

CONFIDENTIAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 041144-TP

Complaint of Sprint-Florida,
Incorporated Against KMC Telecom
III LLC, KMC Telecom V, Inc.,
and KMC Data LLC, for failure to
pay intrastate access charges
pursuant to its interconnection
agreement and Sprint's tariffs
and for violation of Section
364.16(3) (a), Florida Statutes.

COPY

CONFIDENTIAL TRANSCRIPT

DEPOSITION OF: RONALD E. TWINE

TAKEN AT THE INSTANCE OF: Sprint-Florida Incorporated

DATE: June 30, 2005

TIME: Commenced at 9:05 a.m.
Concluded at 12:15 p.m.

LOCATION: 2540 Shumard Oak Boulevard
Tallahassee, Florida

REPORTED BY: *MR 8.30.05* MARY ALLEN NEEL, RPR
Notary Public, State
of Florida at Large
(entire DA)

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CHRIS SCHAFFER (Via telephone).

PAUL CALABRO, ANNE MARSH, BEN POAG, and NANCY
PRUITT.

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STIPULATIONS

1
2 The following deposition was taken on oral
3 examination, pursuant to notice, for purposes of
4 discovery, for use as evidence, and for such other
5 uses and purposes as may be permitted by the
6 applicable and governing rules. Reading and signing
7 of the deposition transcript by the witness is not
8 waived.

9 * * *

10 MS. MASTERTON: I guess we're ready to get
11 started. To the extent that there is any
12 confidential information -- I'm not sure that
13 there's going to be as much of it as we've had,
14 but I guess we ought to go ahead and agree, just
15 in case we get into something, that we'll do what
16 we've done up until now and call it confidential.
17 I just think in this case maybe we want to go
18 back at the end and think if there even was any,
19 because there's no point in having it
20 confidential if it turns out we don't discuss
21 anything. But just to start, we'll say that it's
22 going to be confidential until we redact it.

23 MR. SELF: That's fine.

24 MS. MASTERTON: Does that sound okay to you,
25 Beth?

1 MS. KEATING: That's fine. With the hearing
2 being so close, my only concern is making sure
3 that all gets taken care of.

4 MR. SELF: We're not going to do any of that
5 before the hearing.

6 MS. MASTERTON: Okay. I guess we ought to
7 introduce people. That's how we've been doing
8 it. So will the people on the phone go ahead and
9 introduce themselves again for the record?

10 MR. SCHAFFER: Chris Schaffer with Sprint.

11 MS. BENNETT: This is Linda Bennett with
12 Sprint, and I have with me Mitch Danforth and Tom
13 Grimaldi.

14 MS. MASTERTON: Okay. I'm Susan Masterton,
15 and I called this deposition of Mr. Twine on
16 behalf of Sprint.

17 MR. SELF: And this is Floyd Self of the
18 Messer Caparello & Self law firm, representing
19 KMC.

20 MR. YORKGITIS: Chip Yorkgitis of the
21 Kelley, Drye & Warren law firm representing KMC.

22 MS. MASTERTON: And I have with me Ben Poag,
23 who is also with Sprint.

24 MR. SELF: And also here on behalf of KMC is
25 our other witness, Paul Calabro.

1 MS. KEATING: Beth Keating with the
2 Commission Staff.

3 MS. PRUITT: Nancy Pruitt, Commission staff.

4 MS. MARSH: Anne Marsh, Commission Staff.

5 MS. MASTERTON: And I guess we're ready to
6 swear in the --

7 MR. SELF: Well, just to be clear, we've
8 agreed to at least initially keep this transcript
9 confidential, and all of the parties, the KMC and
10 Sprint parties have all signed and executed the
11 nondisclosure agreement between the parties.

12 MS. MASTERTON: I know that's true for me.
13 Okay. I guess we're ready to go.

14 Thereupon,

15 RONALD E. TWINE
16 the witness herein, having been first duly sworn, was
17 examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. MASTERTON:

20 Q. Good morning, Mr. Twine.

21 A. Good morning.

22 Q. For the record, could you please state your
23 name and address?

24 A. I'm Ronald E. Twine, and my business address
25 is 1755 North Brown Road, Lawrenceville, Georgia,

1 30043.

2 Q. By whom are you employed, and in what
3 capacity?

4 A. I am a consultant for KMC.

5 Q. I just want to turn to the -- I don't know
6 what you would call it, the testimony that you
7 submitted when you adopted Mr. Pasonski's testimony.
8 And on the first page, you describe yourself on line 5
9 as a contract employee.

10 A. That's correct.

11 Q. And now you've said your were a consultant,
12 and I guess I was curious to know what the difference
13 is between those two things.

14 A. I really don't see a difference in the two.
15 I'm a contract employee. I've got a contract with
16 them to assist KMC in a couple of different areas of
17 the operation.

18 Q. Could you tell me what those areas are?

19 A. To support the regulatory organization in
20 this dispute, as well as supporting the IT and the
21 billing organization as the company is going through a
22 certain amount of transition.

23 Q. So you work full-time for KMC?

24 A. Well, I have a contract that's a
25 month-by-month with KMC.

1 **Q.** Do you work for anybody else besides KMC?

2 **A.** No, I don't.

3 **Q.** And you used to be, I guess you would say, a
4 regular employee of KMC?

5 **A.** I think I was a regular employee, yes. I
6 was employed by KMC for eight years.

7 **Q.** And why did you leave that position?

8 **A.** The job was eliminated as the company was
9 being sold.

10 **Q.** So how does your work with the company being
11 sold relate to this dispute?

12 **A.** I don't follow the question.

13 **Q.** You said you supported the regulatory
14 organization in this dispute and you also were
15 involved in transition issues related to the --

16 **A.** Okay. You're talking about the transition
17 issues.

18 **Q.** Yes. How do they relate?

19 **A.** They don't relate to this case. When I
20 left, all my responsibilities went to one of my
21 subordinates. That individual had their own
22 responsibilities, picked up my responsibilities, and
23 then also found that besides having your usual boss,
24 you had two new bosses, which were the purchasers of
25 the company. So to provide more bandwidth for that

1 individual, they were able to offload some tasks to
2 me.

3 Q. So these are two separate things you do as a
4 consultant.

5 A. Right, right.

6 Q. So in this proceeding, you're adopting
7 Mr. Pasonski's direct and rebuttal testimony?

8 A. Yes, I am.

9 Q. And can I assume that you'll also be able to
10 answer any questions about the discovery responses
11 that were prepared by Mr. Pasonski?

12 A. Yes, I will.

13 Q. Why are you substituting for Mr. Pasonski?

14 A. Again, this would, I guess, go back to
15 providing more bandwidth for him. This was just one
16 responsibility that they took away from him and gave
17 to me.

18 Q. So Mr. Pasonski is still with the company?

19 A. That's correct.

20 Q. Okay. Can you explain when you worked for
21 KMC full time what you did that would give you
22 familiarity with the issues in this dispute?

23 A. I was the senior vice president of IT and
24 billing, so as a result of that position, I had Tim
25 Pasonski as one of my employees.

1 Q. So you supervised him?

2 A. He directly reported to me, so I supervised
3 him, yes.

4 Q. Do you have any changes to Mr. Pasonski's
5 direct or rebuttal testimony?

6 MR. SELF: Can I partially respond to that,
7 just to kind of expedite this? For his direct,
8 we filed two pages, and as a consequence of that,
9 on page -- well, let me back up. By doing that,
10 you would eliminate all of what was page 1 of Tim
11 Pasonski, and on what was page 2 of Tim
12 Pasonski's direct, you would eliminate lines 1
13 through 9 on page 2.

14 MS. MASTERTON: All right.

15 MR. SELF: And then on the rebuttal
16 testimony, we submitted a rebuttal page 1 for
17 Mr. Twine, and that would substitute in its
18 entirety for what was page 1 of Tim Pasonski's
19 rebuttal testimony.

20 MS. MASTERTON: Okay.

21 MR. SELF: And then we have -- I don't know
22 if you want to talk about this now. We've
23 discussed the question of what happens to the
24 testimony that addressed the counterclaims.

25 MS. MASTERTON: Sure. If Mr. Twine knows

1 what parts of the testimony are going to be
2 deleted, I would like to --

3 MR. SELF: Can we go off the record for one
4 moment?

5 MS. MASTERTON: Sure.

6 (Discussion off the record.)

7 BY MS. MASTERTON:

8 Q. So, Mr. Twine, I think the changes that your
9 attorney discussed related to substituting your name
10 and address and qualifications on the record, and you
11 agreed with those changes.

12 A. Correct.

13 Q. And I understand that you'll be making some
14 additional changes to reflect the counterclaim being
15 stricken; is that correct?

16 A. I'm sitting here a little bit baffled in
17 terms of the legal aspects of this versus what I'm
18 saying.

19 Q. Let me tell you, it's your testimony, and
20 you're going to swear to it under oath when you get on
21 the stand. I mean, I think you're the one who's going
22 to actually have to be saying what those changes are
23 at the time. I'm just trying to clarify what changes
24 you're going to make.

25 I understand you're going to be making some

1 changes from your attorney to address the issue of the
2 counterclaims being stricken. Is that your
3 understanding as well?

4 **A.** That's my understanding.

5 **Q.** Okay. And now I want to ask, are you aware
6 of any other changes that you're going to be making to
7 the testimony other than the ones to replace your
8 qualifications and to address the counterclaims?

9 **A.** Nothing of substance, a couple of spelling
10 checks.

11 **Q.** Okay. Thank you.

12 You said you're a consultant. Are you
13 testifying as an expert for KMC in this proceeding?

14 **A.** In terms of the billing aspect and the IT
15 aspect, I am.

16 **Q.** Okay. So are you rendering an opinion on
17 the case?

18 **A.** I do have an opinion on the case.

19 **Q.** Okay. What did you do to prepare for this
20 deposition?

21 **A.** I have read the material. I have conducted
22 meetings with Mr. Pasonski and the staff in terms of
23 the methodology that was used, just to refresh me in
24 terms of what's in the material.

25 **Q.** And when you say you reviewed the material,

1 what --

2 **A.** I've read the material. I've read the
3 testimony, I've read the exhibits, and I've read the
4 interrogatories. As a matter of fact, a number of the
5 interrogatories are my responses in terms of -- I
6 wrote the responses. I'm not adopting those. I'm the
7 author of those.

8 **Q.** In the later set of staff interrogatories;
9 right?

10 **A.** Right, right.

11 **Q.** And you reviewed Mr. Pasonski's responses as
12 well?

13 **A.** That's correct.

14 **Q.** Okay. Let's turn to your direct testimony,
15 and let's go to page 3. On line 16 and 17, you talk
16 about some SS7 data that Sprint provided that you
17 evaluated.

18 **A.** Uh-huh.

19 **Q.** Did you actually look at those records?

20 **A.** I looked at those records.

21 **Q.** Okay. Have you reviewed the 27 days of call
22 detail records that Sprint provided in Mr. Wiley's
23 Exhibit Number 5.

24 **A.** I have reviewed it, but not in depth.

25 **Q.** What does that mean, not in depth?

1 **A.** Well, I've taken a look at it, but I haven't
2 spent a lot of time analyzing that.

3 **Q.** Have you reviewed the call detail records
4 that supported the Agilent study that were submitted
5 in the information presented in Mr. Wiley's Exhibit
6 Number 3?

7 **A.** Again, I've taken a look at these.

8 **Q.** Okay. When you say you've taken a look, can
9 you explain?

10 **A.** Well, conceptually, a SS7 record is
11 something that's produced by a switch, and switches
12 talk to switches, and computers talk to computers.
13 And so this is something that as I looked at this, I
14 backed up and said, "What do we have here? From my
15 cursory review, we've got SS7 records." How much time
16 am I going to invest in looking at these records
17 when -- I tried dealing with the end in mind. And I
18 don't have enough records to really sit there and say
19 I can take and look at the records and then map that
20 to the conclusions that are drawn by Sprint.

21 So it would be -- I didn't see any value
22 that would be added other than identifying that, yes,
23 these are records, yes, these are records from the
24 dates stated. But in terms of poring over these
25 records, there wasn't a reason to do that, because the

1 idea that I have is that the results that you've done
2 with your sampling -- as you said, because of this
3 sampling one day in a month, you create bills saying
4 here's what you should have had for this month, this
5 month, and this month. There's no way I can really
6 look at what your final product is and map that back
7 to the real set of data.

8 Q. Did you look at the different fields in the
9 SS7 records that were provided?

10 A. I looked at the appropriate fields.

11 Q. Did you look at the calling party number?

12 A. Yes, I did.

13 Q. And did you look at the charge party number?

14 A. Yes, I did.

15 Q. And when you looked at the charge party
16 number, were you able to identify the customer that
17 the charge party number belonged to?

18 A. Yes, I was.

19 Q. And did you look at the called party number?

20 A. Yes, I did.

21 Q. Okay. Let's turn to page 4 of your direct
22 testimony. Look at lines 22 and 23, and then moving
23 over to page 5, lines 1 through 6 as well. You state
24 that -- or you adopted Mr. Pasonski's testimony that
25 states that the billing number may be unrelated to the

1 charge party number, and that the charge party number
2 is not necessarily associated with the line from which
3 the communication originated. Is that a correct
4 reflection of your testimony?

5 **A.** I believe you just said that the billing
6 number is unrelated to the charge party number. Isn't
7 that supposed to be the calling party number?

8 **Q.** Yes, you're right. Thank you.

9 **A.** So if you'll ask the question again.

10 **Q.** Okay. You said the billing number may be
11 unrelated to the calling party number, and the charge
12 party number is not necessarily associated with the
13 line from which the communication originated. Is that
14 a correct reflection --

15 **A.** That's correct.

16 **Q.** Other than the situation with Customer X,
17 can you describe other situations where KMC might
18 provide a charge party number to a customer that is
19 unrelated to the line from which the communication
20 originates?

21 **A.** Specifically in Tallahassee or Fort Myers,
22 KMC has customers that have PRIs. If you look at the
23 SS7 record, you could see a calling party number that
24 is, let's say, from Georgia, and the called party
25 number is in Tallahassee. And the charge party number

1 is not necessarily going to show up as the calling
2 party number, because if the customer that I'm
3 referring to, the KMC customer has a PRI, that charge
4 party number is the billing telephone number of that
5 PRI.

6 So the example I'm stating is a call from
7 Atlanta, Georgia, to a customer of yours, or ours, or
8 whoever's in Tallahassee, Florida, and it could have a
9 charge party number which is different than the
10 calling party number, because the call could have been
11 to this KMC customer, and the party has call-forwarded
12 that call to their home, so that the call that
13 originated in Atlanta was terminated on the PBX in
14 Tallahassee, hits the PBX, and the PBX, the CPE is
15 programmed to identify that calls to this number are
16 to be forwarded to another number in Tallahassee. So
17 another call is initiated where that call is then
18 forwarded to the Tallahassee number.

19 So just repeating, there's an Atlanta
20 calling party number, there's a charge party number,
21 which would be a KMC number, which is the billing
22 telephone number of that PBX. It could be a clinic, a
23 medical clinic, and the doctor on that day is working
24 from his home office, and that could be a residence in
25 Tallahassee. So you would see then the three numbers,

1 Atlanta number calling party, the billing telephone
2 number charge party, and the called party a
3 Tallahassee number.

4 Q. So you're saying this is a KMC customer
5 who -- tell me -- who calls from Atlanta?

6 A. No.

7 Q. Who makes the call from Atlanta?

8 A. Say it's a patient of a doctor who wants to
9 speak to the doctor. The doctor has an office in a
10 clinic in Tallahassee served by KMC, our PRI, so the
11 clinic's PBX is on our PRI, and the doctor's office is
12 located in his residence in Tallahassee. The patient
13 calls from Atlanta. So you have a 404 area code and
14 an NXX and an XXX to the PBX in Tallahassee. The KMC
15 customer has a PRI. What we would put on the record
16 would be the billing telephone number of that PRI.
17 That would be the charge party number. And the called
18 party would be the customer's home address, home
19 telephone number.

20 Q. Okay. So in this case, KMC's customer is
21 the terminating customer; right?

22 A. It would be the clinic.

23 Q. And that's who's being called from Atlanta?

24 A. That's correct.

25 Q. So why would you need the charge party

1 number? Would the terminating party pay for the call,
2 or would the caller in Atlanta pay for the call?

3 **A.** It's a matter of just keeping the records
4 complete. We have -- the call transits over our PRI.
5 It's identified as that charge party number, and
6 that's our record-keeping from our switch, our AMA
7 record.

8 **Q.** So you're saying in this case the charge
9 party number would substitute for the called party
10 number?

11 **A.** No. The calling party number is never
12 touched. The calling party number stays the same.

13 **Q.** No, I'm saying the charge party number is
14 associated with the called party's number. Is that
15 what you're saying? You're saying the patient is
16 calling from Atlanta. That's not KMC's customer;
17 right?

18 **A.** That's correct.

19 **Q.** He's calling KMC's customer, Dr. X in
20 Tallahassee?

21 **A.** Uh-huh.

22 **Q.** And the charge party number for Dr. X would
23 be unrelated to the calling party number, obviously,
24 because the charge party number isn't the charge party
25 number for the calling party. It's for the called

1 party, the way you're describing it; is that correct?

2 **A.** The charge party number is the billing
3 telephone number for the PRI. The called party is the
4 number that was dialed. The call then would be
5 forwarded to the home office of the physician in the
6 example I gave.

7 **Q.** And where might the home office be?

8 **A.** In Tallahassee.

9 **Q.** Okay. I guess I'm just confused, because
10 with Customer X, the charge party number is used for
11 the origination of the call, not the termination;
12 correct?

13 **A.** For Customer X, the charge party is for the
14 origination.

15 **Q.** I'm asking you.

16 **A.** For that second call, yes, it's associated
17 with the initiation of the second call. The first
18 call would have traveled the normal network. We're
19 going to say there was, let's say, a BellSouth
20 customer. It went to an IXC, and the IXC brought it
21 into Tallahassee. It probably went to the Sprint
22 tandem, and the Sprint tandem passed the call to the
23 KMC customer in the clinic. So there was a toll call
24 that was completed.

25 Now the call forwarding creates the second

1 call which is going from the CPE, the PBX of the
2 clinic, out to the doctor's home office.

3 Q. Okay. So you're saying when the KMC
4 customer is the terminating customer and they have a
5 charge party number and they have call forwarding,
6 that's a situation where the charge party number would
7 be different from the calling party number?

8 A. That is correct.

9 Q. Okay. Do you know whether the SS7 records
10 contain information to show when a call is forwarded?

11 A. The SS7 records have a field which would
12 allow that to be populated. The configuration would
13 be identified that it was forwarded.

14 Q. Okay. And just to get back, in the case of
15 Customer X, though, we're talking about the
16 originating side of the call, not the terminating side
17 of the call; correct?

18 A. In terms of the discussion we're having
19 today, I believe that there's a call that was
20 originated by Customer X, which we pass on the
21 interconnection trunks to Sprint, and it's terminated
22 by Sprint. So, yes, the call is originated by
23 Customer X.

24 Q. Okay. Can you tell me another situation
25 where the KMC customer is the originating customer and

1 the charge party number would not be necessarily
2 associated with the line from which the communication
3 originates?

4 **A.** If this is a PRI, no. Our way of
5 provisioning the PRIs would be that the charge party
6 would be the billing telephone number of that PRI.

7 **Q.** Okay. But what about the calling party
8 number?

9 **A.** The calling party number?

10 **Q.** Right.

11 **A.** Restate your question for me, please.

12 **Q.** Well, when you say the line from which the
13 communication originates in your testimony, what do
14 you mean?

15 **MR. SELF:** Which page are you talking about?

16 **MS. MASTERTON:** I'm sorry. We're still on
17 page 5, lines 1 and 2.

18 **BY MS. MASTERTON:**

19 **Q.** And I'm talking about, "The charge party
20 number is not necessarily associated with the line
21 from which the communication originates." And I guess
22 I'm wondering -- now I want you to explain what you
23 mean by the line from which the communication
24 originates.

25 **A.** Well, my first example would be an answer to

1 that, that there was a call that was originated in
2 Atlanta, and that call came to the PBX in Tallahassee.
3 The call is being forwarded now. The second call is
4 being forwarded to the doctor's home office. The
5 charge party on there is the billing telephone number
6 of the PBX in the clinic. The calling party number is
7 still the number in Atlanta. So if the doctor, for
8 instance, has caller ID, he or she would be able to
9 look and see that this is Joe Smith calling from
10 Atlanta, Georgia.

11 Q. So you're saying the line from which the
12 communication originates is the calling party number
13 line?

14 A. This call originated in Tallahassee that I
15 just gave as the example going to the -- it's a second
16 call. It originated in Tallahassee.

17 Q. But you said it originated in Atlanta.

18 A. The first call originated in the Atlanta.
19 The second call is the call-forward.

20 Q. Okay. But in that situation, the charge
21 party number for the doctor's office, you're saying it
22 has no relationship to the called party number, the
23 doctor's office number? There's no relationship
24 between the charge party number and that?

25 A. The record that I think we're talking about

1 is the record that we would have passed over the
2 interconnection trunk to the Sprint tandem.

3 Q. Well, I thought we were -- which one are we
4 talking about now? Are we talking about the example
5 you gave of somebody from Atlanta calling KMC's
6 customer in Tallahassee, or are we talking about
7 Customer X. You need to clarify that, because I'm
8 getting confused.

