transportation Commission**

Docket Nos. UT-941464, UT-941465, UT-950146, and UT-950265 (Consolidated): Washington Utilities and Transportation Commission, Complainant, vs. US West Communications, Inc., Respondent; TCG Seattle and Digital Direct of Seattle, Inc., Complainant, vs. US West Communications, Inc., Respondent; TCG Seattle, Complainant, vs. GTE Northwest Inc., Respondent; Electric Lightwave, Inc., vs. GTE Northwest, Inc., Respondent.

Docket No. UT-950200: In the Matter of the Request of US West Communications, Inc. for an Increase in its Rates and Charges.

Docket No. UT-000883: In the Matter of the Petition of U S West Communications, Inc. for Competitive Classification.

Docket No. UT-050814: In the Matter of the Joint Petition of Verizon Communications Inc., and MCI, Inc. for a Declaratory Order Disclaiming Jurisdiction Over or, in the Alternative a Joint Application for Approval of, Agreement and Plan of Merger.

**Public Service Commission of West Virginia**

Case No. 02-1453-T-PC: Highland Cellular, Inc. Petition for consent and approval to be designated as an eligible telecommunications carrier in the areas served by Citizens Telecommunications Company of West Virginia.

Case No. 03-0935-T-PC: Easterbrooke Cellular Corporation Petition for consent and approval to be designated as an eligible telecommunications carrier in the area served by Citizens Telecommunications Company of West Virginia d/b/a Frontier Communications of West Virginia.

**Public Service Commission of Wyoming**

Docket No. 70000-TR-95-238: In the Matter of the General Rate/Price Case Application of US West Communications, Inc. (Phase I).

Docket No. PSC-96-32: In the Matter of Proposed Rule Regarding Total Service Long Run Incremental Cost (TSLRIC) Studies.

Docket No. 70000-TR-98-420: In the Matter of the Application of US West Communications, Inc. for authority to implement price ceilings in conjunction with its proposed Wyoming Price Regulation Plan for essential and noncompetitive telecommunications services (Phase III).

Docket No. 70000-TR-99-480: In the Matter of the Application of US West Communications, Inc. for authority to implement price ceilings in conjunction with its proposed Wyoming Price Regulation Plan for essential and noncompetitive telecommunications services (Phase IV).

Docket No. 70000-TR-00-556: In the Matter of the Filing by US West Communications, Inc. for Authority to File its TSLRIC 2000 Annual Input Filing and Docket No. 70000-TR-00-570: In the Matter of the Application of US West Communications, Inc. for Authority to File its 2000 Annual TSLRIC Study Filing.

Docket No. 70042-AT-04-4: In the Matter of the Petition of WWC Holding Co., Inc., d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Areas Served by Qwest Corporation, and Docket No. 70042-AT-04-5: In the Matter of the Petition of WWC Holding Co., Inc., d/b/a CellularOne for Designation as an Eligible Telecommunications Carrier in Clark, Basin, Frannie, Greybull, Lovell, Meeteetse, Burlington, Hyattville, and Tensleep (consolidated).

**Public Service Commission of the District of Columbia**

Formal Case No. 814, Phase IV: In the Matter of the Investigation into the Impact of the AT&T Divestiture and Decisions of the Federal Communications Commission on Bell Atlantic - Washington, D. C. Inc.'s Jurisdictional Rates.

**Puerto Rico Telecommunications Regulatory Board**

Case No. 98-Q-0001: In Re: Payphone Tariffs.

Case No. JRT-2001-AR-0002: In the Matter of Interconnection Rates, Terms and Conditions between WorldNet Telecommunications, Inc. and Puerto Rico Telephone Company.

Case No. JRT-2003-AR-0001: Re: Petition for Arbitration pursuant to Section 252(b) of the Federal Communications Act, and Section 5(b), Chapter II of the Puerto Rico Telecommunications Act, regarding interconnection rates, terms, and conditions.

Case No. JRT-2004-Q-0068: Telefónica Larga Distancia de Puerto Rico, Inc., Complainant, v. Puerto Rico Telephone Company, Defendant.

Case Nos. JRT-2005-Q-0121 and JRT-2005-Q-0218: Telefónica Larga Distancia de Puerto Rico, Inc., and WorldNet Telecommunications, Inc., Plaintiffs, v. Puerto Rico Telephone Company, Inc., Defendant.

**COMMENTS/DECLARATIONS - FEDERAL COMMUNICATIONS COMMISSION**

CC Docket No. 92-91: In the Matter of Open Network Architecture Tariffs of Bell Operating Companies.

CC Docket No. 93-162: Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection for Special Access.

CC Docket No. 91-141: Common Carrier Bureau Inquiry into Local Exchange Company Term and Volume Discount Plans for Special Access.

CC Docket No. 94-97: Review of Virtual Expanded Interconnection Service Tariffs.

CC Docket No. 94-128: Open Network Architecture Tariffs of US West Communications, Inc.

CC Docket No. 94-97, Phase II: Investigation of Cost Issues, Virtual Expanded Interconnection Service Tariffs.