9 A. All right. The call from Atlanta to the PBX
10 in Tallahassee, KMC's customer, I'm not talking about
11 any charge number there. I'm unaware of a charge
12 number there.

13 Q. I thought that's what you were saying, that
14 that was an example of when the charge party number
15 could differ from the calling party number. You used
16 that as an example, didn't you?

17 A. For purposes of clarification, I would not
18 have said that. I would not have intended to say
19 that. But the call from Atlanta to the clinic in
20 Tallahassee would have a calling party number, 404
21 something in Atlanta, and then the 850 number of the
22 clinic. And whether there was something on the charge
23 party or not, I don't know.

24 Q. Okay. So basically, right now I guess we
25 don't have any examples other than Customer X of what

1 you're just saying here, since you just said that you
2 didn't mean the Atlanta example to be an example of
3 that?

4 **A.** The example I'm using was another PRI
5 customer of KMC in Tallahassee, a clinic. Now, take
6 the same example I was saying, the call from Atlanta
7 to Tallahassee. That's a call. We're not talking
8 about that record. There's a call that was made from
9 Atlanta, we'll say BellSouth, to an IXC, we'll say
10 AT&T, to the tandem in Tallahassee over to KMC, and
11 completes the call at the PBX in the clinic. I'm not
12 talking to that record.

13 I'm talking to the next call, which is now
14 that we're going to forward that call from the PBX of
15 the KMC customer, not Customer X, but the Florida
16 Digestive Clinic of Tallahassee. We're going to make
17 a call from there to the doctor's home office, because
18 when he left, he put call forwarding on his CPE in the
19 clinic that all calls to that number should be
20 forwarded to my home.

21 **Q.** Okay.

22 **A.** That call is originated in Tallahassee in
23 the clinic, goes back to the KMC switch, and it
24 recognizes that that home office is off of a Sprint
25 end office. We send it over the local interconnection

1 trunk to the tandem, the tandem takes it to the end
2 office, and the end office causes the phone to ring in
3 the doctor's home office. That call will have a
4 calling party number of Atlanta. The called party
5 will be the doctor's home office. The charge number
6 will be the billing telephone number from that
7 customer's PBX PRI number in Tallahassee.

8 Q. Okay. So you're saying that the charge
9 party number that's related to the clinic in
10 Tallahassee is not related to the doctor's home office
11 number? That's how you're answering my question?
12 That's an example of where the charge party number --

13 A. That's correct.

14 Q. And, of course, the doctor's home office,
15 that's not the line from which the communication
16 originates, is it?

17 A. This call originated in Tallahassee from the
18 PRI charge number, whatever the billing telephone
19 number is.

20 Q. So you're saying the charge party number is
21 the originating number. That's what I hear you
22 saying, because I asked you when does a charge party
23 number differ -- what do you mean when you say that
24 the charge party number is not associated with the
25 line from which the communication originates? But the

1 example you're giving me is the charge party number is
2 when it gets to the clinic in Tallahassee, and the
3 different number is the terminating number, the called
4 number. Isn't that what you're saying?

5 **A.** The charge number is when it's leaving the
6 clinic in Tallahassee, not when it's getting there,
7 but when it's leaving.

8 **Q.** Okay. Well, let's -- I have one more
9 question, though, and that is, when the customer calls
10 from Atlanta to the number in Tallahassee, would KMC
11 expect to get access charges for that call?

12 **A.** Yes, and so would everyone else along there.
13 There was a long distance call originated in Atlanta.
14 The call was originated in Atlanta, so there was
15 originating access to -- my example was BellSouth.
16 AT&T would be paying that. It would come through your
17 tandem in Tallahassee. It would come across our
18 interconnection trunk to KMC. That call was a toll
19 call or a long distance call that BellSouth would have
20 gotten access, you would have gotten access, and KMC
21 would have gotten access.

22 **Q.** Why would Sprint -- where is Sprint involved
23 in this?

24 **A.** Tandem.

25 **Q.** We get access charges when it passes through

1 the tandem when we're not the carrier terminating to
2 the end user?

3 **A.** (Nodding head affirmatively.)

4 **MR. SELF:** You need to answer verbally.

5 **THE WITNESS:** Oh, I'm sorry. Yes.

6 **BY MS. MASTERTON:**

7 **Q.** All right. Let's move on. Tell me where
8 the KMC calls, the calls that KMC receives from
9 Customer X originate?

10 **A.** They originate in the local calling area,
11 which is either Tallahassee or Fort Myers.

12 **Q.** Okay. I wanted to go to your direct
13 testimony on page 9. Look at lines 11 through 23, and
14 then that continues over to page 10, lines 1 through
15 7, the answer to that question. So I'm going to be
16 asking about all of that. In the scenario that you
17 describe there, where is Customer X's CPE physically
18 located?

19 **A.** I believe Customer X's CPE is collocated in
20 Orlando.

21 **Q.** And does KMC have a physical presence in
22 Orlando?

23 **A.** No, they don't.

24 **Q.** So on page 10, line 3, when you talk about
25 the cross-connect that you refer to as a local loop,

1 could you tell me where that is from and to?

2 **A.** It's from Customer X's CPE to the transport
3 facility that KMC used.

4 **Q.** Okay. Just explain a little bit more to me
5 about the transport facility that KMC used. What is
6 it?

7 **A.** It's a DS3, a fiber optic cable.

8 **Q.** Where is it located, physically located?

9 **A.** Physically? It has two ends. One would be
10 Tallahassee, and one would be in Orlando.

11 **Q.** But where is it? Is it in a central office
12 somewhere?

13 **A.** Oh, sure.

14 **Q.** So where?

15 **A.** I don't have the exact information, but it
16 would be in a central office.

17 **Q.** Who does it belong to?

18 **A.** It would be -- in terms of belonging, it
19 would be something that KMC leased, and it would
20 belong to some underlying carrier.

21 **Q.** So if it was in a central office, would it
22 be a BellSouth central office?

23 **A.** I really don't know.

24 **Q.** So you don't know whether it would be a
25 collocation that KMC had or a collocation that the

1 underlying carrier had?

2 **A.** I don't know.

3 **Q.** Okay. Then what happens after -- you do
4 this local loop. How is that a local loop, the
5 cross-connect between the customer and this transport
6 facility that belongs to a third party in Orlando?
7 Could you explain?

8 **A.** It's just a connection.

9 **Q.** So tell me what you mean when you say a
10 local loop.

11 **A.** It's just a term that is used to refer to
12 the connection from the customer's CPE to the
13 transport.

14 **Q.** What makes it local?

15 **A.** The connections are in close proximity.

16 **Q.** And when you say close proximity, do you
17 mean like in the same geographic area?

18 **A.** That would fit the description.

19 **Q.** Okay. You said earlier that the traffic
20 that Customer X originates in Tallahassee or Fort
21 Myers?

22 **A.** They have local services that we provided
23 them in Tallahassee and Fort Myers. They have local
24 telephone numbers..

25 **Q.** What makes it local?

1 **A.** What makes it local?

2 **Q.** (Nodding head affirmatively.)

3 **A.** It's local because the PRIs are in the KMC
4 office in Tallahassee or Fort Myers. The telephone
5 numbers are in Tallahassee and Fort Myers. The calls
6 that are made are local calls.

7 **Q.** So when you say the PRIs are in the KMC
8 offices, explain that. Where do the PRIs begin and
9 end?

10 **A.** The PRI begins at the customer CPE, and it
11 ends at the KMC central office.

12 **Q.** So where is the customer's CPE again?

13 **A.** The customer's CPE is at the end of the
14 transport, the DS3 that we're talking about.

15 **Q.** So it's in Orlando, not Tallahassee or Fort
16 Myers, correct?

17 **A.** The CPE is at the end of the DS3 facility,
18 which is in Orlando.

19 **Q.** Is that in close proximity to Tallahassee or
20 Fort Myers?

21 **A.** Close proximity was the local loop, which
22 was the interconnection. That's what I was talking
23 about.

24 **Q.** Well, I think I asked you what made it
25 local, and you answered that it was in close

1 proximity. Is that not what you said?

2 **A.** What makes it local is that the service that
3 was sold to Customer X was a local service, local PRI,
4 has a local telephone number.

5 **Q.** It's local because it has a local telephone
6 number? Is that what you're saying?

7 **A.** The service that they bought is a local
8 service, so it's local by our definition, and it's
9 local -- and the numbers provided were local. These
10 are services which that customer, being an enhanced
11 service provider, can order, and we provided. So it's
12 a local service that they use to make local calls
13 within Tallahassee or Fort Myers.

14 **Q.** And it's local because it has a number local
15 to Fort Myers or Tallahassee; correct?

16 **A.** Uh-huh.

17 MR. SELF: You need to say yes.

18 THE WITNESS: Yes.

19 BY MS. MASTERTON:

20 **Q.** And not because Customer X is located in the
21 local calling areas where the calls are terminating;
22 is that correct? Let me rephrase that. Customer X is
23 not located in the local calling areas where the calls
24 are terminating, is it?

25 **A.** Customer X may be located in a local calling

1 area which doesn't necessarily overlap with your local
2 calling area.

3 Q. But is Customer X physically located in Fort
4 Myers?

5 A. Customer X is physically located in Orlando.

6 Q. Okay. Thank you.

7 I wanted to look at KMC's response to
8 staff's interrogatory number 16, and it's Bates
9 stamped page 884.

10 A. Could you repeat that again?

11 Q. It's the response to staff's interrogatory
12 number 16. It's labeled "KMC's Attachment to Staff's
13 Interrogatory Number 16," and it's Bates stamped 884.

14 A. Are we looking at the diagram?

15 Q. Yes.

16 A. Okay.

17 Q. So based on what we've just discussed,
18 Customer X, this picture of their CPE, that's what
19 this is; correct?

20 A. Uh-huh.

21 Q. And that's in Orlando; right?

22 A. Uh-huh.

23 MR. SELF: You need to say yes.

24 THE WITNESS: Yes. I'm sorry.

25

1 BY MS. MASTERTON:

2 Q. Could you tell me where you would draw in
3 the transport where Customer X --

4 A. Number two. It's already drawn.

5 Q. Well, it says PRI there, so I guess I want
6 to break it down a little bit finer and have you tell
7 me where this cross-connect is. It's also in Orlando;
8 right? Show me where that would be depicted on this
9 drawing.

10 A. Right where the edge of the box would be
11 showing. The customer is inside the box, and on the
12 outside of the box, the PRI.

13 Q. Okay. Are you saying that the cross-connect
14 is the same thing as the PRI?

15 A. No.

16 Q. Okay. So we're talking about the
17 cross-connect now?

18 A. Picture, if you will, a term called jumpers.
19 I'm just thinking of a jumper from the terminal piece
20 of equipment in the customer's premise and putting it
21 on the other end, the distant end of the long loop
22 that we were depicting here as number 2.

23 Q. And that's in some unidentified central
24 office; right? You would have to put that in the
25 picture to show completely what's happening. So we

1 have Customer X's CPE, right, and then we have a
2 cross-connect --

3 **A.** It could be a central office, it could be a
4 carrier hotel, it could be a number of -- it could be
5 a manhole.

6 **Q.** Is Customer X located in the same place as
7 where the transport --

8 **A.** I don't know that.

9 **Q.** Okay. So we have the cross-connect. And
10 then show me what happens from the cross-connect to
11 the PRI. On this drawing, how would you draw that in
12 there?

13 **A.** If you have a jumper and you have two ends
14 to it, one end touching the -- what looks like the
15 depiction here of a computer, and the other end
16 touching the left end of that arrow called PRI, that
17 would be your cross-connect.

18 **Q.** Okay. So the PRI actually begins in this
19 central office where the cross-connect is made; right?

20 **A.** In the location where the cross-connect is
21 made.

22 **Q.** Okay. And you have this arrow. So that's
23 all -- you're calling all of that from the central
24 office where the cross-connect is made to KMC's switch
25 the PRI; correct?

1 **A.** That's correct.

2 **Q.** Okay. And the beginning of that is in
3 Orlando; correct?

4 **A.** Uh-huh.

5 **Q.** Okay. Now, where is the switch?

6 **A.** Well, in the case of Customer X, the switch
7 could be in Tallahassee, or the switch could be in
8 Fort Myers.

9 **Q.** Okay. So this is -- and where is it in
10 Tallahassee or Fort Myers?

11 MR. SELF: Are you asking for a street
12 address?

13 BY MS. MASTERTON:

14 **Q.** Well, is it in a central office? Is it in
15 a -- I mean, where is --

16 **A.** Yes.

17 **Q.** I didn't mean a street address, although I
18 wouldn't mind if you gave me one. But I meant what
19 sort of facility is it located in?

20 **A.** It's in the central office of KMC. The
21 street address is in the testimony here someplace as
22 an exhibit.

23 **Q.** Okay. And then between KMC's switch and
24 Sprint's office, these are local interconnection
25 trunks in either Tallahassee or Fort Myers?

1 **A.** That would be the intermachine trunks going
2 from the KMC central office to the Sprint office, and
3 that could be your tandem, or it could be some of the
4 direct end office trunking that we have in both towns.

5 **Q.** So this drawing, it only shows the call from
6 the point that it entered Customer X's CPE; is that
7 correct?

8 **A.** No. We don't know anything about something
9 entering Customer X's CPE. We only know that there's
10 a call that's leaving Customer X.

11 **Q.** Okay. But you don't deny that the signaling
12 that you transmitted to Sprint with Customer X's calls
13 contained calling party numbers that were different
14 from Customer X's charge party number, do you?

15 **A.** No, I don't.

16 **Q.** So based on what you know about the
17 signaling that KMC transmitted, you know there was
18 something that happened before the call got to
19 Customer X; correct?

20 **A.** I really don't know that. One could assume
21 that, but we really don't know what Customer X --
22 Customer X is initiating a call to an end user, and
23 there is a calling party number, but what that
24 represents we don't know. We didn't touch -- we don't
25 even look at that as we're processing these calls.

1 **Q.** Can you explain when in the SS7 signaling it
2 would show a called party number that it wouldn't mean
3 that there was an earlier leg of the call? How does
4 the calling party number show up on the SS7 record?

5 **MR. SELF:** In which call?

6 **MS. MASTERTON:** I'm talking about -- KMC has
7 said, and I can give you a cite in Mr. Pasonski's
8 or Mr. Twine's rebuttal testimony, on page 5,
9 lines 5 to 14, that they transmitted the
10 signaling information to Sprint unchanged, and
11 that included calling party numbers that were
12 different from Customer X's charge party number.

13 **A.** I'm sorry. Which page?

14 **Q.** Page 5, lines 5 through 14. But I guess you
15 just said you don't know what that means, that there
16 was a calling party number different from the charge
17 party number on the SS7 signaling records that you
18 sent to Sprint.

19 **A.** What I read this to say is that KMC did
20 nothing to change the calling party number. It was
21 there. We didn't look at it, and we didn't touch it.
22 Where it came from we don't know.

23 **Q.** What does a calling party number usually
24 mean on an SS7 record? What is its purpose?

25 **A.** What it usually means and what it is could

1 be two different things. All I'm saying is that I
2 don't know.

3 Q. Well, tell me something else it could mean
4 other than that the call -- the leg of the call
5 originated from the calling party number. What else
6 does it mean?

7 A. Well, there's calls that you receive, that
8 we receive, that doesn't have a calling party number
9 on it.

10 Q. But we're not talking about those calls
11 right now. We're talking about the calls that have
12 it.

13 A. It's a phenomenon within the industry. What
14 caused that to happen?

15 Q. I don't know, but I'm not asking you that.

16 A. But I'm saying that I don't know that
17 either, and I don't know that there couldn't be
18 something that places that number there. So you're
19 saying that it has to have been a call before that
20 because the number is there, and I'm saying I don't
21 know that.

22 Q. What does it normally mean, the calling
23 party in the SS7?

24 A. Normally one would think that there was a
25 call that was placed from that number.

1 **Q.** Back to my original question. This diagram
2 that you show only shows the call from the charge
3 party number to Sprint.

4 **A.** That's correct.

5 **Q.** It doesn't show anything before that.

6 **A.** Because this is a local customer placing a
7 local call, and that's what we're handling here.

8 **Q.** And what makes it local again?

9 **A.** The customer is an enhanced service
10 provider, came to KMC, was purchasing PRI service, and
11 they are placing local calls. So to us over here,
12 what we're seeing is a local call coming to us.

13 **Q.** And the local call is the call that Customer
14 X is making from its premises in Orlando to a Sprint
15 end user in Tallahassee or Fort Myers; correct?

16 **A.** That Customer X is making on the local PRI
17 serviced by the KMC switch and passed off to the
18 Sprint office.

19 **Q.** And Customer X is originating that call from
20 its customer premises in Orlando; correct?

21 **A.** What we see is a local PRI. The other end
22 of the PRI is in Orlando.

23 **Q.** Okay. Thank you.

24 I wanted to -- do you have a copy of
25 Mr. Wiley's Exhibit WLW-6?

1 **A.** I didn't bring Mr. Wiley's.

2 MR. SELF: What was it attached to?

3 MS. MASTERTON: It was attached to his
4 rebuttal testimony. I've got copies.

5 And I guess I'll go ahead and make this a
6 deposition exhibit, even though it's also an
7 exhibit to the testimony, just for clarity of the
8 record. We'll call it Deposition Exhibit 1.

9 (Deposition Exhibit Number 1 was marked for
10 identification.)

11 BY MS. MASTERTON:

12 **Q.** I just want to give you a minute to look at
13 that. Does this drawing accurately depict the
14 description of how KMC provisions PRI service to
15 Customer X? And for now, I guess we need to refer
16 back to your direct testimony beginning on page 10
17 where he describes the way -- well, you have adopted
18 his testimony to describe the way the PRIs are set up.
19 So it's page 10, beginning on line 14, through page
20 11, line 9. In your opinion, does this diagram
21 accurately depict that scenario as described in your
22 testimony?

23 **A.** (Examining document.) Okay. Your question
24 was?

25 **Q.** I just wanted to know if you agree that this

1 accurately depicts the scenario described in your
2 testimony.

3 **A.** I can't answer that question, because you
4 used the word "accurately." This is an outside plant
5 drawing done by Mr. Wiley of Sprint concerning
6 facilities for KMC, and I don't know if this
7 accurately depicts how KMC provisioned the circuit or
8 not.

9 **Q.** So you wouldn't know if you would do this
10 any differently? You don't have any suggested changes
11 to the drawing? You just don't know?

12 **A.** It looks reasonable.

13 **Q.** Okay. Thank you.

14 Does KMC have any other customers with a PRI
15 arrangement similar to the one that's described for
16 Customer X? And by similar, I mean with the
17 originating and terminating end points of the PRI
18 being in different local calling areas.

19 **A.** I do not know that.

20 **Q.** Okay. Do you know who would know that?

21 **A.** Marva Johnson would probably be the person
22 that -- if she didn't know, she could find out who
23 did.

24 **Q.** Marva would know? Okay. I'm sorry,
25 Ms. Johnson.

1 Let's turn to your rebuttal testimony for a
2 minute. And on page 2, line 14, you refer to the
3 charge party number assigned to Customer X as the
4 local billing telephone number; correct?

5 **A.** That's correct.

6 **Q.** And so 850/201-0579, is that the billing
7 number for Customer X's Tallahassee PRI?

8 **A.** I would have to check.

9 MR. SELF: What was that number again?

10 MS. MASTERTON: 850/201-0579.

11 THE WITNESS: 850/201-0579 in Tallahassee,
12 right.

13 BY MS. MASTERTON:

14 **Q.** Okay. Now I want you to look at -- this is
15 another discovery response, KMC's response to POD
16 Number 12, and the Bates stamp pages are 417 to 578.

17 MR. SELF: Is that a response to Sprint or
18 staff?

19 MS. MASTERTON: To Sprint, Sprint's POD
20 Number 12. What they are are the bills in a KMC
21 submitted to Customer X.

22 THE WITNESS: We don't have those.

23 MS. MASTERTON: Oh, I only have one copy.

24 MR. SELF: Hang on a second. Was that
25 Sprint's first?

1 MS. MASTERTON: Yes. I think, though, that
2 you actually provided it as a supplement, so it
3 wasn't provided at the same time as the original
4 responses. It might have been Sprint's second.
5 I took it out of the book. It's POD 12. They're
6 in order. I don't remember which.

7 MR. SELF: Is there a Bates number?

8 MS. MASTERTON: Yes. It's 417. It starts
9 at 417.

10 MR. SELF: I'm not having a lot of success
11 finding this. Maybe we can just share a page.

12 MS. MASTERTON: I'm happy to share it, yes.
13 I don't have -- that's fine. I'm not going to
14 make it an exhibit. I'll give this to you to
15 look at, and then --

16 MR. SELF: If you would just identify what
17 pages we're looking at, just so that the record
18 would be clear.

19 BY MS. MASTERTON:

20 Q. Okay. I'm going to ask you a question.
21 This is KMC's response to Sprint's POD Number 12.
22 It's Bates stamped pages 417 through 578. I'm going
23 to give you this whole set. They're the customer
24 bills that KMC submitted to Customer X.

25 Let's get back. You had said 850/201-0579

1 is the billing number for Customer X's Tallahassee
2 PRI; correct?

3 A. Uh-huh.

4 Q. Could you show me on those bills where that
5 number appears?

6 A. I don't believe that it appears here.

7 Q. So when you say it's the billing number,
8 what do you mean?

9 A. If one looks at the internals of the billing
10 system, this customer has an account number, 0892.
11 And as we create the bill, what you see here on the
12 bill, these items are the dedicated transport
13 facilities that the customer is paying for, and so it
14 shows the loop for the transport and the local charges
15 for the PRI. But it was a flat-rated PRI, so we
16 weren't charging for usage.

17 So what does not appear here is a telephone
18 number showing the usage against it, but in the
19 internals of the billing system, it knows that that
20 account maps to the 850-201 billing telephone number.
21 So when we created a call record for each call, it
22 would guide from that call, that number, to this
23 account if I was to bill the usage.

24 But again, these PRIs were flat-rated, so
25 there wasn't going to be any usage charged, with the

1 exception that if they exceeded 400,000 minutes of use
2 in a month, then there was a provision to charge them
3 for that additional usage. So the reason the number
4 doesn't show up here is because there isn't an end
5 usage to that. That's just a formatting issue of the
6 bill.

7 **Q.** So you didn't need the billing telephone
8 number to bill Customer X? Is that what you're
9 saying?

10 **A.** No, I'm not saying that. I'm saying in the
11 format that you're looking at here, this is the actual
12 bill that was presented to the customer. And they
13 were paying for the use of this dedicated service.
14 There wasn't any usage. There wasn't -- therefore,
15 just in the idiosyncrasies of the billing system, it
16 doesn't put down the number. It doesn't show zero
17 usage with it. It's just not there.

18 But what I'm saying is, if you look at the
19 account, the way the order was provisioned, the way
20 the account was established, if you look under that
21 account number in the billing system, you'll find that
22 the billing telephone number is the 850/201-XXXX
23 number. The switch was provisioned that way so that
24 each call that was made, each local call on the PRI,
25 it was creating a record that tied that date, time,

1 and duration to that billing number.

2 Q. So what happened to those records?

3 A. Well, the process was, we weren't planning
4 to bill the customer. We created the records. At the
5 end of the month it was checked to see if the customer
6 had exceeded the cap. Not having exceeded the cap,
7 the records were flushed.

8 Q. Okay. How does the customer know what
9 number those bills are for?

10 A. How does the customer know what number those
11 bills are for? It knows that it has its account. It
12 knows what numbers it was given. It knows they
13 wouldn't expect to see -- in a typical bill, if you
14 were charging for usage, there would be another
15 section which would show the usage. So it knows what
16 its numbers were. They were working numbers. They
17 knew, though, that they weren't paying for that. They
18 were paying for the facility here.

19 Q. So you're saying you only need a billing
20 telephone number if you're going to bill based on
21 usage?

22 A. I'm saying that you would expect to see the
23 billing telephone number on a bill where it is not
24 flat rate, but usage sensitive. It's not on this
25 formatted bill because they're zero. But there is a

1 billing telephone number. It was used. The customer
2 knew what it was.

3 Q. What was it used for?

4 A. When the service was provisioned -- this
5 would be the PRI. As with any of KMC's PRIs, when
6 it's provisioned, translation engineers, in writing
7 their script and putting all the different information
8 into the switch, provide the switch with the telephone
9 number range, which this is, and then it provides the
10 billing number for that group of trunks, and said that
11 all is going to roll up to this billing telephone
12 number. That was all completed in the ordering and
13 the provisioning when the account was established.

14 What you're looking at here is a document
15 that is the customer, which for purposes of -- we're
16 all business people. You want a bill that tells you
17 what you want to know and doesn't tell you a bunch of
18 stuff that you don't care about. They didn't care
19 about the fact that they had this number with zero
20 usage on it. We as business people try to minimize
21 the expense of printing bills, so we shorten the bill
22 up as best we can.

23 So it's not here, but it is with that
24 account. It was provisioned. It did exist. Every
25 call that went through created a record that said this

1 billing telephone number is the charge number for this
2 call.

3 Q. When you said zero usage, you didn't mean no
4 usage. You meant no billable usage.

5 A. No billable usage.

6 Q. Okay. You said something about the ranges
7 of the telephone numbers. I don't have that in front
8 of me. What are they on there?

9 A. Again, I believe the format of this bill
10 doesn't include that.

11 MS. MASTERTON: Okay. Thanks. I'm going to
12 take a short break.

13 (Short recess.)

14 BY MS. MASTERTON:

15 Q. Just one more question. I think when we
16 ended up, we were talking about the bills to Customer
17 X, and you said you don't put the number on them
18 unless there's a usage charge. Do you know if there
19 are any other customers of KMC with PRIs where you
20 don't bill for usage?

21 A. I don't really know.

22 Q. Do you know who would know?

23 A. I could ask that question.

24 Q. I think I would like to do that as a
25 late-filed deposition exhibit, whether there are other

1 customers. And if there are, if you could provide
2 copies of not necessarily all their bills, but an
3 example of another customer bill where the billing
4 telephone number does not appear on the bill.

5 MR. SELF: Just so I'm clear, Late-filed
6 Deposition Exhibit Number 1 --

7 MS. MASTERTON: Two, because we labeled that
8 diagram as Deposition Exhibit 1.

9 MR. SELF: Thank you. I'm sorry. And what
10 is the request?

11 MS. MASTERTON: Does KMC have other
12 customers with PRIs where they don't bill for
13 usage.

14 THE WITNESS: Flat rate.

15 MS. MASTERTON: And I guess I want to phrase
16 this, to the extent the answer is yes, an example
17 of bills to those customers, not all their bills,
18 but an example.

19 MR. SELF: Maybe to make the question
20 simpler, are there other KMC customers with flat
21 rate PRIs.

22 MS. MASTERTON: If that means the same thing
23 as they don't bill for usage, then okay.

24 MR. YORKGITIS: If there's a billing
25 arrangement that is comparable in structure to

1 that which Customer X received.

2 MS. MASTERTON: Well, I don't want to narrow
3 it too much.

4 MR. SELF: A non-usage bill.

5 MS. MASTERTON: Yes.

6 MR. SELF: And then if the answer is yes,
7 then you would like to see examples of those
8 customer bills.

9 MS. MASTERTON: Yes. I'm not asking for
10 every bill that was given to them, but a
11 representative example.

12 MR. POAG: Could I just qualify that to
13 state that we're interested in the local PRIs
14 that are flat-rated, and we're just talking about
15 local usage.

16 MS. MASTERTON: Thank you.

17 MR. SELF: Thank you, Ben.

18 MR. YORKGITIS: Redacted, of course, any
19 customer information.

20 MS. MASTERTON: Yes, yes. We're not looking
21 for the names.

22 MR. SELF: Okay.

23 (Late-filed Deposition Exhibit Number 2
24 identified.)

25 BY MS. MASTERTON:

1 **Q.** Mr. Twine, do you have any other connections
2 with Customer X besides the PRIs that we're talking
3 about in this case?

4 **A.** Physical connections?

5 **Q.** Yes.

6 **A.** Having reviewed the bills, the only thing
7 that we had with Customer X was those connections that
8 you saw, the PRIs.

9 **Q.** So KMC doesn't have any SS7 trunking
10 arrangements with Customer X?

11 **A.** No, not that I'm aware of.

12 **Q.** And I should qualify that, in Florida. I'm
13 talking about in Florida?

14 **A.** Not that I'm aware of.

15 **Q.** Okay. Can you turn to your rebuttal
16 testimony on page 4, line 22, and then spilling over
17 onto page 5, line 1. What you're saying here is that
18 for telecommunications traffic, the calling party
19 number is used to determine the jurisdiction of the
20 call; is that correct?

21 **A.** (Examining document.) Okay. Now, for
22 clarification, your question was?

23 **Q.** I'm saying that you are saying that for
24 telecommunications traffic, the calling party number
25 determines the jurisdiction of the call; correct?

1 **A.** I'm not going to answer that as a yes or no,
2 because I think that's taking that line out of context
3 of the entire paragraph here in terms of the answer.

4 **Q.** Well, can I read it to you and just ask you
5 to confirm that that's what it says? "If the traffic
6 were telecommunications traffic, then the calling
7 party number, not the charge number, would be used to
8 determine jurisdiction, as stated in the
9 interconnection agreement." Is that an accurate
10 reading of what you said?

11 **A.** However, the question that's being asked is,
12 "Does the Agilent study make other mistakes?"

13 **Q.** But I'm not asking you about the Agilent
14 study. I don't want to talk about that. That's the
15 question you asked yourself, but what I'm asking you
16 is what you mean by this sentence that starts on line
17 21 and ends on line 2, page 5.

18 **A.** But I'm looking at the intent of this.
19 We've already said something about enhanced services
20 or regulated telecommunications traffic, and now we're
21 down here saying --

22 **Q.** Well, let me just ask if you agree with that
23 statement. If the traffic is telecommunications
24 traffic, then the calling party number, not the charge
25 number, is what would be used to determine the

1 jurisdiction. Do you agree with that statement?

2 **A.** The call that Customer X places from
3 Tallahassee to Tallahassee has a calling party number
4 that -- let's go back to Atlanta, Georgia. It's an
5 enhanced service that is now establishing a call that
6 is this local call in Tallahassee. So by the nature
7 of what I'm saying, it's a local call.

8 Now, what's in the calling party number, as
9 we've said before, things can be put in there that the
10 customer's CPE can create numbers. And if we were
11 then to say in this line that if the traffic were
12 telecommunications traffic and our local call is
13 telecommunications traffic, but it has a calling party
14 number of some spot outside of Tallahassee, if you
15 were to say then that because it's a calling party
16 number that's out of state, then you could use that to
17 determine the jurisdiction and say this is a call that
18 one could charge interstate access on, then I'm saying
19 no, that would not be correct.

20 **Q.** Okay. Let's forget Customer X for a minute
21 and just speak generally about telecommunications
22 traffic. You're saying that it's not the case that
23 the calling party is the number that determines the
24 jurisdiction of the telecommunications call as opposed
25 to the charge party number, which is what you state

1 here? Is that what you're saying?

2 **A.** Well, I'm reading this as -- we're talking
3 clearly about the Agilent study and Customer X.

4 **Q.** Well, let's forget that. Let's just talk
5 about it generally.

6 **A.** I follow you. I'll go back to my call from
7 the patient in Atlanta to the clinic in Tallahassee,
8 with the doctor at his home office in Tallahassee.
9 Then the call that you would be looking at would be
10 the local call that was placed from the clinic's PBX
11 to the doctor's home office. So it's a Tallahassee to
12 Tallahassee call, but the calling party would still
13 show the number in Georgia as -- for customer ID
14 purposes, there it is. And you can't take that call
15 now and say that's an interstate call subject to
16 access, because that has already been done in the
17 first call. This is the local call.

18 **Q.** Okay. Let me ask you something. In the
19 call example you're using, the call-forwarded number,
20 the Atlanta person who is not a customer of anybody
21 that we know that's here today, calls a KMC customer
22 in Tallahassee.

23 **A.** Right.

24 **Q.** And it goes to that KMC number, and then KMC
25 forwards it -- it's still in the KMC network -- to the

1 doctor's home, and that's a KMC customer as well?

2 **A.** No. I was using Sprint.

3 **Q.** So you're saying somebody calls from
4 Atlanta, and they call a KMC customer doctor, and then
5 KMC forwards it to a Sprint customer, and that's a
6 local call? Is that what you're saying?

7 **A.** Which is the doctor, yes. I'll draw the
8 picture again. I see a patient who happens to be in
9 Atlanta on business and needs to talk to their doctor
10 to get their prescription refilled. They call from
11 Atlanta to Tallahassee, to the clinic. That's a
12 complete call. And there's access on that call that
13 went from BellSouth through AT&T through the Sprint
14 tandem to the KMC central office. That's a completed
15 call, and there's terminating and originating access
16 that's charged on that call. And the originator is
17 the calling party number, which is 404-something.

18 Now, that call is forwarded. We've got
19 another record. We've got another call, which is that
20 when it got to the PBX, the doctor isn't in the office
21 today, he's working from the home office, so that
22 second call is originated to his home. And there is a
23 record that's created for the call that went from the
24 PBX to the KMC office to the Sprint office to the
25 customer. And if you were to take that record for

1 that local call and look at the calling party number
2 and say that that determines the jurisdiction to be
3 interstate, I'm saying that would be incorrect.

4 Q. So you're saying that that's what the SS7
5 records would look like? They would show a call
6 originating in Atlanta, terminating in Tallahassee,
7 then originating again and terminating again in
8 Tallahassee, and all of that would show on the call
9 records that Sprint gets when it gets forwarded to its
10 doctor customer that the call gets forwarded to?

11 A. I believe that it would have a calling party
12 number that would be the 404 number. The called party
13 number would be the doctor's home office. The charge
14 number would be the PBX, the billing telephone number.

15 Q. But you're saying KMC would get the access
16 charges in that case?

17 A. No, that would be a local call I just
18 described from --

19 Q. From Atlanta to the number in the middle.
20 You said access charges were involved with that, but
21 you then said the called number was the Sprint
22 customer; right? That's what you just said, the
23 called party would be the doctor's home phone --

24 A. No, no. I'm sorry. I would love to go to a
25 board and draw this picture. We start with a box in

1 Atlanta.

2 Q. Okay. I'm going to write this down.

3 A. And let's call it BellSouth.

4 Q. Let's say it's a patient. Right?

5 A. Right.

6 Q. And the local phone company is BellSouth.

7 A. Right.

8 MR. SELF: Can I suggest that maybe
9 Mr. Twine can write it on this blank piece of
10 paper, and you can identify it as an exhibit if
11 you wish.

12 MS. MASTERTON: Okay. Can we go off the
13 record for a second? We're just going to take a
14 short break.

15 (Short recess.)

16 MS. MASTERTON: Okay. We're back on the
17 record, and we are going to make this an exhibit.

18 MR. SELF: Then let's identify it first.

19 MS. MASTERTON: Yes. It's going to be 3.

20 MR. SELF: So this is Deposition Exhibit
21 Number 3.

22 MR. POAG: Call diagram.

23 MS. MASTERTON: Call forwarding diagram.

24 (Deposition Exhibit Number 3 was marked for
25 identification.)

1 MR. SELF: All right. Charge on.

2 BY MS. MASTERTON:

3 Q. Go ahead.

4 A. Okay. We have a patient in Atlanta calling
5 the doctor's office.

6 Q. Okay.

7 A. Some 404 number there is going to be the
8 calling party number. Their call is really a line off
9 the BellSouth office to the BellSouth tandem, because
10 they're going to call long distance, and it just
11 happens to be AT&T. This is all in Tallahassee over
12 here, so through the Sprint tandem down to the KMC
13 office over the PRI to the KMC customer, the clinic,
14 doctor's office. Now, the doctor is not in, but the
15 doctor, using the clinic's CPE, has forwarded that
16 call to his home office.

17 Now, you have here a complete call. This
18 call originated here, and it terminated here when it
19 got to this CPE here. There's access, originating
20 access due BellSouth and terminating access due here
21 in Tallahassee. I would assume that you charge the
22 tandem rate, and we charge the end office rate for
23 that call.

24 Now, this CPE is programmed, though, that
25 this doctor says, "I want to receive my calls. I'm

1 just working from my home." And he happens to be
2 served by Sprint. So it comes back on the PRI to the
3 KMC office, which routes it to the tandem, which
4 routes it to the Sprint end office, and the phone
5 rings here. And this is the called party.

6 Q. But what number did the person in Atlanta
7 call?

8 A. They called this number.

9 Q. So that was the called party for the --

10 A. For the first call, right.

11 Q. Okay.

12 A. And that would have this calling here, and I
13 don't know about the charge party.

14 Q. What's the calling number for the number for
15 this call?

16 A. The calling number for this call is still --
17 this customer is still there. That number is there.
18 So that's the calling party. It picks up the billed
19 telephone number here from the PRI. That's the charge
20 number. I'll just put that. And the called number is
21 this one here, which is the doctor's office, and
22 that's a local call. And on that call, the charge
23 number is there. The called number is there. What is
24 the calling party number? It's this one back here.

25 Q. So you're saying the doctor's office number

1 wouldn't show up on the SS7 records?

2 **A.** This would show up, the billing telephone
3 number for all the numbers on the PBX.

4 **Q.** And that's going to be different from the
5 number that the patient called.

6 **A.** Right. I shouldn't say that. It could be
7 the number that they called. It could be the main
8 number of the switchboard, or it could be the
9 individual doctor's office.

10 **Q.** Okay. But for the purposes of this call,
11 this number is the originating number; right?

12 **A.** This number is the calling party number.

13 **Q.** Okay. So you're saying it's not true that
14 for telecommunications -- so this statement you made
15 in your testimony, you're taking that back, basically,
16 on page 4 and 5? You're saying that's not really
17 necessarily true; is that right?

18 **A.** I guess in answering this question on line
19 11, the intent was saying that the enhanced service
20 traffic was an exception and that you could then
21 default to this other. But in fact, we've got
22 examples that say this was probably incomplete in the
23 global sense, and it was more directed towards what
24 was the intent of the question.

25 **Q.** So what does determine the jurisdiction of

1 the call for telecommunications traffic?

2 **A.** That's a good question.

3 **Q.** And your answer?

4 **A.** There would be many answers to that. As we
5 said already, the fact that an enhanced service
6 provider is making local calls, you can't go looking
7 at the charge -- I'm sorry, the calling party number
8 and comparing it to the called party number.

9 **Q.** Is that a usual situation where the calling
10 party number would not be the appropriate number to
11 look at to determine jurisdiction?

12 **A.** For enhanced --

13 **Q.** For telecommunications service.

14 **A.** For the bulk of the calls, that would be
15 what one would use.

16 **Q.** You mentioned the interconnection agreement
17 on page 5, line 2. What does the interconnection
18 agreement say about how you determine the jurisdiction
19 of traffic? Do you know?

20 **A.** Marva would have to clarify that.

21 **Q.** So you don't know?

22 **A.** No.

23 **Q.** Okay. What determines the jurisdiction of
24 traffic for an enhanced services call?

25 **A.** What determines the jurisdiction? I believe

1 that's in the FCC ruling.

2 Q. And what does that say?

3 A. Again, I'm only the -- in this position, I
4 am the billing person who took direction from the
5 regulatory world, and you would have to really speak
6 to someone who is more an expert in the law.

7 Q. And that would be?

8 A. I believe you can talk to Mr. Calabro or
9 Ms. Johnson.

10 Q. Okay. Let's look at your rebuttal testimony
11 on page 5 still, line 9. And you say basically -- I'm
12 going to paraphrase here. You talk about the PRI
13 customer placing a call, and I wanted you to describe
14 to me how Customer X placed the call.

15 A. I don't know.

16 Q. What do you mean, you don't know?

17 A. I don't know exactly what Customer X was
18 doing.

19 Q. Customer X is KMC's customer; correct?

20 A. Customer X is KMC's customer.

21 Q. And KMC provided the service that allowed
22 Customer X to place the call; correct?

23 A. That's correct.

24 Q. But you don't know how that service was
25 used? Is that what you're saying?

1 **A.** I don't know how that service was used. I
2 don't know what CPE they were using.

3 **Q.** Does anybody at KMC know that? In other
4 words, when you do this PRI arrangement, do you need
5 to know the customer premises equipment that the PRI
6 is being connected to?

7 **A.** I don't believe that we needed that to
8 provision the service. Oftentimes service is provided
9 to a demarcation point, and it's the customer's
10 responsibility to deal with their CPE vendor.

11 **Q.** So in this case, the cross-connect was not
12 connected to the Customer X's CPE?

13 **A.** The cross-connect, which I believe I refer
14 to as the local loop, which is really just a very
15 small jumper between the DS3 and the actual
16 demarcation point of the circuit -- and this to me is
17 standard in today's world where telephone companies
18 aren't the end-all from the instrument to the
19 instrument. We provided the PRI service to the
20 customer, took that small jumper and more than likely
21 brought it to some sort of a binding post, a terminal
22 strip, and the customer, using their CPE vendor, would
23 have taken that to their equipment.

24 **Q.** Is that what happened?

25 **A.** I was not there. I would assume.

1 **Q.** But KMC would know for sure what happened;
2 right? Somebody in KMC would know; right?

3 **A.** I'm sure somebody, the final installer that
4 had oversight to -- well, I shouldn't even say
5 installer, because it's quite possible that whoever we
6 leased the facilities from did the work. So KMC might
7 not have been there at all.

8 **Q.** But it's KMC's facility; correct?

9 **A.** No, it's not.

10 **Q.** But it's being provided to the customer by
11 KMC; correct?

12 **A.** The transport is being provided to the
13 customer by KMC. The facility is leased. Now, the
14 facility that I'm talking about is the transport. The
15 transport, as we discussed earlier, probably appears
16 somewhere in a -- its could be a manhole, it could be
17 a carrier hotel, or it could be a central office, but
18 it's not KMC's.

19 **Q.** But the cross-connect -- I guess I'm
20 confused. Who provides that?

21 **A.** The cross-connect could have been -- well,
22 first of all, let me ask when you say provides, what
23 do you mean by provides?

24 **Q.** Who physically does the work to provide it,
25 and who is the provider who bills it and is

1 responsible for the service for the customer?

2 **A.** Well, if we were purchasing that, leasing
3 that from some third party, they would have billed
4 KMC, and KMC would have billed Customer X.

5 **Q.** So you're saying that KMC's facilities were
6 likely not involved in the traffic until it got
7 transported by this third-party provider down to
8 Fort Myers or up to Tallahassee; is that correct?