CC Docket No. 96-98: In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996.

CC Docket No. 97-231: Application by BellSouth to Provide In-Region InterLATA Services.

CC Docket No. 98-121: Application by BellSouth to Provide In-Region InterLATA Services.

CCB/CPD No. 99-27: In the Matter of Petition of North Carolina Payphone Association for Expedited Review of, and/or Declaratory Ruling Concerning, Local Exchange Company Tariffs for Basic Payphone Services.

CC Docket No. 96-128: In the Matter of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CCB/CPD No. 99-31: Oklahoma Independent Telephone Companies Petition for Declaratory Ruling (consolidated).

CCB/CPD No. 00-1: In the Matter of the Wisconsin Public Service Commission Order Directing Filings.

CC Docket No. 99-68: In the Matter of Inter-Carrier Compensation for ISP-Bound Traffic.

File No. EB-01-MD-020: In the Matter of Sprint Communications Company, L.P., Complainant v. Time Warner Telecom, Inc. Defendant.

Request by the American Public Communications Council that the Commission Issue a Notice of Proposed Rulemaking to Update the Dial-Around Compensation Rate.

File Nos. EB-02-MD-018-030: In the Matter of Communications Vending Corp. of Arizona, et. al., Complainants, v. Citizens Communications Co. f/k/a Citizens Utilities Co. and Citizens Telecommunications Co., et. al., Defendants.

CC Docket No. 96-45: In the Matter of Federal-State Joint Board on Universal Service, Cellular South License, Inc., RCC Holdings, Inc., Petitions for designation as an Eligible Telecommunications Carrier in the State of Alabama.

CC Docket No. 96-45: In the Matter of Federal-State Joint Board on Universal Service, Declaration in Support of the Comments to the Federal-State Joint Board of the Rural Cellular Association and the Alliance of Rural CMRS Carriers.

**REPRESENTATIVE TESTIMONY – STATE, FEDERAL, AND OVERSEAS COURTS**

**Court of Common Pleas, Philadelphia County, Pennsylvania**

Shared Communications Services of 1800-80 JFK Boulevard, Inc., Plaintiff, v. Bell Atlantic Properties, Inc., Defendant.

**Texas State Office of Administrative Hearings**

SOAH Docket No. 473-00-0731: Office of Customer Protection (OCP) Investigation of Axces, Inc. for Continuing Violations of PUC Substantive Rule §26.130, Selection of Telecommunications Utilities, Pursuant to Procedural Rules 22.246 Administrative Penalties.

SOAH Docket No. 473-03-3673: Application of NPCR, Inc., dba Nextel Partners for Eligible Telecommunications Carrier Designation (ETC).

SOAH Docket No. 473-04-4450: Application of Dobson Cellular Systems, Inc., for Designation as an Eligible Telecommunications Carrier (ETC) pursuant to 47 U.S.C. 241 (e) and P.U. C. Subst. Rule 26.418.

**Superior Court for the State of Alaska, First Judicial District**

Richard R. Watson, David K. Brown and Ketchikan Internet Services, a partnership of Richard R. Watson and David K. Brown, Plaintiffs, v. Karl Amylon and the City of Ketchikan, Defendants.

**Superior Court for the State of Alaska, Third Judicial District**

Dobson Cellular Systems, Inc., Plaintiff, v. Frontline Hospital, LLC, Defendant.

**United States District Court for the District of South Carolina, Columbia Division**

Brian Wesley Jeffcoat, on behalf of himself and others similarly situated, Plaintiffs, v. Time Warner Entertainment - Advance/Newhouse Partnership, Defendant.

**United States District Court for the Northern District of Texas, Fort Worth Division**

Multitechnology Services, L. P. d/b/a CoServ Broadband Services, Plaintiffs, v. Southwestern Bell Telephone Company, Defendant.

Multitechnology Services, L. P. d/b/a CoServ Broadband Services, Plaintiffs, v. Verizon Southwest f/k/a GTE Southwest Incorporated, Defendant.

**United States District Court for the District of Oregon**

Time Warner Telecom of Oregon, LLC, and Qwest Communications Corporation, Plaintiffs, v. The City of Portland, Defendant.



**High Court of the Hong Kong Special Administrative Region, Court of First Instance**

Commercial List No. 229 of 1999: Cable and Wireless HKT International Limited, Plaintiff v. New World Telephone Limited, Defendant.

**REPRESENTATIVE TESTIMONY – PRIVATE COMMERCIAL ARBITRATION TRIBUNALS**

**American Arbitration Association**

Southwestern Bell Telephone Company, Claimant vs. Time Warner Telecom, Respondent.

New Access Communications LLC, Choicetel LLC and Emergent Communications LLC, Claimants vs. Qwest Corporation, Respondent (Case No. 77 Y 1818 0031603).

**CPR Institute for Dispute Resolution**

Supra Telecommunications and Information Systems, Inc., Claimant vs. BellSouth Telecommunications, Inc., Respondent.