9 **A.** Clearly, clearly.

10 **Q.** So that's when KMC first became physically
11 involved in the traffic that originated in Orlando, is
12 in Fort Myers or Tallahassee; correct?

13 **A.** Let me understand "physically." This is
14 what I think I'm hearing, is where is the actual KMC
15 physical asset that KMC owned engaged in our
16 discussion.

17 **Q.** Right.

18 **A.** Okay. That would be at the near end of the
19 DS3.

20 **Q.** And the near send is what? I don't know
21 what that means.

22 **A.** I don't know exactly where the connection
23 takes place. That's why the drawing you had --

24 **Q.** What does "near end" mean? I don't know
25 what that means.

1 **A.** Well, if you look at the DS3, you have a far
2 end and a near end.

3 **Q.** Right. Which is which? In the Customer X
4 situation, which is the far end and which is the near
5 end?

6 **A.** Well, it's easier, being a KMC person, to
7 talk about it from my perspective. From my
8 perspective, the near end is close to my central
9 office. The far end would be the other dimension from
10 the near end.

11 **Q.** Okay. So the local loop, that was probably
12 provided by a third-party provider; right?

13 **A.** The local loop is this cross-connection, a
14 jumper that takes it from the far end of the transport
15 and brings it to some demarcation point, where the
16 customer will attach their CPE to make the circuit
17 complete.

18 **Q.** But did KMC provide the local loop? Did KMC
19 physically provision the local loop?

20 **A.** I doubt that, because it was not our plant
21 facility that it was transitting on. So more than
22 likely, when we ordered -- in provisioning the
23 circuit, when we ordered the circuit from a third
24 party, part of what that third party would do is
25 engage in the actual connection of the far end of the

1 DS3 to the demarcation point.

2 Q. Okay.

3 A. And they might have assisted the CPE vendor.

4 Q. Okay. Thank you.

5 Let's turn to your rebuttal on page 7,
6 starting on line 20. You state that since KMC
7 understood that Customer X was an enhanced service
8 provider, the traffic that passed over the PRI groups
9 leased by Customer X was entitled to local treatment
10 and would have been exempt from access charges
11 regardless of the calling party numbers associated
12 with the traffic; is that correct?

13 A. Yes, that is correct.

14 Q. And I believe you said that Customer X
15 originated these calls in Orlando; correct?

16 A. I believe that Customer X originated the
17 calls in Tallahassee or Fort Myers.

18 Q. Let's go over this again then. Where was
19 Customer X physically located?

20 A. Physically, their CPE was at the end of our
21 long loop from Tallahassee or from Fort Myers.

22 Q. So maybe you need to explain to me again how
23 they originated it in Tallahassee when they were
24 located in Orlando.

25 A. From my perspective, the enhanced service

1 provider procured local PRIs with local numbers from
2 KMC. And by our definition, the way it was
3 provisioned, the way it was engineered, it was a local
4 service, and therefore, those calls which they were
5 making locally in Tallahassee and Fort Myers were in
6 fact local calls, originating in Tallahassee and
7 calling Tallahassee, originating in Fort Myers and
8 calling Fort Myers.

9 Q. What is KMC's definition of local? You said
10 "by our definition."

11 A. Our definition of what a local PRI is is
12 clearly stated in our documentation, and what we sell
13 would be our tariffs. And the service was provisioned
14 to our Customer X using this long loop to its CPE, but
15 it was making local calls from our office to other
16 customers in Tallahassee or in Fort Myers.

17 Q. And what made them local? I know I asked
18 you, but then you say things that confuse me. I'll
19 move on after this, I promise.

20 A. Okay. It's local because that's the service
21 that the customer purchased, and that's what we
22 provisioned, and that's what was utilized.

23 Q. But it doesn't have anything to do with the
24 beginning and end points of the call. Is that what
25 you're saying?

1 **A.** I'm saying from my perspective, it was a
2 service which we're allowed to sell and was sold. We
3 provisioned it that way, and they moved it that way.

4 **Q.** So if a customer in California wanted a long
5 local loop to Tallahassee, would you provide that?

6 **A.** That would have to be answered by somebody
7 else.

8 **Q.** So you don't know?

9 **A.** That one, I don't know.

10 **Q.** So is it the telephone number, the charge
11 party number that makes the call local by KMC's
12 definition?

13 **A.** By our definition, it's the PRI service
14 that's local, and it's a result of the PRI that there
15 is a charge party number which relates to the service.
16 So therefore, the charge party number is local, and
17 the called parties would be whoever they're calling.
18 And they were calling locally.

19 **Q.** On page 8, lines 2 through 4, you say KMC
20 routed calls to Sprint based on standard routing that
21 is used in connection with all local calling between
22 KMC's customers and Sprint's customer. So you're
23 saying this PRI service where the CPE is in Orlando
24 and the terminating end user is in Tallahassee, that's
25 standard routing? Is that what you're saying?

1 **A.** The standard for a local call is over the
2 local interconnection trunks. That's what I'm saying.

3 **Q.** So you're saying if KMC sends a call over
4 Sprint's local interconnection trunks, then it is a
5 local call regardless of any other factors?

6 **A.** I'm saying it's our intent to do what we
7 agreed to do and that this traffic that we're
8 discussing is deemed local traffic; therefore, that
9 should be sent and was sent over the local
10 interconnection trunks.

11 **Q.** Well, what made it -- never mind. That's
12 okay. And you're saying it's standard industry
13 practice to do that? That's standard routing for KMC,
14 do you mean, or is that standard routing in the
15 industry?

16 **A.** I believe it's standard routing in the
17 industry. I believe that that's exactly what we would
18 expect from Sprint, that if it was a local call, you
19 would send it to me on the local intermachine trunks,
20 and if it was not a local call, I would see it on my
21 access trunks.

22 **Q.** Well, do you think it would be standard for
23 Sprint to provision a PRI service that began in
24 Orlando and terminated in California and call it
25 local, or do you think that would be standard for

1 Sprint?

2 **A.** I don't really know what's standard for
3 Sprint.

4 **Q.** But you said --

5 **A.** I would expect local calls on local
6 intermachine trunks. That's what I said.

7 **Q.** So when you said standard, the only part of
8 this you're saying is standard is what? What do you
9 mean by standard routing? I guess I should ask you
10 that, because I think I misunderstood that.

11 **A.** Again, that a local call is sent from KMC to
12 Sprint on a local intermachine trunk, a trunk
13 designated for local traffic.

14 **Q.** So you're just saying that if a call is
15 local, then it's standard to route that over local
16 interconnection trunks?

17 **A.** That's correct.

18 **Q.** But you're not saying the routing of it over
19 local interconnection trucks is what determines
20 whether it's local?

21 **A.** I think that the standard is to send local
22 over local. The responsibility of determining
23 jurisdiction is at the other end.

24 **Q.** The other end? What's the other end?

25 **A.** If I was sending you the traffic, it would

1 be your responsibility to determine what is the proper
2 jurisdiction of that traffic.

3 Q. So it's not the interconnection agreement?
4 It's the receiving party's interpretation.

5 A. Okay. I believe that in following the
6 interconnection agreement, one would expect local to
7 be in local, and I'm saying that's what we do. Does
8 that automatically make it local? That was the
9 intent. But if the party at the other end says,
10 "Something doesn't look right here," then it's their
11 responsibility to determine what is the proper
12 jurisdiction and to take appropriate action.

13 Q. Isn't that what Sprint has attempted to do
14 in this case?

15 A. I believe that's the discussion we're
16 having. And to this point, I stick to -- we have a
17 local customer with local calls which we're sending to
18 Sprint on a local intermachine trunk, and that's the
19 proper thing to do.

20 Q. And then you said that it's up to the
21 receiving party if they think there's something wrong
22 to challenge that and try to ensure that it's being
23 done properly. Isn't that what you said?

24 A. That would be what I would expect, but then
25 I would expect that there would be some proof that in

1 fact there was something amiss. What I would expect
2 first is that there would be some -- two parties have
3 entered into a contract with consideration on both
4 sides, that there would be some trouble process that
5 one would go through, because we know that things do
6 happen in trunking, and someone could have ordered a
7 trunk assuming that it was to be provisioned as
8 access, but in fact it was provisioned as local. So
9 someone could see that the results of the transit of
10 information doesn't look right, and so we would
11 probably see a history of discussions held in the
12 network area saying, "This doesn't look right," that
13 this is something that maybe was a problem, and maybe
14 it was, and then it was fixed. If that wasn't the
15 case, then I would expect there would be some sit-down
16 and discussion around what is going on here to gain a
17 better understanding.

18 For instance, if the trunks were trunked
19 correctly and the recipient of the traffic still sees
20 that I'm looking at something that says calling party
21 and called party are just in the kind of buckets that
22 say this should be access, then a discussion around
23 that's how that appeared, but in fact it's an enhanced
24 call, that it's a local call from an enhanced service
25 provider, which says that it's not subject to access,

1 that that would have taken place. I mean, these
2 things happen.

3 Q. Are you aware that Sprint and KMC did have
4 discussions almost a year prior to this complaint
5 being filed?

6 A. I haven't found the documentation. I
7 personally was not involved in it.

8 Q. So you don't know about that?

9 A. No.

10 MS. MASTERTON: Okay. I don't have any
11 further questions.

12 CROSS-EXAMINATION

13 BY MS. KEATING:

14 Q. I have just a few for staff. And I don't
15 want to seem like I'm beating a dead horse, but I
16 really want to make sure I understand how these
17 scenarios play out.

18 A. Okay.

19 Q. But let me start out with something pretty
20 basic. I want to make sure I understand the PRI
21 service that KMC was providing to Customer X.

22 Is PRI service essentially like dedicated
23 services between two points? I mean, is it like it's
24 dedicated between the Orlando and Tallahassee points
25 of presence for KMC?

1 **A.** The PRI is a service between a customer and
2 KMC.

3 **Q.** But it provides dedicated service between
4 Orlando and Tallahassee?

5 **A.** It provides service, a bandwidth for that
6 customer to both send and receive calls.

7 **Q.** Are you familiar with foreign exchange
8 service at all?

9 **A.** It has been a long time since I've had
10 anything to do with foreign exchange service.
11 Conceptually, I know what you're talking about.

12 **Q.** Is the PRI service that was provided to
13 Customer X similar to that type of service?

14 **A.** When you think of a long loop which is used
15 in this customer's provisioning, there's something
16 that resonates with FX. However, that's really
17 something that is the outside my knothole. I'm the IT
18 and the billing guy, so someone else would have to
19 really fulfill that discussion.

20 **Q.** Okay. I almost hate to do this, but let's
21 go back to the call from Atlanta, that scenario.

22 **A.** Sure.

23 **Q.** Just to make sure I understand, KMC
24 considers the call from Atlanta to the clinic to be an
25 entirely separate call from the call-forwarded portion

1 of the call to the doctor's home; is that correct?

2 **A.** We see that as two calls.

3 **Q.** Okay. Are there two separate call records
4 for those two portions of the call?

5 **A.** Yes, there are.

6 **Q.** There are two separate SS7 records?

7 **A.** There are multiple SS7 records. Every hop
8 has an SS7 record.

9 **Q.** Okay.

10 **A.** And we would expect that the call records
11 that we saw to KMC -- I would see an inbound
12 terminating access call coming in from the Atlanta
13 person, and we would in fact be working with Sprint to
14 get copies of the tandem tapes, because that's how we
15 bill our terminating access because of the CIC code
16 issue. And so we would expect, having gotten those
17 records, that Sprint also created their switch records
18 for that call and billed their part of the access, and
19 we billed our part of the access.

20 And the second part of the call is now a
21 local call that the CPE is able to loop through, and
22 it originates a call, which is local, from Tallahassee
23 to the doctor's home in Tallahassee. We would now
24 create an originating record, local. It would go
25 through the -- I'm saying the tandem to the end office

1 to the customer. And Sprint would be creating records
2 as well to bill us reciprocal compensation for
3 terminating our local call.

4 So the accounting for these two calls
5 jumps -- there are SS7 records for every hop. There
6 are AMA records that the switches are creating.
7 Automatic Message Accounting, the AMA, the standard
8 billing records are created. And Bell would have
9 theirs, and they would be billing the customer for the
10 call they made. They would have their records for all
11 of the originating access, and we would have our
12 records for the terminating access. We would create
13 records for the creation of the second call, and so
14 would Sprint.

15 So we've got SS7 records, AMA records, and
16 accounting in terms of the billing. So everything is
17 there in the process, in the way things work in our
18 industry. And at the end of the day, when the doctor
19 answered that call and the patient got their
20 prescription refilled in Atlanta, all was well, and
21 everything has been accounted for in our world as
22 well.

23 But it can be confusing, because that second
24 call does have a calling party number that says
25 Atlanta, Georgia, and a called party in Tallahassee,

1 Florida. So everything comes together nicely in terms
2 of how that customer actually reached the doctor in
3 his home office, how the transport of the call worked
4 through all the various carriers that were connected,
5 and how the records were there so that everything
6 could be billed. And that happens on a daily basis.

7 **Q.** So when the call ends up terminating at the
8 clinic, why doesn't the calling party number then --
9 in your scenario, why doesn't the calling party then
10 become for that second call record the clinic number?

11 **A.** The way this works is that the doctor or
12 anyone else who happens to be receiving calls in
13 today's world wants caller ID. He wants to know who's
14 calling me. You know, the doctor doesn't want to
15 think that the clinic is calling him. The doctor
16 really wants to know it's his patient, who he told,
17 "If you have an emergency, be sure to call me." Well,
18 boom, you know, there's the person calling him.

19 **Q.** Now, going back to the customer that's
20 making the call from Atlanta, to that customer, it's a
21 long distance call?

22 **A.** It's a long distance call, and to the clinic
23 it's a local call.

24 **Q.** Okay.

25 **A.** And that's a good way of thinking of the two

1 calls. That customer will get billed for that long
2 distance call.

3 Q. Does that scenario change at all if the
4 traffic being sent from Atlanta is enhanced services?

5 A. Ask that question again.

6 Q. If the customer is actually sending data as
7 opposed to making that telephone call.

8 A. Sending data to?

9 Q. E-mailing the clinic. Would that make a
10 difference?

11 A. If the customer had a computer and they used
12 dial-in to the clinic, that would be a telephone call.

13 Q. Okay. So does KMC differentiate at all --
14 strike that. Can KMC tell if the traffic that it's
15 carrying for its customer, the clinic, whether the
16 traffic it receives is enhanced services traffic?

17 A. No. That discussion we've had even recently
18 in these depositions, that we can't tell and Sprint
19 can't tell.

20 Q. Now, when KMC agreed to provide customer
21 access through PRIs, did KMC understand that Sprint
22 used the charge party number to determine the
23 jurisdiction of the call?

24 A. I don't believe we knew that. I certainly
25 didn't.

1 **Q.** Do you know when KMC became aware that that
2 was Sprint's perspective on determining jurisdiction?

3 **A.** I did through reading the documentation of
4 the dispute.

5 **Q.** Do you know if the use of the charge party
6 number to determine the jurisdiction of a call is
7 common industry practice?

8 **A.** I don't know that.

9 **Q.** Let me try a slightly different scenario.

10 **A.** Okay.

11 **Q.** And actually, let's use the actual PRI
12 between Orlando and Fort Myers. A customer in Fort
13 Myers calls the local Fort Myers number that's
14 provided to Customer X by KMC. KMC treats that as a
15 local call --

16 **A.** Sure.

17 **Q.** -- between Fort Myers and Fort Myers?

18 **A.** Fort Myers and Fort Myers.

19 **Q.** And KMC has a point of presence in Fort
20 Myers; correct?

21 **A.** KMC has a central office in Fort Myers.

22 **Q.** Okay. Is KMC viewing that as a local call
23 because it terminates in Fort Myers and then is picked
24 up as a separate part of the call that goes back to
25 Orlando?

1 **A.** KMC sees that as a call from Fort Myers to a
2 number in Fort Myers, where that number appears on the
3 KMC switch.

4 **Q.** How would you define a local call?

5 **A.** This would be a situation where in my
6 billing world, that's provided to me, saying here are
7 all the numbers from which someone on our switch can
8 call someone, and that would be translated in the
9 switch, and a local record would be produced. So
10 that's kind of a technical answer of what I'm looking
11 at in terms of billing. I'm looking at a switch that
12 knows that anyone having dial tone off our switch
13 dialing any of these NPA-NXXs, that a local call
14 record would be produced for that call.

15 Now, that decision of what includes the
16 NPA-NXXs that are in the local calling area of that
17 particular location for KMC would be something that
18 had been discussed and documented, and that would be
19 by Ms. Johnson, the regulatory group.

20 **Q.** But just so I understand how you understand
21 it, you define it based on the service that KMC had
22 provided to the customer. In other words, if a
23 customer thinks he's buying local service, that's how
24 you define local service; is that right?

25 **A.** If the customer ordered local service and

1 that was what was accepted and engineered and
2 provisioned, to me, that's local service, because what
3 happens then -- and this is again stepping back into
4 the strange world of billing. We are looking for call
5 records for every call that's placed. And what I
6 would expect then to see is call type 1s, call type
7 2s, which are either rated messages or flat-rated
8 messages coming out as there's a local call. And to
9 me, the world is good. I've got my record, and that's
10 what I go ahead and do.

11 So that's where I'm saying that the customer
12 was allowed to order local services, did order local
13 services, and that was the PRI they ordered, and
14 that's what was provisioned. The translations
15 engineers then take and put the billing telephone
16 number into the switch so that those lines all map to
17 that billing telephone number. That appears on the
18 records. That's both the AMA records as well as the
19 SS7 records, and those that are routed as local calls
20 over the intermachine trunks, as I was discussing with
21 Susan.

22 Q. Well, going back to the actual call routing
23 scenario, I think you had told Ms. Masterton earlier
24 that as you understood the service that was provided
25 to Customer X, the calls were coming from the Fort

1 Myers area to the Fort Myers number, going back to
2 Customer X's actual location in Orlando. Do I
3 understand that correctly?

4 **A.** We saw calls coming from the customer. We
5 didn't see calls going to the customer.

6 **Q.** Okay. Then would you have known if a call
7 originated in, say, Orlando, being made to the
8 Customer X-held Fort Myers number?

9 **A.** If someone called from Orlando to the
10 customer Fort Myers number, that call would be coming
11 in as a toll call, because it's a Fort Myers number.

12 **Q.** And how would KMC handle that call?

13 **A.** With a two-way PRI, KMC would have taken
14 that call and put it on the PRI, and the customer's
15 CPE would have done what it does. I don't know what
16 its CPE is, but say it's a PBX. But it would have
17 been a toll call that I terminated in Fort Myers,
18 because it came from Orlando.

19 MS. KEATING: Can we break for like two
20 minutes?

21 (Short recess.)

22 BY MS. KEATING:

23 **Q.** The good thing about taking a little bit
24 longer than two minutes is that eliminated about five
25 minutes of questions.

1 Let me play out, though, one more scenario.
2 Let's try the Atlanta to Tallahassee scenario again,
3 but I want to change it up a little bit. The doctor
4 has gone home to visit his family in Miami. His calls
5 are being forwarded from Tallahassee to Miami. How
6 does -- first of all, how would the call records
7 change?

8 **A.** The first part would remain the same in
9 terms of call 1 would come into the clinic in
10 Tallahassee. The call is now being forwarded to
11 Miami, so the called party would be in Miami. The
12 charge party would be the billing telephone number of
13 the clinic's PRI, and it would now go out as a long
14 distance call.

15 **Q.** So in that scenario --

16 **A.** Assuming that the PRI was provisioned to
17 allow, you know, outbound toll calls.

18 **Q.** Okay. So in saying that that outbound call
19 to Miami is a toll call, that would mean access
20 charges were due to the terminating LEC?

21 **A.** Uh-huh.

22 MR. SELF: Yes.

23 THE WITNESS: Yes.

24 BY MS. KEATING:

25 **Q.** So the call would be delivered over a toll

1 trunk as opposed to a local trunk?

2 **A.** The PRI, the customer, the clinic would have
3 more than likely presubscribed to some long distance
4 carrier, and the CPE is going to basically do the
5 dialing of the Miami number, and that's going to start
6 the process in terms of, you know, from KMC's
7 perspective, are we directly trunked with the
8 presubscribed IXC, and we might deliver the traffic
9 that way, or if not, then to the Sprint tandem on its
10 way there.

11 **Q.** And just to make sure I've got it clear, the
12 calling party number would still be the Atlanta
13 number?

14 **A.** Uh-huh, yes.

15 **Q.** And the called party number would be the
16 Tallahassee --

17 **A.** Miami.

18 **Q.** The Miami number. Okay.

19 **A.** On the second call. And to the patient
20 who's in Atlanta, all this is taking place, and it's
21 transparent to them. They've just dialed this number
22 in Tallahassee, and they're on the phone, and it takes
23 place, and the doctor picks up the phone in Miami, and
24 that's what the customer expected to have happen.
25 They wanted to talk to their physician. They didn't

1 know that he was in Miami, but that's where he is.
2 Now, they're still paying a long distance call to
3 Tallahassee. The Tallahassee clinic is now going to
4 pay for a long distance call to Miami.

5 Q. Okay. And there would still be two separate
6 call records?

7 A. There would be multiple call records.

8 Q. On the first one, would the called party
9 number be the clinic number?

10 A. Yes. It would be the number that the
11 patient in Atlanta was calling to the doctor.

12 Q. And on the second one, would the called
13 party number be the Miami number?

14 A. Correct.

15 Q. How do you define enhanced services traffic?

16 A. Enhanced services traffic has been really
17 defined by the FCC, and the industry, of course, has a
18 lot of discussion around that. There are a number of
19 things that take place with enhanced service traffic.
20 But it's that additional enhancement. It's the value
21 added that is outside the normal boundary of the voice
22 call. There's just a number of features, options, and
23 doodads that enhanced service providers are providing
24 to customers. And --

25 Q. And the -- I'm sorry. I didn't mean --

1 **A.** I was just going to say, it's a grocery list
2 that probably grows every day.

3 **Q.** In the Atlanta scenario where the call is
4 being forwarded to Miami, do you consider any portion
5 of that call an enhanced service?

6 **A.** I believe that the call that you've
7 described as the example we're talking about is an
8 ordinary telecommunications call, and I'm not -- in
9 the diagram we drew and in the recent enhancement, to
10 just take the second leg, and instead of going to a
11 local doctor's office or going to Miami, it doesn't
12 change this whole concept. That's a normal
13 telecommunications call. It doesn't go to or through
14 any enhanced service provider in this example.

15 **Q.** What would need to change about that
16 scenario to make it an enhanced service?

17 **A.** Well, somebody would have to be identified
18 here as an enhanced service provider that's doing some
19 value added to this particular call that you've
20 described. I think our call -- it's generic. Even in
21 a generic sense, it gets a little bit confusing and
22 convoluted here, but that's just a generic call. To
23 put in some enhanced services, someone would have to
24 be the provider of those services and would enter into
25 the diagram here.

1 **Q.** And the same is true for Sprint?

2 **A.** Yes.

3 **Q.** Do you recall -- I believe the first couple
4 of questions that Ms. Keating asked you, she was
5 asking you about a dedicated PRI. Do you recall that
6 discussion?

7 **A.** Yes, I do.

8 **Q.** Does a typical residential customer have a
9 dedicated loop serving it, serving that person's
10 residence?

11 **A.** I believe they do.

12 **Q.** I mean, is there anyone else that can use
13 that loop, say, from your house to the central office?

14 **A.** Like everything, you can come up with an
15 exception. I assume it's a one-party line.

16 **Q.** Right.

17 **A.** Then it's really my line.

18 **Q.** And what about a PRI customer? Is their PRI
19 a dedicated facility?

20 **A.** Yes, it is.

21 **Q.** And it's dedicated in the sense that there's
22 no other customer that could use that circuit;
23 correct?

24 **A.** That's correct.

25 **Q.** Again, in connection with some of the

1 discussions about local service, does KMC's network
2 treat a PRI between its switch in Tallahassee and the
3 CPE in Orlando any differently than a PRI between its
4 Tallahassee switch and the CPE located in Tallahassee?

5 **A.** No, it does not.

6 **Q.** And is what makes that call, quote, local in
7 that sense the fact that the switch that's serving
8 those PRIs in both of those examples is in
9 Tallahassee?

10 **A.** Say that one again.

11 **Q.** And is what makes that call local the fact
12 that the switch serving those PRIs is in Tallahassee?

13 **A.** Yes.

14 **Q.** And I think very early on Ms. Masterton was
15 asking you some questions where she was seeking
16 examples of where the calling party number was not the
17 same as the charge party number. Do you recall that?

18 **A.** Uh-huh, yes.

19 **Q.** Are you aware of any other examples where
20 the calling party number and the charge party number
21 is not the same?

22 **A.** The CPE known as a PBX can be treated as a
23 whole bunch of different -- it could be used in a
24 whole bunch of different scenarios. The box is under
25 the control of the customer, and they can go in and

1 program that to certainly create discrepancies. I'll
2 call it that.

3 Centrex is a service that's used, and
4 oftentimes large companies could have hundreds, if not
5 thousands, of centrex lines and want everything on one
6 bill, so the calling party number could be the station
7 number, but the charge party number could be their
8 billing telephone number. Those are the ones that
9 come to mind.

10 MR. SELF: Excuse me one second off.

11 (Pause in the proceedings.)

12 BY MR. SELF:

13 Q. Mr. Twine, Ms. Masterton asked you some
14 questions about an exhibit that Mr. Wiley for Sprint
15 prepared that I think for purposes of this deposition
16 has been identified as Deposition Exhibit 1. Do you
17 recall that?

18 A. Yes, I do.

19 Q. And she asked you some questions about this
20 diagram, and I just want to ask you a couple of
21 questions about it as well. Since this is -- I
22 believe Mr. Wiley prepared this in an attempt to
23 represent the network as he understands it in terms of
24 the service that was provided to Customer X. Is that
25 your understanding of what he was attempting to do?

1 **A.** I think using his background, he drew a
2 chart that says this could be how it was configured.

3 **Q.** Okay. Now, looking at this diagram, he's
4 got what he has identified on here as a DS3/DS1 DCS.
5 Do you know what that is?

6 **A.** It's a digital cross-connect system.

7 **Q.** To the best of your knowledge, is there any
8 reason to conclude that there was a digital
9 cross-connect with respect to the service that was
10 provided to Customer X, if you know?

11 **A.** When I answered the question the first time,
12 it was is this accurate, and I said I couldn't answer
13 that. In terms of what do I think about this, I doubt
14 that there would be anything quite as robust as what
15 they were depicting here in this blue square outside
16 the customer premises. In fact, it states that it's
17 the KMC point of interconnection in Orlando, and the
18 coloring of it being blue kind of shows it the same as
19 the equipment that one would have in Tallahassee and
20 Fort Myers, and I think that's misrepresenting that
21 there's something here for KMC.

22 In our subsequent discussion, we had that
23 there's just a DS3 that's coming into Orlando that we
24 lease from someone else, a third party, the underlying
25 carrier, and that there's just some jumpers, again,

1 just short little connections between the customer's
2 premise, probably the demarcation point and the far
3 end of the DS3.

4 **Q.** The PRI service that KMC provided to
5 Customer X, was it DS3 service?

6 **A.** No. The PRIs are DS1s, so the number of
7 DS1s that Customer X purchased in Tallahassee and in
8 Fort Myers, those individual DS1s would ride on the
9 DS3 as the means of transport. The DS3 would have
10 been channelized.

11 **Q.** Okay. To the best of your knowledge, is
12 there a fiber ring as depicted in this exhibit that
13 would connect Tallahassee, Orlando, and Fort Myers?

14 **A.** No. I would have drawn -- and you've seen
15 my art work. I would have had from the customer
16 premise box just kind of a straight line coming out
17 much further back towards Tallahassee and Fort Myers,
18 and that would be depicting this DS3 with the PRIs
19 riding on it for transport back to the Tallahassee and
20 the Fort Myers area here.

21 **Q.** So would there be one line or two lines?

22 **A.** I would draw a line from the customer
23 premise going to Tallahassee. I would have another
24 line going to Fort Myers. It would hit at one of
25 these network elements and join the fiber optic ring

1 that KMC has in each of those areas. I probably would
2 have been more explicit in the area here as well in
3 defining the ring a little bit more as Tallahassee and
4 showing the various other POPs that are on our ring in
5 the town of Fort Myers or Tallahassee.

6 **Q.** So there's a ring in Tallahassee, a KMC ring
7 in Tallahassee, and there's a separate KMC ring in
8 Fort Myers?

9 **A.** Yes. And typically one of our rings would
10 go, obviously, through the KMC switch, but it would
11 also go through the incumbent LEC's tandem, which in
12 this case would be Sprint in both of these cities,
13 oftentimes through some of their larger end offices in
14 the business district of the town, and through any of
15 the major IXC POPs, AT&T, Qwest, and, of course,
16 Sprint.

17 And that would be what our ring would look
18 like in terms of the major elements on the ring. The
19 ring would go through the business district of the
20 town. Our basic customer was typically a business
21 customer. We have very little residential service.

22 This makes it look like we actually have
23 this ring that goes through all of our cities,
24 including Orlando, and that would not be the case.

25 **MR. SELF:** All right. That's all I have.

1 Thank you.

2 MS. MASTERTON: I have a couple of follow-up
3 questions.

4 REDIRECT EXAMINATION

5 BY MS. MASTERTON:

6 Q. Mr. Self was asking you about the DS3
7 transport versus the DS1s that are your PRIs. Do you
8 remember that?

9 A. Uh-huh.

10 Q. Okay. In this diagram, you said the whole
11 thing was the PRI, so could you tell me now where the
12 PRI fits versus the transport? Because it looks like
13 you left something out in this diagram.

14 MR. SELF: Just so record is clear --

15 MS. MASTERTON: We've talked about this
16 previously, and it's KMC's response to staff's
17 interrogatory number 16 Bates stamped 884 --

18 BY MS. MASTERTON:

19 Q. Based on what you said, it seems like you
20 left a lot out of that diagram, but that's okay. Just
21 the transport is all I'm interested in.

22 A. I would say that the only change in the box
23 shown as the KMC 5E switch, in looking at Wiley's
24 exhibit here, Tallahassee has 12 PRIs going from
25 Customer X to the 5E, and Customer X has 15 PRIs that

1 go from Customer X to the Fort Myers switch. So I
2 could change this to reflect those specifics, you
3 know, for Tallahassee, 12 PRIs, and for Fort Myers, 15
4 PRIs, and somehow we could show some nomenclature, a
5 circle around there saying that it all rides on the
6 DS3.

7 Q. And where does the DS3 fit into that
8 diagram? Where would you put it if you were going to
9 draw it in?

10 A. It's the same arrow.

11 Q. But you told Mr. Self that the PRI was
12 something different from the DS3 transport, didn't
13 you? He asked you if the DS3 transport was the PRI,
14 and you said no; is that not correct?

15 A. The DS3 is not the PRI.

16 Q. Okay. So where does the DS3 fit into that
17 drawing?

18 A. The DS3 is a facility -- first of all, we'll
19 go to the PRI. The PRI is oftentimes a T1, has 23
20 bearer circuits and one data circuit, and it's got a
21 bandwidth of 1.5 meg. And what you do on a DS3 is
22 just stack those on top of it, so you have a bigger
23 bandwidth, and you're able to use that fiber to carry
24 the traffic from one point to another.

25 This was just a simple depiction, much like

1 over here on local interconnection trucks, we didn't
2 say how many trunks there really are. That's
3 something that's -- that's what we're doing here with
4 PRI. It's simply -- the PRI is using it to carry the
5 traffic from here to here.

6 Q. From where to where?

7 A. From this end to that end.

8 Q. From Orlando to Tallahassee.

9 A. Well, from the demarcation point here to
10 some spot where we hit the KMC ring that actually is
11 what goes through the switch.

12 Q. I guess I didn't understand what you meant
13 then. Just explain what you meant when you
14 differentiated and said that the PRIs were the DS1s,
15 not the DS3s. What did you mean then?

16 A. Well, I --

17 Q. Are you -- well, go ahead.

18 A. Well, why don't you clarify, because --

19 Q. Well, I must be misunderstanding, because to
20 me, you're telling me they're the same thing, but you
21 told Mr. Self that they're different. I'm guess I'm
22 not understanding, so I'm asking you to explain how
23 they're different, because in that drawing they look
24 like the same thing. So I'm asking you to explain to
25 me how the DS3 and the DS1 are different.

1 **A.** Let's look at one fiber going from beginning
2 to end. There's a bandwidth, and we can allocate
3 different slots in the bandwidth. We can allocate so
4 many slots to PRI 1, so many slots to PRI 2, so many
5 slots to PRI 3, each of these being about 1.5 meg.
6 They're all still individual PRIs, but they're riding
7 on one DS3, which is the transport.

8 **Q.** Okay. So on this drawing -- I think that's
9 what generated it. Can you show me the DS1s versus
10 the DS3s on this drawing? And this is the drawing
11 that's WLW-6, Deposition Exhibit 1.

12 **A.** The DS1s would be terminated at this
13 demarcation point. If we drew a picture, we would
14 have them coming around on the DS3 to where it hit in
15 the area here of Tallahassee and Fort Myers. It would
16 hit a network element where it would come in and join
17 the ring, and then the ring would take it through the
18 office.

19 **Q.** So basically, then that diagram accurately
20 captured that?

21 **A.** No, because this has all of this material
22 out here. We're saying that there's really one line
23 that kind of comes this way and hits here, and one
24 line that goes there and hits here. That line would
25 be the DS3 upon which would be riding, in one case 12,

1 in the other case 15 PRI, or DS1, T1, whatever the
2 nomenclature.

3 **Q.** So what you're saying is that in this
4 drawing, the DS3 and the DS1 are the same line.
5 That's what you're saying?

6 **A.** Right.

7 MS. MASTERTON: Okay. Thank you.

8 MR. SELF: Just to clarify, the DS3 has been
9 channelized into DS1s; correct?

10 THE WITNESS: That's correct.

11 BY MS. MASTERTON:

12 **Q.** So what's the importance of distinguishing
13 that the DS1s are the PRI and the DS3s aren't?

14 **A.** The distinguishing factor is that you sell
15 PRI to the customer. To transport the information, we
16 needed a DS3 or 12 DS1s and 15 DS1s. And that's an
17 additional charge which on the bill is highlighted,
18 here's the transport charge and here's the PRI charge.

19 MS. MASTERTON: Okay. Thanks.

20 MR. SELF: I have nothing else. I think
21 we're done.

22 (Deposition concluded at 12:15 p.m.)

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CERTIFICATE OF ADMINISTERING OATH

STATE OF FLORIDA:

COUNTY OF LEON:

I, MARY ALLEN NEEL, Registered Professional Reporter and Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that on the date and place indicated on the title page of this transcript, an oath was duly administered by me to the designated witness before testimony was taken.

DATED THIS 5th day of July, 2005.



Mary Allen Neel

MARY ALLEN NEEL, RPR
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1
2 CERTIFICATE OF REPORTER
3

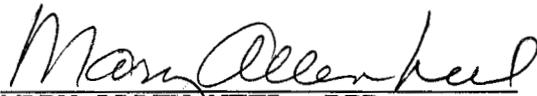
4 STATE OF FLORIDA:

5 COUNTY OF LEON:

6 I, MARY ALLEN NEEL, Registered Professional
7 Reporter, do hereby certify that the foregoing
8 proceedings were taken before me at the time and place
9 therein designated; that my shorthand notes were
10 thereafter translated under my supervision; and that
11 the foregoing pages numbered 1 through 100 are a true
12 and correct record of the aforesaid proceedings.

13 I FURTHER CERTIFY that I am not a relative,
14 employee, attorney or counsel of any of the parties,
15 nor relative or employee of such attorney or counsel,
16 or financially interested in the foregoing action.

17 DATED THIS 5th day of July, 2005.
18

19 
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25

CONDENSED
TRANSCRIPT

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 041144-TP

Complaint of Sprint-Florida, Incorporated Against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC, for failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for violation of Section 364.16(3)(a), Florida Statutes.

CONFIDENTIAL TRANSCRIPT

DEPOSITION OF: RONALD E. TWINE
TAKEN AT THE INSTANCE OF: Sprint-Florida Incorporated
DATE: June 30, 2005
TIME: Commenced at 9:05 a.m.
Concluded at 12:15 p.m.
LOCATION: 2540 Shumard Oak Boulevard
Tallahassee, Florida
REPORTED BY: MARY ALLEN NEEL, RPR
Notary Public, State
of Florida at Large

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MP 8.30.05
DECLASSIFIED

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CHRIS SCHAFFER (Via telephone).
PAUL CALABRO, ANNE MARSH, BEN POAG, and NANCY
PRUITT.

STIPULATIONS

1
2 The following deposition was taken on oral
3 examination, pursuant to notice, for purposes of
4 discovery, for use as evidence, and for such other
5 uses and purposes as may be permitted by the
6 applicable and governing rules. Reading and signing
7 of the deposition transcript by the witness is not
8 waived.

* * *

9
10 MS. MASTERTON: I guess we're ready to get
11 started. To the extent that there is any
12 confidential information -- I'm not sure that
13 there's going to be as much of it as we've had,
14 but I guess we ought to go ahead and agree, just
15 in case we get into something, that we'll do what
16 we've done up until now and call it confidential.
17 I just think in this case maybe we want to go
18 back at the end and think if there even was any,
19 because there's no point in having it
20 confidential if it turns out we don't discuss
21 anything. But just to start, we'll say that it's
22 going to be confidential until we redact it.

23 MR. SELF: That's fine.

24 MS. MASTERTON: Does that sound okay to you,
25 Beth?

1 MS. KEATING: That's fine. With the hearing
2 being so close, my only concern is making sure
3 that all gets taken care of.

4 MR. SELF: We're not going to do any of that
5 before the hearing.

6 MS. MASTERTON: Okay. I guess we ought to
7 introduce people. That's how we've been doing
8 it. So will the people on the phone go ahead and
9 introduce themselves again for the record?

10 MR. SCHAFFER: Chris Schaffer with Sprint.

11 MS. BENNETT: This is Linda Bennett with
12 Sprint, and I have with me Mitch Danforth and Tom
13 Grimaldi.

14 MS. MASTERTON: Okay. I'm Susan Masterton,
15 and I called this deposition of Mr. Twine on
16 behalf of Sprint.

17 MR. SELF: And this is Floyd Self of the
18 Messer Caparello & Self law firm, representing
19 KMC.

20 MR. YORKGITIS: Chip Yorkgitis of the
21 Kelley, Drye & Warren law firm representing KMC.

22 MS. MASTERTON: And I have with me Ben Poag,
23 who is also with Sprint.

24 MR. SELF: And also here on behalf of KMC is
25 our other witness, Paul Calabro.

1 30043.

2 **Q. By whom are you employed, and in what
3 capacity?**

4 A. I am a consultant for KMC.

5 **Q. I just want to turn to the -- I don't know
6 what you would call it, the testimony that you
7 submitted when you adopted Mr. Pasonski's testimony.
8 And on the first page, you describe yourself on line 5
9 as a contract employee.**

10 A. That's correct.

11 **Q. And now you've said you were a consultant,
12 and I guess I was curious to know what the difference
13 is between those two things.**

14 A. I really don't see a difference in the two.
15 I'm a contract employee. I've got a contract with
16 them to assist KMC in a couple of different areas of
17 the operation.

18 **Q. Could you tell me what those areas are?**

19 A. To support the regulatory organization in
20 this dispute, as well as supporting the IT and the
21 billing organization as the company is going through a
22 certain amount of transition.

23 **Q. So you work full-time for KMC?**

24 A. Well, I have a contract that's a
25 month-by-month with KMC.

1 MS. KEATING: Beth Keating with the
2 Commission Staff.

3 MS. PRUITT: Nancy Pruitt, Commission staff.

4 MS. MARSH: Anne Marsh, Commission Staff.

5 MS. MASTERTON: And I guess we're ready to
6 swear in the --

7 MR. SELF: Well, just to be clear, we've
8 agreed to at least initially keep this transcript
9 confidential, and all of the parties, the KMC and
10 Sprint parties have all signed and executed the
11 nondisclosure agreement between the parties.

12 MS. MASTERTON: I know that's true for me.

13 Okay. I guess we're ready to go.

14 Thereupon,

15 RONALD E. TWINE
16 the witness herein, having been first duly sworn, was
17 examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. MASTERTON:

20 **Q. Good morning, Mr. Twine.**

21 A. Good morning.

22 **Q. For the record, could you please state your
23 name and address?**

24 A. I'm Ronald E. Twine, and my business address
25 is 1755 North Brown Road, Lawrenceville, Georgia,

1 **Q. Do you work for anybody else besides KMC?**

2 A. No, I don't.

3 **Q. And you used to be, I guess you would say, a
4 regular employee of KMC?**

5 A. I think I was a regular employee, yes. I
6 was employed by KMC for eight years.

7 **Q. And why did you leave that position?**

8 A. The job was eliminated as the company was
9 being sold.

10 **Q. So how does your work with the company being
11 sold relate to this dispute?**

12 A. I don't follow the question.

13 **Q. You said you supported the regulatory
14 organization in this dispute and you also were
15 involved in transition issues related to the --**

16 A. Okay. You're talking about the transition
17 issues.

18 **Q. Yes. How do they relate?**

19 A. They don't relate to this case. When I
20 left, all my responsibilities went to one of my
21 subordinates. That individual had their own
22 responsibilities, picked up my responsibilities, and
23 then also found that besides having your usual boss,
24 you had two new bosses, which were the purchasers of
25 the company. So to provide more bandwidth for that

1 individual, they were able to offload some tasks to
2 me.

3 **Q. So these are two separate things you do as a
4 consultant.**

5 A. Right, right.

6 **Q. So in this proceeding, you're adopting
7 Mr. Pasonski's direct and rebuttal testimony?**

8 A. Yes, I am.

9 **Q. And can I assume that you'll also be able to
10 answer any questions about the discovery responses
11 that were prepared by Mr. Pasonski?**

12 A. Yes, I will.

13 **Q. Why are you substituting for Mr. Pasonski?**

14 A. Again, this would, I guess, go back to
15 providing more bandwidth for him. This was just one
16 responsibility that they took away from him and gave
17 to me.

18 **Q. So Mr. Pasonski is still with the company?**

19 A. That's correct.

20 **Q. Okay. Can you explain when you worked for
21 KMC full time what you did that would give you
22 familiarity with the issues in this dispute?**

23 A. I was the senior vice president of IT and
24 billing, so as a result of that position, I had Tim
25 Pasonski as one of my employees.

1 what parts of the testimony are going to be
2 deleted, I would like to --

3 MR. SELF: Can we go off the record for one
4 moment?

5 MS. MASTERTON: Sure.

6 (Discussion off the record.)

7 BY MS. MASTERTON:

8 **Q. So, Mr. Twine, I think the changes that your
9 attorney discussed related to substituting your name
10 and address and qualifications on the record, and you
11 agreed with those changes.**

12 A. Correct.

13 **Q. And I understand that you'll be making some
14 additional changes to reflect the counterclaim being
15 stricken; is that correct?**

16 A. I'm sitting here a little bit baffled in
17 terms of the legal aspects of this versus what I'm
18 saying.

19 **Q. Let me tell you, it's your testimony, and
20 you're going to swear to it under oath when you get on
21 the stand. I mean, I think you're the one who's going
22 to actually have to be saying what those changes are
23 at the time. I'm just trying to clarify what changes
24 you're going to make.**

25 **I understand you're going to be making some**

1 **Q. So you supervised him?**

2 A. He directly reported to me, so I supervised
3 him, yes.

4 **Q. Do you have any changes to Mr. Pasonski's
5 direct or rebuttal testimony?**

6 MR. SELF: Can I partially respond to that,
7 just to kind of expedite this? For his direct,
8 we filed two pages, and as a consequence of that,
9 on page -- well, let me back up. By doing that,
10 you would eliminate all of what was page 1 of Tim
11 Pasonski, and on what was page 2 of Tim
12 Pasonski's direct, you would eliminate lines 1
13 through 9 on page 2.

14 MS. MASTERTON: All right.

15 MR. SELF: And then on the rebuttal
16 testimony, we submitted a rebuttal page 1 for
17 Mr. Twine, and that would substitute in its
18 entirety for what was page 1 of Tim Pasonski's
19 rebuttal testimony.

20 MS. MASTERTON: Okay.

21 MR. SELF: And then we have -- I don't know
22 if you want to talk about this now. We've
23 discussed the question of what happens to the
24 testimony that addressed the counterclaims.

25 MS. MASTERTON: Sure. If Mr. Twine knows

1 **changes from your attorney to address the issue of the
2 counterclaims being stricken. Is that your
3 understanding as well?**

4 A. That's my understanding.

5 **Q. Okay. And now I want to ask, are you aware
6 of any other changes that you're going to be making to
7 the testimony other than the ones to replace your
8 qualifications and to address the counterclaims?**

9 A. Nothing of substance, a couple of spelling
10 checks.

11 **Q. Okay. Thank you.**

12 **You said you're a consultant. Are you
13 testifying as an expert for KMC in this proceeding?**

14 A. In terms of the billing aspect and the IT
15 aspect, I am.

16 **Q. Okay. So are you rendering an opinion on
17 the case?**

18 A. I do have an opinion on the case.

19 **Q. Okay. What did you do to prepare for this
20 deposition?**

21 A. I have read the material. I have conducted
22 meetings with Mr. Pasonski and the staff in terms of
23 the methodology that was used, just to refresh me in
24 terms of what's in the material.

25 **Q. And when you say you reviewed the material,**

1 what --

2 A. I've read the material. I've read the
3 testimony, I've read the exhibits, and I've read the
4 interrogatories. As a matter of fact, a number of the
5 interrogatories are my responses in terms of -- I
6 wrote the responses. I'm not adopting those. I'm the
7 author of those.

8 **Q. In the later set of staff interrogatories;
9 right?**

10 A. Right, right.

11 **Q. And you reviewed Mr. Pasonski's responses as
12 well?**

13 A. That's correct.

14 **Q. Okay. Let's turn to your direct testimony,
15 and let's go to page 3. On line 16 and 17, you talk
16 about some SS7 data that Sprint provided that you
17 evaluated.**

18 A. Uh-huh.

19 **Q. Did you actually look at those records?**

20 A. I looked at those records.

21 **Q. Okay. Have you reviewed the 27 days of call
22 detail records that Sprint provided in Mr. Wiley's
23 Exhibit Number 5.**

24 A. I have reviewed it, but not in depth.

25 **Q. What does that mean, not in depth?**

1 idea that I have is that the results that you've done
2 with your sampling -- as you said, because of this
3 sampling one day in a month, you create bills saying
4 here's what you should have had for this month, this
5 month, and this month. There's no way I can really
6 look at what your final product is and map that back
7 to the real set of data.

8 **Q. Did you look at the different fields in the
9 SS7 records that were provided?**

10 A. I looked at the appropriate fields.

11 **Q. Did you look at the calling party number?**

12 A. Yes, I did.

13 **Q. And did you look at the charge party number?**

14 A. Yes, I did.

15 **Q. And when you looked at the charge party
16 number, were you able to identify the customer that
17 the charge party number belonged to?**

18 A. Yes, I was.

19 **Q. And did you look at the called party number?**

20 A. Yes, I did.

21 **Q. Okay. Let's turn to page 4 of your direct
22 testimony. Look at lines 22 and 23, and then moving
23 over to page 5, lines 1 through 6 as well. You state
24 that -- or you adopted Mr. Pasonski's testimony that
25 states that the billing number may be unrelated to the**

1 A. Well, I've taken a look at it, but I haven't
2 spent a lot of time analyzing that.

3 **Q. Have you reviewed the call detail records
4 that supported the Agilent study that were submitted
5 in the information presented in Mr. Wiley's Exhibit
6 Number 3?**

7 A. Again, I've taken a look at these.

8 **Q. Okay. When you say you've taken a look, can
9 you explain?**

10 A. Well, conceptually, a SS7 record is
11 something that's produced by a switch, and switches
12 talk to switches, and computers talk to computers.
13 And so this is something that as I looked at this, I
14 backed up and said, "What do we have here? From my
15 cursory review, we've got SS7 records." How much time
16 am I going to invest in looking at these records
17 when -- I tried dealing with the end in mind. And I
18 don't have enough records to really sit there and say
19 I can take and look at the records and then map that
20 to the conclusions that are drawn by Sprint.

21 So it would be -- I didn't see any value
22 that would be added other than identifying that, yes,
23 these are records, yes, these are records from the
24 dates stated. But in terms of poring over these
25 records, there wasn't a reason to do that, because the

1 **charge party number, and that the charge party number
2 is not necessarily associated with the line from which
3 the communication originated. Is that a correct
4 reflection of your testimony?**

5 A. I believe you just said that the billing
6 number is unrelated to the charge party number. Isn't
7 that supposed to be the calling party number?

8 **Q. Yes, you're right. Thank you.**

9 A. So if you'll ask the question again.

10 **Q. Okay. You said the billing number may be
11 unrelated to the calling party number, and the charge
12 party number is not necessarily associated with the
13 line from which the communication originated. Is that
14 a correct reflection --**

15 A. That's correct.

16 **Q. Other than the situation with Customer X,
17 can you describe other situations where KMC might
18 provide a charge party number to a customer that is
19 unrelated to the line from which the communication
20 originates?**

21 A. Specifically in Tallahassee or Fort Myers,
22 KMC has customers that have PRIs. If you look at the
23 SS7 record, you could see a calling party number that
24 is, let's say, from Georgia, and the called party
25 number is in Tallahassee. And the charge party number

1 is not necessarily going to show up as the calling
2 party number, because if the customer that I'm
3 referring to, the KMC customer has a PRI, that charge
4 party number is the billing telephone number of that
5 PRI.

6 So the example I'm stating is a call from
7 Atlanta, Georgia, to a customer of yours, or ours, or
8 whoever's in Tallahassee, Florida, and it could have a
9 charge party number which is different than the
10 calling party number, because the call could have been
11 to this KMC customer, and the party has call-forwarded
12 that call to their home, so that the call that
13 originated in Atlanta was terminated on the PBX in
14 Tallahassee, hits the PBX, and the PBX, the CPE is
15 programmed to identify that calls to this number are
16 to be forwarded to another number in Tallahassee. So
17 another call is initiated where that call is then
18 forwarded to the Tallahassee number.

19 So just repeating, there's an Atlanta
20 calling party number, there's a charge party number,
21 which would be a KMC number, which is the billing
22 telephone number of that PBX. It could be a clinic, a
23 medical clinic, and the doctor on that day is working
24 from his home office, and that could be a residence in
25 Tallahassee. So you would see then the three numbers,

1 **number? Would the terminating party pay for the call,
2 or would the caller in Atlanta pay for the call?**

3 A. It's a matter of just keeping the records
4 complete. We have -- the call transits over our PRI.
5 It's identified as that charge party number, and
6 that's our record-keeping from our switch, our AMA
7 record.

8 **Q. So you're saying in this case the charge
9 party number would substitute for the called party
10 number?**

11 A. No. The calling party number is never
12 touched. The calling party number stays the same.

13 **Q. No, I'm saying the charge party number is
14 associated with the called party's number. Is that
15 what you're saying? You're saying the patient is
16 calling from Atlanta. That's not KMC's customer;
17 right?**

18 A. That's correct.

19 **Q. He's calling KMC's customer, Dr. X in
20 Tallahassee?**

21 A. Uh-huh.

22 **Q. And the charge party number for Dr. X would
23 be unrelated to the calling party number, obviously,
24 because the charge party number isn't the charge party
25 number for the calling party. It's for the called**

1 Atlanta number calling party, the billing telephone
2 number charge party, and the called party a
3 Tallahassee number.

4 **Q. So you're saying this is a KMC customer
5 who -- tell me -- who calls from Atlanta?**

6 A. No.

7 **Q. Who makes the call from Atlanta?**

8 A. Say it's a patient of a doctor who wants to
9 speak to the doctor. The doctor has an office in a
10 clinic in Tallahassee served by KMC, our PRI, so the
11 clinic's PBX is on our PRI, and the doctor's office is
12 located in his residence in Tallahassee. The patient
13 calls from Atlanta. So you have a 404 area code and
14 an NXX and an XXX to the PBX in Tallahassee. The KMC
15 customer has a PRI. What we would put on the record
16 would be the billing telephone number of that PRI.
17 That would be the charge party number. And the called
18 party would be the customer's home address, home
19 telephone number.

20 **Q. Okay. So in this case, KMC's customer is
21 the terminating customer; right?**

22 A. It would be the clinic.

23 **Q. And that's who's being called from Atlanta?**

24 A. That's correct.

25 **Q. So why would you need the charge party**

1 **party, the way you're describing it; is that correct?**

2 A. The charge party number is the billing
3 telephone number for the PRI. The called party is the
4 number that was dialed. The call then would be
5 forwarded to the home office of the physician in the
6 example I gave.

7 **Q. And where might the home office be?**

8 A. In Tallahassee.

9 **Q. Okay. I guess I'm just confused, because
10 with Customer X, the charge party number is used for
11 the origination of the call, not the termination;
12 correct?**

13 A. For Customer X, the charge party is for the
14 origination.

15 **Q. I'm asking you.**

16 A. For that second call, yes, it's associated
17 with the initiation of the second call. The first
18 call would have traveled the normal network. We're
19 going to say there was, let's say, a BellSouth
20 customer. It went to an IXC, and the IXC brought it
21 into Tallahassee. It probably went to the Sprint
22 tandem, and the Sprint tandem passed the call to the
23 KMC customer in the clinic. So there was a toll call
24 that was completed.

25 Now the call forwarding creates the second

1 call which is going from the CPE, the PBX of the
2 clinic, out to the doctor's home office.

3 **Q. Okay. So you're saying when the KMC**
4 **customer is the terminating customer and they have a**
5 **charge party number and they have call forwarding,**
6 **that's a situation where the charge party number would**
7 **be different from the calling party number?**

8 A. That is correct.

9 **Q. Okay. Do you know whether the SS7 records**
10 **contain information to show when a call is forwarded?**

11 A. The SS7 records have a field which would
12 allow that to be populated. The configuration would
13 be identified that it was forwarded.

14 **Q. Okay. And just to get back, in the case of**
15 **Customer X, though, we're talking about the**
16 **originating side of the call, not the terminating side**
17 **of the call; correct?**

18 A. In terms of the discussion we're having
19 today, I believe that there's a call that was
20 originated by Customer X, which we pass on the
21 interconnection trunks to Sprint, and it's terminated
22 by Sprint. So, yes, the call is originated by
23 Customer X.

24 **Q. Okay. Can you tell me another situation**
25 **where the KMC customer is the originating customer and**

1 that, that there was a call that was originated in
2 Atlanta, and that call came to the PBX in Tallahassee.
3 The call is being forwarded now. The second call is
4 being forwarded to the doctor's home office. The
5 charge party on there is the billing telephone number
6 of the PBX in the clinic. The calling party number is
7 still the number in Atlanta. So if the doctor, for
8 instance, has caller ID, he or she would be able to
9 look and see that this is Joe Smith calling from
10 Atlanta, Georgia.

11 **Q. So you're saying the line from which the**
12 **communication originates is the calling party number**
13 **line?**

14 A. This call originated in Tallahassee that I
15 just gave as the example going to the -- it's a second
16 call. It originated in Tallahassee.

17 **Q. But you said it originated in Atlanta.**

18 A. The first call originated in the Atlanta.
19 The second call is the call-forward.

20 **Q. Okay. But in that situation, the charge**
21 **party number for the doctor's office, you're saying it**
22 **has no relationship to the called party number, the**
23 **doctor's office number? There's no relationship**
24 **between the charge party number and that?**

25 A. The record that I think we're talking about

1 **the charge party number would not be necessarily**
2 **associated with the line from which the communication**
3 **originates?**

4 A. If this is a PRI, no. Our way of
5 provisioning the PRIs would be that the charge party
6 would be the billing telephone number of that PRI.

7 **Q. Okay. But what about the calling party**
8 **number?**

9 A. The calling party number?

10 **Q. Right.**

11 A. Restate your question for me, please.

12 **Q. Well, when you say the line from which the**
13 **communication originates in your testimony, what do**
14 **you mean?**

15 MR. SELF: Which page are you talking about?

16 MS. MASTERTON: I'm sorry. We're still on
17 page 5, lines 1 and 2.

18 BY MS. MASTERTON:

19 **Q. And I'm talking about, "The charge party**
20 **number is not necessarily associated with the line**
21 **from which the communication originates." And I guess**
22 **I'm wondering -- now I want you to explain what you**
23 **mean by the line from which the communication**
24 **originates.**

25 A. Well, my first example would be an answer to

1 is the record that we would have passed over the
2 interconnection trunk to the Sprint tandem.

3 **Q. Well, I thought we were -- which one are we**
4 **talking about now? Are we talking about the example**
5 **you gave of somebody from Atlanta calling KMC's**
6 **customer in Tallahassee, or are we talking about**
7 **Customer X. You need to clarify that, because I'm**
8 **getting confused.**

9 A. All right. The call from Atlanta to the PBX
10 in Tallahassee, KMC's customer, I'm not talking about
11 any charge number there. I'm unaware of a charge
12 number there.

13 **Q. I thought that's what you were saying, that**
14 **that was an example of when the charge party number**
15 **could differ from the calling party number. You used**
16 **that as an example, didn't you?**

17 A. For purposes of clarification, I would not
18 have said that. I would not have intended to say
19 that. But the call from Atlanta to the clinic in
20 Tallahassee would have a calling party number, 404
21 something in Atlanta, and then the 850 number of the
22 clinic. And whether there was something on the charge
23 party or not, I don't know.

24 **Q. Okay. So basically, right now I guess we**
25 **don't have any examples other than Customer X of what**

1 **you're just saying here, since you just said that you**
 2 **didn't mean the Atlanta example to be an example of**
 3 **that?**

4 A. The example I'm using was another PRI
 5 customer of KMC in Tallahassee, a clinic. Now, take
 6 the same example I was saying, the call from Atlanta
 7 to Tallahassee. That's a call. We're not talking
 8 about that record. There's a call that was made from
 9 Atlanta, we'll say BellSouth, to an IXC, we'll say
 10 AT&T, to the tandem in Tallahassee over to KMC, and
 11 completes the call at the PBX in the clinic. I'm not
 12 talking to that record.

13 I'm talking to the next call, which is now
 14 that we're going to forward that call from the PBX of
 15 the KMC customer, not Customer X, but the Florida
 16 Digestive Clinic of Tallahassee. We're going to make
 17 a call from there to the doctor's home office, because
 18 when he left, he put call forwarding on his CPE in the
 19 clinic that all calls to that number should be
 20 forwarded to my home.

21 **Q. Okay.**

22 A. That call is originated in Tallahassee in
 23 the clinic, goes back to the KMC switch, and it
 24 recognizes that that home office is off of a Sprint
 25 end office. We send it over the local interconnection

1 **example you're giving me is the charge party number is**
 2 **when it gets to the clinic in Tallahassee, and the**
 3 **different number is the terminating number, the called**
 4 **number. Isn't that what you're saying?**

5 A. The charge number is when it's leaving the
 6 clinic in Tallahassee, not when it's getting there,
 7 but when it's leaving.

8 **Q. Okay. Well, let's -- I have one more**
 9 **question, though, and that is, when the customer calls**
 10 **from Atlanta to the number in Tallahassee, would KMC**
 11 **expect to get access charges for that call?**

12 A. Yes, and so would everyone else along there.
 13 There was a long distance call originated in Atlanta.
 14 The call was originated in Atlanta, so there was
 15 originating access to -- my example was BellSouth.
 16 AT&T would be paying that. It would come through your
 17 tandem in Tallahassee. It would come across our
 18 interconnection trunk to KMC. That call was a toll
 19 call or a long distance call that BellSouth would have
 20 gotten access, you would have gotten access, and KMC
 21 would have gotten access.

22 **Q. Why would Sprint -- where is Sprint involved**
 23 **in this?**

24 A. Tandem.

25 **Q. We get access charges when it passes through**

1 trunk to the tandem, the tandem takes it to the end
 2 office, and the end office causes the phone to ring in
 3 the doctor's home office. That call will have a
 4 calling party number of Atlanta. The called party
 5 will be the doctor's home office. The charge number
 6 will be the billing telephone number from that
 7 customer's PBX PRI number in Tallahassee.

8 **Q. Okay. So you're saying that the charge**
 9 **party number that's related to the clinic in**
 10 **Tallahassee is not related to the doctor's home office**
 11 **number? That's how you're answering my question?**
 12 **That's an example of where the charge party number --**

13 A. That's correct.

14 **Q. And, of course, the doctor's home office,**
 15 **that's not the line from which the communication**
 16 **originates, is it?**

17 A. This call originated in Tallahassee from the
 18 PRI charge number, whatever the billing telephone
 19 number is.

20 **Q. So you're saying the charge party number is**
 21 **the originating number. That's what I hear you**
 22 **saying, because I asked you when does a charge party**
 23 **number differ -- what do you mean when you say that**
 24 **the charge party number is not associated with the**
 25 **line from which the communication originates? But the**

1 **the tandem when we're not the carrier terminating to**
 2 **the end user?**

3 A. (Nodding head affirmatively.)

4 MR. SELF: You need to answer verbally.

5 THE WITNESS: Oh, I'm sorry. Yes.

6 BY MS. MASTERTON:

7 **Q. All right. Let's move on. Tell me where**
 8 **the KMC calls, the calls that KMC receives from**
 9 **Customer X originate?**

10 A. They originate in the local calling area,
 11 which is either Tallahassee or Fort Myers.

12 **Q. Okay. I wanted to go to your direct**
 13 **testimony on page 9. Look at lines 11 through 23, and**
 14 **then that continues over to page 10, lines 1 through**
 15 **7, the answer to that question. So I'm going to be**
 16 **asking about all of that. In the scenario that you**
 17 **describe there, where is Customer X's CPE physically**
 18 **located?**

19 A. I believe Customer X's CPE is collocated in
 20 Orlando.

21 **Q. And does KMC have a physical presence in**
 22 **Orlando?**

23 A. No, they don't.

24 **Q. So on page 10, line 3, when you talk about**
 25 **the cross-connect that you refer to as a local loop,**

1 **could you tell me where that is from and to?**
 2 A. It's from Customer X's CPE to the transport
 3 facility that KMC used.
 4 **Q. Okay. Just explain a little bit more to me**
 5 **about the transport facility that KMC used. What is**
 6 **it?**
 7 A. It's a DS3, a fiber optic cable.
 8 **Q. Where is it located, physically located?**
 9 A. Physically? It has two ends. One would be
 10 Tallahassee, and one would be in Orlando.
 11 **Q. But where is it? Is it in a central office**
 12 **somewhere?**
 13 A. Oh, sure.
 14 **Q. So where?**
 15 A. I don't have the exact information, but it
 16 would be in a central office.
 17 **Q. Who does it belong to?**
 18 A. It would be -- in terms of belonging, it
 19 would be something that KMC leased, and it would
 20 belong to some underlying carrier.
 21 **Q. So if it was in a central office, would it**
 22 **be a BellSouth central office?**
 23 A. I really don't know.
 24 **Q. So you don't know whether it would be a**
 25 **collocation that KMC had or a collocation that the**

1 A. What makes it local?
 2 **Q. (Nodding head affirmatively.)**
 3 A. It's local because the PRIs are in the KMC
 4 office in Tallahassee or Fort Myers. The telephone
 5 numbers are in Tallahassee and Fort Myers. The calls
 6 that are made are local calls.
 7 **Q. So when you say the PRIs are in the KMC**
 8 **offices, explain that. Where do the PRIs begin and**
 9 **end?**
 10 A. The PRI begins at the customer CPE, and it
 11 ends at the KMC central office.
 12 **Q. So where is the customer's CPE again?**
 13 A. The customer's CPE is at the end of the
 14 transport, the DS3 that we're talking about.
 15 **Q. So it's in Orlando, not Tallahassee or Fort**
 16 **Myers, correct?**
 17 A. The CPE is at the end of the DS3 facility,
 18 which is in Orlando.
 19 **Q. Is that in close proximity to Tallahassee or**
 20 **Fort Myers?**
 21 A. Close proximity was the local loop, which
 22 was the interconnection. That's what I was talking
 23 about.
 24 **Q. Well, I think I asked you what made it**
 25 **local, and you answered that it was in close**

1 **underlying carrier had?**
 2 A. I don't know.
 3 **Q. Okay. Then what happens after -- you do**
 4 **this local loop. How is that a local loop, the**
 5 **cross-connect between the customer and this transport**
 6 **facility that belongs to a third party in Orlando?**
 7 **Could you explain?**
 8 A. It's just a connection.
 9 **Q. So tell me what you mean when you say a**
 10 **local loop.**
 11 A. It's just a term that is used to refer to
 12 the connection from the customer's CPE to the
 13 transport.
 14 **Q. What makes it local?**
 15 A. The connections are in close proximity.
 16 **Q. And when you say close proximity, do you**
 17 **mean like in the same geographic area?**
 18 A. That would fit the description.
 19 **Q. Okay. You said earlier that the traffic**
 20 **that Customer X originates in Tallahassee or Fort**
 21 **Myers?**
 22 A. They have local services that we provided
 23 them in Tallahassee and Fort Myers. They have local
 24 telephone numbers.
 25 **Q. What makes it local?**

1 **proximity. Is that not what you said?**
 2 A. What makes it local is that the service that
 3 was sold to Customer X was a local service, local PRI,
 4 has a local telephone number.
 5 **Q. It's local because it has a local telephone**
 6 **number? Is that what you're saying?**
 7 A. The service that they bought is a local
 8 service, so it's local by our definition, and it's
 9 local -- and the numbers provided were local. These
 10 are services which that customer, being an enhanced
 11 service provider, can order, and we provided. So it's
 12 a local service that they use to make local calls
 13 within Tallahassee or Fort Myers.
 14 **Q. And it's local because it has a number local**
 15 **to Fort Myers or Tallahassee; correct?**
 16 A. Uh-huh.
 17 MR. SELF: You need to say yes.
 18 THE WITNESS: Yes.
 19 BY MS. MASTERTON:
 20 **Q. And not because Customer X is located in the**
 21 **local calling areas where the calls are terminating;**
 22 **is that correct? Let me rephrase that. Customer X is**
 23 **not located in the local calling areas where the calls**
 24 **are terminating, is it?**
 25 A. Customer X may be located in a local calling

1 area which doesn't necessarily overlap with your local
2 calling area.

3 **Q. But is Customer X physically located in Fort
4 Myers?**

5 A. Customer X is physically located in Orlando.

6 **Q. Okay. Thank you.**

7 **I wanted to look at KMC's response to
8 staff's interrogatory number 16, and it's Bates
9 stamped page 884.**

10 A. Could you repeat that again?

11 **Q. It's the response to staff's interrogatory
12 number 16. It's labeled "KMC's Attachment to Staff's
13 Interrogatory Number 16," and it's Bates stamped 884.**

14 A. Are we looking at the diagram?

15 **Q. Yes.**

16 A. Okay.

17 **Q. So based on what we've just discussed,
18 Customer X, this picture of their CPE, that's what
19 this is; correct?**

20 A. Uh-huh.

21 **Q. And that's in Orlando; right?**

22 A. Uh-huh.

23 MR. SELF: You need to say yes.

24 THE WITNESS: Yes. I'm sorry.
25

1 **have Customer X's CPE, right, and then we have a
2 cross-connect --**

3 A. It could be a central office, it could be a
4 carrier hotel, it could be a number of -- it could be
5 a manhole.

6 **Q. Is Customer X located in the same place as
7 where the transport --**

8 A. I don't know that.

9 **Q. Okay. So we have the cross-connect. And
10 then show me what happens from the cross-connect to
11 the PRI. On this drawing, how would you draw that in
12 there?**

13 A. If you have a jumper and you have two ends
14 to it, one end touching the -- what looks like the
15 depiction here of a computer, and the other end
16 touching the left end of that arrow called PRI, that
17 would be your cross-connect.

18 **Q. Okay. So the PRI actually begins in this
19 central office where the cross-connect is made; right?**

20 A. In the location where the cross-connect is
21 made.

22 **Q. Okay. And you have this arrow. So that's
23 all -- you're calling all of that from the central
24 office where the cross-connect is made to KMC's switch
25 the PRI; correct?**

1 BY MS. MASTERTON:

2 **Q. Could you tell me where you would draw in
3 the transport where Customer X --**

4 A. Number two. It's already drawn.

5 **Q. Well, it says PRI there, so I guess I want
6 to break it down a little bit finer and have you tell
7 me where this cross-connect is. It's also in Orlando;
8 right? Show me where that would be depicted on this
9 drawing.**

10 A. Right where the edge of the box would be
11 showing. The customer is inside the box, and on the
12 outside of the box, the PRI.

13 **Q. Okay. Are you saying that the cross-connect
14 is the same thing as the PRI?**

15 A. No.

16 **Q. Okay. So we're talking about the
17 cross-connect now?**

18 A. Picture, if you will, a term called jumpers.
19 I'm just thinking of a jumper from the terminal piece
20 of equipment in the customer's premise and putting it
21 on the other end, the distant end of the long loop
22 that we were depicting here as number 2.

23 **Q. And that's in some unidentified central
24 office; right? You would have to put that in the
25 picture to show completely what's happening. So we**

1 A. That's correct.

2 **Q. Okay. And the beginning of that is in
3 Orlando; correct?**

4 A. Uh-huh.

5 **Q. Okay. Now, where is the switch?**

6 A. Well, in the case of Customer X, the switch
7 could be in Tallahassee, or the switch could be in
8 Fort Myers.

9 **Q. Okay. So this is -- and where is it in
10 Tallahassee or Fort Myers?**

11 MR. SELF: Are you asking for a street
12 address?

13 BY MS. MASTERTON:

14 **Q. Well, is it in a central office? Is it in
15 a -- I mean, where is --**

16 A. Yes.

17 **Q. I didn't mean a street address, although I
18 wouldn't mind if you gave me one. But I meant what
19 sort of facility is it located in?**

20 A. It's in the central office of KMC. The
21 street address is in the testimony here someplace as
22 an exhibit.

23 **Q. Okay. And then between KMC's switch and
24 Sprint's office, these are local interconnection
25 trunks in either Tallahassee or Fort Myers?**

1 A. That would be the intermachine trunks going
2 from the KMC central office to the Sprint office, and
3 that could be your tandem, or it could be some of the
4 direct end office trunking that we have in both towns.

5 **Q. So this drawing, it only shows the call from
6 the point that it entered Customer X's CPE; is that
7 correct?**

8 A. No. We don't know anything about something
9 entering Customer X's CPE. We only know that there's
10 a call that's leaving Customer X.

11 **Q. Okay. But you don't deny that the signaling
12 that you transmitted to Sprint with Customer X's calls
13 contained calling party numbers that were different
14 from Customer X's charge party number, do you?**

15 A. No, I don't.

16 **Q. So based on what you know about the
17 signaling that KMC transmitted, you know there was
18 something that happened before the call got to
19 Customer X; correct?**

20 A. I really don't know that. One could assume
21 that, but we really don't know what Customer X --
22 Customer X is initiating a call to an end user, and
23 there is a calling party number, but what that
24 represents we don't know. We didn't touch -- we don't
25 even look at that as we're processing these calls.

1 **Q. Can you explain when in the SS7 signaling it
2 would show a called party number that it wouldn't mean
3 that there was an earlier leg of the call? How does
4 the calling party number show up on the SS7 record?**

5 MR. SELF: In which call?

6 MS. MASTERTON: I'm talking about -- KMC has
7 said, and I can give you a cite in Mr. Pasonski's
8 or Mr. Twine's rebuttal testimony, on page 5,
9 lines 5 to 14, that they transmitted the
10 signaling information to Sprint unchanged, and
11 that included calling party numbers that were
12 different from Customer X's charge party number.

13 A. I'm sorry. Which page?

14 **Q. Page 5, lines 5 through 14. But I guess you
15 just said you don't know what that means, that there
16 was a calling party number different from the charge
17 party number on the SS7 signaling records that you
18 sent to Sprint.**

19 A. What I read this to say is that KMC did
20 nothing to change the calling party number. It was
21 there. We didn't look at it, and we didn't touch it.
22 Where it came from we don't know.

23 **Q. What does a calling party number usually
24 mean on an SS7 record? What is its purpose?**

25 A. What it usually means and what it is could

1 be two different things. All I'm saying is that I
2 don't know.

3 **Q. Well, tell me something else it could mean
4 other than that the call -- the leg of the call
5 originated from the calling party number. What else
6 does it mean?**

7 A. Well, there's calls that you receive, that
8 we receive, that doesn't have a calling party number
9 on it.

10 **Q. But we're not talking about those calls
11 right now. We're talking about the calls that have
12 it.**

13 A. It's a phenomenon within the industry. What
14 caused that to happen?

15 **Q. I don't know, but I'm not asking you that.**

16 A. But I'm saying that I don't know that
17 either, and I don't know that there couldn't be
18 something that places that number there. So you're
19 saying that it has to have been a call before that
20 because the number is there, and I'm saying I don't
21 know that.

22 **Q. What does it normally mean, the calling
23 party in the SS7?**

24 A. Normally one would think that there was a
25 call that was placed from that number.

1 **Q. Back to my original question. This diagram
2 that you show only shows the call from the charge
3 party number to Sprint.**

4 A. That's correct.

5 **Q. It doesn't show anything before that.**

6 A. Because this is a local customer placing a
7 local call, and that's what we're handling here.

8 **Q. And what makes it local again?**

9 A. The customer is an enhanced service
10 provider, came to KMC, was purchasing PRI service, and
11 they are placing local calls. So to us over here,
12 what we're seeing is a local call coming to us.

13 **Q. And the local call is the call that Customer
14 X is making from its premises in Orlando to a Sprint
15 end user in Tallahassee or Fort Myers; correct?**

16 A. That Customer X is making on the local PRI
17 serviced by the KMC switch and passed off to the
18 Sprint office.

19 **Q. And Customer X is originating that call from
20 its customer premises in Orlando; correct?**

21 A. What we see is a local PRI. The other end
22 of the PRI is in Orlando.

23 **Q. Okay. Thank you.**

24 **I wanted to -- do you have a copy of
25 Mr. Wiley's Exhibit WLW-6?**

1 A. I didn't bring Mr. Wiley's.
 2 MR. SELF: What was it attached to?
 3 MS. MASTERTON: It was attached to his
 4 rebuttal testimony. I've got copies.
 5 And I guess I'll go ahead and make this a
 6 deposition exhibit, even though it's also an
 7 exhibit to the testimony, just for clarity of the
 8 record. We'll call it Deposition Exhibit 1.
 9 (Deposition Exhibit Number 1 was marked for
 10 identification.)

11 BY MS. MASTERTON:

12 **Q. I just want to give you a minute to look at**
 13 **that. Does this drawing accurately depict the**
 14 **description of how KMC provisions PRI service to**
 15 **Customer X? And for now, I guess we need to refer**
 16 **back to your direct testimony beginning on page 10**
 17 **where he describes the way -- well, you have adopted**
 18 **his testimony to describe the way the PRIs are set up.**
 19 **So it's page 10, beginning on line 14, through page**
 20 **11, line 9. In your opinion, does this diagram**
 21 **accurately depict that scenario as described in your**
 22 **testimony?**

23 A. (Examining document.) Okay. Your question
 24 was?

25 **Q. I just wanted to know if you agree that this**

1 **Let's turn to your rebuttal testimony for a**
 2 **minute. And on page 2, line 14, you refer to the**
 3 **charge party number assigned to Customer X as the**
 4 **local billing telephone number; correct?**

5 A. That's correct.

6 **Q. And so 850/201-0579, is that the billing**
 7 **number for Customer X's Tallahassee PRI?**

8 A. I would have to check.

9 MR. SELF: What was that number again?

10 MS. MASTERTON: 850/201-0579.

11 THE WITNESS: 850/201-0579 in Tallahassee,
 12 right.

13 BY MS. MASTERTON:

14 **Q. Okay. Now I want you to look at -- this is**
 15 **another discovery response, KMC's response to POD**
 16 **Number 12, and the Bates stamp pages are 417 to 578.**

17 MR. SELF: Is that a response to Sprint or
 18 staff?

19 MS. MASTERTON: To Sprint, Sprint's POD
 20 Number 12. What they are are the bills in a KMC
 21 submitted to Customer X.

22 THE WITNESS: We don't have those.

23 MS. MASTERTON: Oh, I only have one copy.

24 MR. SELF: Hang on a second. Was that
 25 Sprint's first?

1 **accurately depicts the scenario described in your**
 2 **testimony.**

3 A. I can't answer that question, because you
 4 used the word "accurately." This is an outside plant
 5 drawing done by Mr. Wiley of Sprint concerning
 6 facilities for KMC, and I don't know if this
 7 accurately depicts how KMC provisioned the circuit or
 8 not.

9 **Q. So you wouldn't know if you would do this**
 10 **any differently? You don't have any suggested changes**
 11 **to the drawing? You just don't know?**

12 A. It looks reasonable.

13 **Q. Okay. Thank you.**

14 **Does KMC have any other customers with a PRI**
 15 **arrangement similar to the one that's described for**
 16 **Customer X? And by similar, I mean with the**
 17 **originating and terminating end points of the PRI**
 18 **being in different local calling areas.**

19 A. I do not know that.

20 **Q. Okay. Do you know who would know that?**

21 A. Marva Johnson would probably be the person
 22 that -- if she didn't know, she could find out who
 23 did.

24 **Q. Marva would know? Okay. I'm sorry,**
 25 **Ms. Johnson.**

1 MS. MASTERTON: Yes. I think, though, that
 2 you actually provided it as a supplement, so it
 3 wasn't provided at the same time as the original
 4 responses. It might have been Sprint's second.
 5 I took it out of the book. It's POD 12. They're
 6 in order. I don't remember which.

7 MR. SELF: Is there a Bates number?

8 MS. MASTERTON: Yes. It's 417. It starts
 9 at 417.

10 MR. SELF: I'm not having a lot of success
 11 finding this. Maybe we can just share a page.

12 MS. MASTERTON: I'm happy to share it, yes.
 13 I don't have -- that's fine. I'm not going to
 14 make it an exhibit. I'll give this to you to
 15 look at, and then --

16 MR. SELF: If you would just identify what
 17 pages we're looking at, just so that the record
 18 would be clear.

19 BY MS. MASTERTON:

20 **Q. Okay. I'm going to ask you a question.**
 21 **This is KMC's response to Sprint's POD Number 12.**
 22 **It's Bates stamped pages 417 through 578. I'm going**
 23 **to give you this whole set. They're the customer**
 24 **bills that KMC submitted to Customer X.**

25 **Let's get back. You had said 850/201-0579**

1 **is the billing number for Customer X's Tallahassee**
2 **PRI; correct?**

3 A. Uh-huh.

4 **Q. Could you show me on those bills where that**
5 **number appears?**

6 A. I don't believe that it appears here.

7 **Q. So when you say it's the billing number,**
8 **what do you mean?**

9 A. If one looks at the internals of the billing
10 system, this customer has an account number, 0892.
11 And as we create the bill, what you see here on the
12 bill, these items are the dedicated transport
13 facilities that the customer is paying for, and so it
14 shows the loop for the transport and the local charges
15 for the PRI. But it was a flat-rated PRI, so we
16 weren't charging for usage.

17 So what does not appear here is a telephone
18 number showing the usage against it, but in the
19 internals of the billing system, it knows that that
20 account maps to the 850-201 billing telephone number.
21 So when we created a call record for each call, it
22 would guide from that call, that number, to this
23 account if I was to bill the usage.

24 But again, these PRIs were flat-rated, so
25 there wasn't going to be any usage charged, with the

1 and duration to that billing number.

2 **Q. So what happened to those records?**

3 A. Well, the process was, we weren't planning
4 to bill the customer. We created the records. At the
5 end of the month it was checked to see if the customer
6 had exceeded the cap. Not having exceeded the cap,
7 the records were flushed.

8 **Q. Okay. How does the customer know what**
9 **number those bills are for?**

10 A. How does the customer know what number those
11 bills are for? It knows that it has its account. It
12 knows what numbers it was given. It knows they
13 wouldn't expect to see -- in a typical bill, if you
14 were charging for usage, there would be another
15 section which would show the usage. So it knows what
16 its numbers were. They were working numbers. They
17 knew, though, that they weren't paying for that. They
18 were paying for the facility here.

19 **Q. So you're saying you only need a billing**
20 **telephone number if you're going to bill based on**
21 **usage?**

22 A. I'm saying that you would expect to see the
23 billing telephone number on a bill where it is not
24 flat rate, but usage sensitive. It's not on this
25 formatted bill because they're zero. But there is a

1 exception that if they exceeded 400,000 minutes of use
2 in a month, then there was a provision to charge them
3 for that additional usage. So the reason the number
4 doesn't show up here is because there isn't an end
5 usage to that. That's just a formatting issue of the
6 bill.

7 **Q. So you didn't need the billing telephone**
8 **number to bill Customer X? Is that what you're**
9 **saying?**

10 A. No, I'm not saying that. I'm saying in the
11 format that you're looking at here, this is the actual
12 bill that was presented to the customer. And they
13 were paying for the use of this dedicated service.
14 There wasn't any usage. There wasn't -- therefore,
15 just in the idiosyncrasies of the billing system, it
16 doesn't put down the number. It doesn't show zero
17 usage with it. It's just not there.

18 But what I'm saying is, if you look at the
19 account, the way the order was provisioned, the way
20 the account was established, if you look under that
21 account number in the billing system, you'll find that
22 the billing telephone number is the 850/201-XXXX
23 number. The switch was provisioned that way so that
24 each call that was made, each local call on the PRI,
25 it was creating a record that tied that date, time,

1 billing telephone number. It was used. The customer
2 knew what it was.

3 **Q. What was it used for?**

4 A. When the service was provisioned -- this
5 would be the PRI. As with any of KMC's PRIs, when
6 it's provisioned, translation engineers, in writing
7 their script and putting all the different information
8 into the switch, provide the switch with the telephone
9 number range, which this is, and then it provides the
10 billing number for that group of trunks, and said that
11 all is going to roll up to this billing telephone
12 number. That was all completed in the ordering and
13 the provisioning when the account was established.

14 What you're looking at here is a document
15 that is the customer, which for purposes of -- we're
16 all business people. You want a bill that tells you
17 what you want to know and doesn't tell you a bunch of
18 stuff that you don't care about. They didn't care
19 about the fact that they had this number with zero
20 usage on it. We as business people try to minimize
21 the expense of printing bills, so we shorten the bill
22 up as best we can.

23 So it's not here, but it is with that
24 account. It was provisioned. It did exist. Every
25 call that went through created a record that said this

1 billing telephone number is the charge number for this
2 call.

3 **Q. When you said zero usage, you didn't mean no
4 usage. You meant no billable usage.**

5 A. No billable usage.

6 **Q. Okay. You said something about the ranges
7 of the telephone numbers. I don't have that in front
8 of me. What are they on there?**

9 A. Again, I believe the format of this bill
10 doesn't include that.

11 MS. MASTERTON: Okay. Thanks. I'm going to
12 take a short break.
13 (Short recess.)

14 BY MS. MASTERTON:

15 **Q. Just one more question. I think when we
16 ended up, we were talking about the bills to Customer
17 X, and you said you don't put the number on them
18 unless there's a usage charge. Do you know if there
19 are any other customers of KMC with PRIs where you
20 don't bill for usage?**

21 A. I don't really know.

22 **Q. Do you know who would know?**

23 A. I could ask that question.

24 **Q. I think I would like to do that as a
25 late-filed deposition exhibit, whether there are other**

1 **customers. And if there are, if you could provide
2 copies of not necessarily all their bills, but an
3 example of another customer bill where the billing
4 telephone number does not appear on the bill.**

5 MR. SELF: Just so I'm clear, Late-filed
6 Deposition Exhibit Number 1 --

7 MS. MASTERTON: Two, because we labeled that
8 diagram as Deposition Exhibit 1.

9 MR. SELF: Thank you. I'm sorry. And what
10 is the request?

11 MS. MASTERTON: Does KMC have other
12 customers with PRIs where they don't bill for
13 usage.

14 THE WITNESS: Flat rate.

15 MS. MASTERTON: And I guess I want to phrase
16 this, to the extent the answer is yes, an example
17 of bills to those customers, not all their bills,
18 but an example.

19 MR. SELF: Maybe to make the question
20 simpler, are there other KMC customers with flat
21 rate PRIs.

22 MS. MASTERTON: If that means the same thing
23 as they don't bill for usage, then okay.

24 MR. YORKGITIS: If there's a billing
25 arrangement that is comparable in structure to

1 that which Customer X received.

2 MS. MASTERTON: Well, I don't want to narrow
3 it too much.

4 MR. SELF: A non-usage bill.

5 MS. MASTERTON: Yes.

6 MR. SELF: And then if the answer is yes,
7 then you would like to see examples of those
8 customer bills.

9 MS. MASTERTON: Yes. I'm not asking for
10 every bill that was given to them, but a
11 representative example.

12 MR. POAG: Could I just qualify that to
13 state that we're interested in the local PRIs
14 that are flat-rated, and we're just talking about
15 local usage.

16 MS. MASTERTON: Thank you.

17 MR. SELF: Thank you, Ben.

18 MR. YORKGITIS: Redacted, of course, any
19 customer information.

20 MS. MASTERTON: Yes, yes. We're not looking
21 for the names.

22 MR. SELF: Okay.
23 (Late-filed Deposition Exhibit Number 2
24 identified.)

25 BY MS. MASTERTON:

1 **Q. Mr. Twine, do you have any other connections
2 with Customer X besides the PRIs that we're talking
3 about in this case?**

4 A. Physical connections?

5 **Q. Yes.**

6 A. Having reviewed the bills, the only thing
7 that we had with Customer X was those connections that
8 you saw, the PRIs.

9 **Q. So KMC doesn't have any SS7 trunking
10 arrangements with Customer X?**

11 A. No, not that I'm aware of.

12 **Q. And I should qualify that, in Florida. I'm
13 talking about in Florida?**

14 A. Not that I'm aware of.

15 **Q. Okay. Can you turn to your rebuttal
16 testimony on page 4, line 22, and then spilling over
17 onto page 5, line 1. What you're saying here is that
18 for telecommunications traffic, the calling party
19 number is used to determine the jurisdiction of the
20 call; is that correct?**

21 A. (Examining document.) Okay. Now, for
22 clarification, your question was?

23 **Q. I'm saying that you are saying that for
24 telecommunications traffic, the calling party number
25 determines the jurisdiction of the call; correct?**

1 A. I'm not going to answer that as a yes or no,
2 because I think that's taking that line out of context
3 of the entire paragraph here in terms of the answer.

4 **Q. Well, can I read it to you and just ask you**
5 **to confirm that that's what it says? "If the traffic**
6 **were telecommunications traffic, then the calling**
7 **party number, not the charge number, would be used to**
8 **determine jurisdiction, as stated in the**
9 **interconnection agreement." Is that an accurate**
10 **reading of what you said?**

11 A. However, the question that's being asked is,
12 "Does the Agilent study make other mistakes?"

13 **Q. But I'm not asking you about the Agilent**
14 **study. I don't want to talk about that. That's the**
15 **question you asked yourself, but what I'm asking you**
16 **is what you mean by this sentence that starts on line**
17 **21 and ends on line 2, page 5.**

18 A. But I'm looking at the intent of this.
19 We've already said something about enhanced services
20 or regulated telecommunications traffic, and now we're
21 down here saying --

22 **Q. Well, let me just ask if you agree with that**
23 **statement. If the traffic is telecommunications**
24 **traffic, then the calling party number, not the charge**
25 **number, is what would be used to determine the**

1 **jurisdiction. Do you agree with that statement?**

2 A. The call that Customer X places from
3 Tallahassee to Tallahassee has a calling party number
4 that -- let's go back to Atlanta, Georgia. It's an
5 enhanced service that is now establishing a call that
6 is this local call in Tallahassee. So by the nature
7 of what I'm saying, it's a local call.

8 Now, what's in the calling party number, as
9 we've said before, things can be put in there that the
10 customer's CPE can create numbers. And if we were
11 then to say in this line that if the traffic were
12 telecommunications traffic and our local call is
13 telecommunications traffic, but it has a calling party
14 number of some spot outside of Tallahassee, if you
15 were to say then that because it's a calling party
16 number that's out of state, then you could use that to
17 determine the jurisdiction and say this is a call that
18 one could charge interstate access on, then I'm saying
19 no, that would not be correct.

20 **Q. Okay. Let's forget Customer X for a minute**
21 **and just speak generally about telecommunications**
22 **traffic. You're saying that it's not the case that**
23 **the calling party is the number that determines the**
24 **jurisdiction of the telecommunications call as opposed**
25 **to the charge party number, which is what you state**

1 **here? Is that what you're saying?**

2 A. Well, I'm reading this as -- we're talking
3 clearly about the Agilent study and Customer X.

4 **Q. Well, let's forget that. Let's just talk**
5 **about it generally.**

6 A. I follow you. I'll go back to my call from
7 the patient in Atlanta to the clinic in Tallahassee,
8 with the doctor at his home office in Tallahassee.
9 Then the call that you would be looking at would be
10 the local call that was placed from the clinic's PBX
11 to the doctor's home office. So it's a Tallahassee to
12 Tallahassee call, but the calling party would still
13 show the number in Georgia as -- for customer ID
14 purposes, there it is. And you can't take that call
15 now and say that's an interstate call subject to
16 access, because that has already been done in the
17 first call. This is the local call.

18 **Q. Okay. Let me ask you something. In the**
19 **call example you're using, the call-forwarded number,**
20 **the Atlanta person who is not a customer of anybody**
21 **that we know that's here today, calls a KMC customer**
22 **in Tallahassee.**

23 A. Right.

24 **Q. And it goes to that KMC number, and then KMC**
25 **forwards it -- it's still in the KMC network -- to the**

1 **doctor's home, and that's a KMC customer as well?**

2 A. No, I was using Sprint.

3 **Q. So you're saying somebody calls from**
4 **Atlanta, and they call a KMC customer doctor, and then**
5 **KMC forwards it to a Sprint customer, and that's a**
6 **local call? Is that what you're saying?**

7 A. Which is the doctor, yes. I'll draw the
8 picture again. I see a patient who happens to be in
9 Atlanta on business and needs to talk to their doctor
10 to get their prescription refilled. They call from
11 Atlanta to Tallahassee, to the clinic. That's a
12 complete call. And there's access on that call that
13 went from BellSouth through AT&T through the Sprint
14 tandem to the KMC central office. That's a completed
15 call, and there's terminating and originating access
16 that's charged on that call. And the originator is
17 the calling party number, which is 404-something.

18 Now, that call is forwarded. We've got
19 another record. We've got another call, which is that
20 when it got to the PBX, the doctor isn't in the office
21 today, he's working from the home office, so that
22 second call is originated to his home. And there is a
23 record that's created for the call that went from the
24 PBX to the KMC office to the Sprint office to the
25 customer. And if you were to take that record for

1 that local call and look at the calling party number
2 and say that that determines the jurisdiction to be
3 interstate, I'm saying that would be incorrect.
4 **Q. So you're saying that that's what the SS7**
5 **records would look like? They would show a call**
6 **originating in Atlanta, terminating in Tallahassee,**
7 **then originating again and terminating again in**
8 **Tallahassee, and all of that would show on the call**
9 **records that Sprint gets when it gets forwarded to its**
10 **doctor customer that the call gets forwarded to?**

11 A. I believe that it would have a calling party
12 number that would be the 404 number. The called party
13 number would be the doctor's home office. The charge
14 number would be the PBX, the billing telephone number.

15 **Q. But you're saying KMC would get the access**
16 **charges in that case?**

17 A. No, that would be a local call I just
18 described from --

19 **Q. From Atlanta to the number in the middle.**
20 **You said access charges were involved with that, but**
21 **you then said the called number was the Sprint**
22 **customer; right? That's what you just said, the**
23 **called party would be the doctor's home phone --**

24 A. No, no. I'm sorry. I would love to go to a
25 board and draw this picture. We start with a box in

1 MR. SELF: All right. Charge on.

2 BY MS. MASTERTON:

3 **Q. Go ahead.**

4 A. Okay. We have a patient in Atlanta calling
5 the doctor's office.

6 **Q. Okay.**

7 A. Some 404 number there is going to be the
8 calling party number. Their call is really a line off
9 the BellSouth office to the BellSouth tandem, because
10 they're going to call long distance, and it just
11 happens to be AT&T. This is all in Tallahassee over
12 here, so through the Sprint tandem down to the KMC
13 office over the PRI to the KMC customer, the clinic,
14 doctor's office. Now, the doctor is not in, but the
15 doctor, using the clinic's CPE, has forwarded that
16 call to his home office.

17 Now, you have here a complete call. This
18 call originated here, and it terminated here when it
19 got to this CPE here. There's access, originating
20 access due BellSouth and terminating access due here
21 in Tallahassee. I would assume that you charge the
22 tandem rate, and we charge the end office rate for
23 that call.

24 Now, this CPE is programmed, though, that
25 this doctor says, "I want to receive my calls. I'm

1 Atlanta.

2 **Q. Okay. I'm going to write this down.**

3 A. And let's call it BellSouth.

4 **Q. Let's say it's a patient. Right?**

5 A. Right.

6 **Q. And the local phone company is BellSouth.**

7 A. Right.

8 MR. SELF: Can I suggest that maybe
9 Mr. Twine can write it on this blank piece of
10 paper, and you can identify it as an exhibit if
11 you wish.

12 MS. MASTERTON: Okay. Can we go off the
13 record for a second? We're just going to take a
14 short break.

15 (Short recess.)

16 MS. MASTERTON: Okay. We're back on the
17 record, and we are going to make this an exhibit.

18 MR. SELF: Then let's identify it first.

19 MS. MASTERTON: Yes. It's going to be 3.

20 MR. SELF: So this is Deposition Exhibit
21 Number 3.

22 MR. POAG: Call diagram.

23 MS. MASTERTON: Call forwarding diagram.

24 (Deposition Exhibit Number 3 was marked for
25 identification.)

1 just working from my home." And he happens to be
2 served by Sprint. So it comes back on the PRI to the
3 KMC office, which routes it to the tandem, which
4 routes it to the Sprint end office, and the phone
5 rings here. And this is the called party.

6 **Q. But what number did the person in Atlanta**
7 **call?**

8 A. They called this number.

9 **Q. So that was the called party for the --**

10 A. For the first call, right.

11 **Q. Okay.**

12 A. And that would have this calling here, and I
13 don't know about the charge party.

14 **Q. What's the calling number for the number for**
15 **this call?**

16 A. The calling number for this call is still --
17 this customer is still there. That number is there.
18 So that's the calling party. It picks up the billed
19 telephone number here from the PRI. That's the charge
20 number. I'll just put that. And the called number is
21 this one here, which is the doctor's office, and
22 that's a local call. And on that call, the charge
23 number is there. The called number is there. What is
24 the calling party number? It's this one back here.

25 **Q. So you're saying the doctor's office number**

1 **wouldn't show up on the SS7 records?**

2 A. This would show up, the billing telephone
3 number for all the numbers on the PBX.

4 **Q. And that's going to be different from the**
5 **number that the patient called.**

6 A. Right. I shouldn't say that. It could be
7 the number that they called. It could be the main
8 number of the switchboard, or it could be the
9 individual doctor's office.

10 **Q. Okay. But for the purposes of this call,**
11 **this number is the originating number; right?**

12 A. This number is the calling party number.

13 **Q. Okay. So you're saying it's not true that**
14 **for telecommunications -- so this statement you made**
15 **in your testimony, you're taking that back, basically,**
16 **on page 4 and 5? You're saying that's not really**
17 **necessarily true; is that right?**

18 A. I guess in answering this question on line
19 11, the intent was saying that the enhanced service
20 traffic was an exception and that you could then
21 default to this other. But in fact, we've got
22 examples that say this was probably incomplete in the
23 global sense, and it was more directed towards what
24 was the intent of the question.

25 **Q. So what does determine the jurisdiction of**

1 that's in the FCC ruling.

2 **Q. And what does that say?**

3 A. Again, I'm only the -- in this position, I
4 am the billing person who took direction from the
5 regulatory world, and you would have to really speak
6 to someone who is more an expert in the law.

7 **Q. And that would be?**

8 A. I believe you can talk to Mr. Calabro or
9 Ms. Johnson.

10 **Q. Okay. Let's look at your rebuttal testimony**
11 **on page 5 still, line 9. And you say basically -- I'm**
12 **going to paraphrase here. You talk about the PRI**
13 **customer placing a call, and I wanted you to describe**
14 **to me how Customer X placed the call.**

15 A. I don't know.

16 **Q. What do you mean, you don't know?**

17 A. I don't know exactly what Customer X was
18 doing.

19 **Q. Customer X is KMC's customer; correct?**

20 A. Customer X is KMC's customer.

21 **Q. And KMC provided the service that allowed**
22 **Customer X to place the call; correct?**

23 A. That's correct.

24 **Q. But you don't know how that service was**
25 **used? Is that what you're saying?**

1 **the call for telecommunications traffic?**

2 A. That's a good question.

3 **Q. And your answer?**

4 A. There would be many answers to that. As we
5 said already, the fact that an enhanced service
6 provider is making local calls, you can't go looking
7 at the charge -- I'm sorry, the calling party number
8 and comparing it to the called party number.

9 **Q. Is that a usual situation where the calling**
10 **party number would not be the appropriate number to**
11 **look at to determine jurisdiction?**

12 A. For enhanced --

13 **Q. For telecommunications service.**

14 A. For the bulk of the calls, that would be
15 what one would use.

16 **Q. You mentioned the interconnection agreement**
17 **on page 5, line 2. What does the interconnection**
18 **agreement say about how you determine the jurisdiction**
19 **of traffic? Do you know?**

20 A. Marva would have to clarify that.

21 **Q. So you don't know?**

22 A. No.

23 **Q. Okay. What determines the jurisdiction of**
24 **traffic for an enhanced services call?**

25 A. What determines the jurisdiction? I believe

1 A. I don't know how that service was used. I
2 don't know what CPE they were using.

3 **Q. Does anybody at KMC know that? In other**
4 **words, when you do this PRI arrangement, do you need**
5 **to know the customer premises equipment that the PRI**
6 **is being connected to?**

7 A. I don't believe that we needed that to
8 provision the service. Oftentimes service is provided
9 to a demarcation point, and it's the customer's
10 responsibility to deal with their CPE vendor.

11 **Q. So in this case, the cross-connect was not**
12 **connected to the Customer X's CPE?**

13 A. The cross-connect, which I believe I refer
14 to as the local loop, which is really just a very
15 small jumper between the DS3 and the actual
16 demarcation point of the circuit -- and this to me is
17 standard in today's world where telephone companies
18 aren't the end-all from the instrument to the
19 instrument. We provided the PRI service to the
20 customer, took that small jumper and more than likely
21 brought it to some sort of a binding post, a terminal
22 strip, and the customer, using their CPE vendor, would
23 have taken that to their equipment.

24 **Q. Is that what happened?**

25 A. I was not there. I would assume.

1 **Q. But KMC would know for sure what happened;**
2 **right? Somebody in KMC would know; right?**

3 A. I'm sure somebody, the final installer that
4 had oversight to -- well, I shouldn't even say
5 installer, because it's quite possible that whoever we
6 leased the facilities from did the work. So KMC might
7 not have been there at all.

8 **Q. But it's KMC's facility; correct?**

9 A. No, it's not.

10 **Q. But it's being provided to the customer by**
11 **KMC; correct?**

12 A. The transport is being provided to the
13 customer by KMC. The facility is leased. Now, the
14 facility that I'm talking about is the transport. The
15 transport, as we discussed earlier, probably appears
16 somewhere in a -- its could be a manhole, it could be
17 a carrier hotel, or it could be a central office, but
18 it's not KMC's.

19 **Q. But the cross-connect -- I guess I'm**
20 **confused. Who provides that?**

21 A. The cross-connect could have been -- well,
22 first of all, let me ask when you say provides, what
23 do you mean by provides?

24 **Q. Who physically does the work to provide it,**
25 **and who is the provider who bills it and is**

1 A. Well, if you look at the DS3, you have a far
2 end and a near end.

3 **Q. Right. Which is which? In the Customer X**
4 **situation, which is the far end and which is the near**
5 **end?**

6 A. Well, it's easier, being a KMC person, to
7 talk about it from my perspective. From my
8 perspective, the near end is close to my central
9 office. The far end would be the other dimension from
10 the near end.

11 **Q. Okay. So the local loop, that was probably**
12 **provided by a third-party provider; right?**

13 A. The local loop is this cross-connection, a
14 jumper that takes it from the far end of the transport
15 and brings it to some demarcation point, where the
16 customer will attach their CPE to make the circuit
17 complete.

18 **Q. But did KMC provide the local loop? Did KMC**
19 **physically provision the local loop?**

20 A. I doubt that, because it was not our plant
21 facility that it was transitting on. So more than
22 likely, when we ordered -- in provisioning the
23 circuit, when we ordered the circuit from a third
24 party, part of what that third party would do is
25 engage in the actual connection of the far end of the

1 **responsible for the service for the customer?**

2 A. Well, if we were purchasing that, leasing
3 that from some third party, they would have billed
4 KMC, and KMC would have billed Customer X.

5 **Q. So you're saying that KMC's facilities were**
6 **likely not involved in the traffic until it got**
7 **transported by this third-party provider down to**
8 **Fort Myers or up to Tallahassee; is that correct?**

9 A. Clearly, clearly.

10 **Q. So that's when KMC first became physically**
11 **involved in the traffic that originated in Orlando, is**
12 **in Fort Myers or Tallahassee; correct?**

13 A. Let me understand "physically." This is
14 what I think I'm hearing, is where is the actual KMC
15 physical asset that KMC owned engaged in our
16 discussion.

17 **Q. Right.**

18 A. Okay. That would be at the near end of the
19 DS3.

20 **Q. And the near end is what? I don't know**
21 **what that means.**

22 A. I don't know exactly where the connection
23 takes place. That's why the drawing you had --

24 **Q. What does "near end" mean? I don't know**
25 **what that means.**

1 DS3 to the demarcation point.

2 **Q. Okay.**

3 A. And they might have assisted the CPE vendor.

4 **Q. Okay. Thank you.**

5 **Let's turn to your rebuttal on page 7,**
6 **starting on line 20. You state that since KMC**
7 **understood that Customer X was an enhanced service**
8 **provider, the traffic that passed over the PRI groups**
9 **leased by Customer X was entitled to local treatment**
10 **and would have been exempt from access charges**
11 **regardless of the calling party numbers associated**
12 **with the traffic; is that correct?**

13 A. Yes, that is correct.

14 **Q. And I believe you said that Customer X**
15 **originated these calls in Orlando; correct?**

16 A. I believe that Customer X originated the
17 calls in Tallahassee or Fort Myers.

18 **Q. Let's go over this again then. Where was**
19 **Customer X physically located?**

20 A. Physically, their CPE was at the end of our
21 long loop from Tallahassee or from Fort Myers.

22 **Q. So maybe you need to explain to me again how**
23 **they originated it in Tallahassee when they were**
24 **located in Orlando.**

25 A. From my perspective, the enhanced service

1 provider procured local PRIs with local numbers from
2 KMC. And by our definition, the way it was
3 provisioned, the way it was engineered, it was a local
4 service, and therefore, those calls which they were
5 making locally in Tallahassee and Fort Myers were in
6 fact local calls, originating in Tallahassee and
7 calling Tallahassee, originating in Fort Myers and
8 calling Fort Myers.

9 **Q. What is KMC's definition of local? You said**
10 **"by our definition."**

11 A. Our definition of what a local PRI is is
12 clearly stated in our documentation, and what we sell
13 would be our tariffs. And the service was provisioned
14 to our Customer X using this long loop to its CPE, but
15 it was making local calls from our office to other
16 customers in Tallahassee or in Fort Myers.

17 **Q. And what made them local? I know I asked**
18 **you, but then you say things that confuse me. I'll**
19 **move on after this, I promise.**

20 A. Okay. It's local because that's the service
21 that the customer purchased, and that's what we
22 provisioned, and that's what was utilized.

23 **Q. But it doesn't have anything to do with the**
24 **beginning and end points of the call. Is that what**
25 **you're saying?**

1 A. The standard for a local call is over the
2 local interconnection trunks. That's what I'm saying.

3 **Q. So you're saying if KMC sends a call over**
4 **Sprint's local interconnection trunks, then it is a**
5 **local call regardless of any other factors?**

6 A. I'm saying it's our intent to do what we
7 agreed to do and that this traffic that we're
8 discussing is deemed local traffic; therefore, that
9 should be sent and was sent over the local
10 interconnection trunks.

11 **Q. Well, what made it -- never mind. That's**
12 **okay. And you're saying it's standard industry**
13 **practice to do that? That's standard routing for KMC,**
14 **do you mean, or is that standard routing in the**
15 **industry?**

16 A. I believe it's standard routing in the
17 industry. I believe that that's exactly what we would
18 expect from Sprint, that if it was a local call, you
19 would send it to me on the local intermachine trunks,
20 and if it was not a local call, I would see it on my
21 access trunks.

22 **Q. Well, do you think it would be standard for**
23 **Sprint to provision a PRI service that began in**
24 **Orlando and terminated in California and call it**
25 **local, or do you think that would be standard for**

1 A. I'm saying from my perspective, it was a
2 service which we're allowed to sell and was sold. We
3 provisioned it that way, and they moved it that way.

4 **Q. So if a customer in California wanted a long**
5 **local loop to Tallahassee, would you provide that?**

6 A. That would have to be answered by somebody
7 else.

8 **Q. So you don't know?**

9 A. That one, I don't know.

10 **Q. So is it the telephone number, the charge**
11 **party number that makes the call local by KMC's**
12 **definition?**

13 A. By our definition, it's the PRI service
14 that's local, and it's a result of the PRI that there
15 is a charge party number which relates to the service.
16 So therefore, the charge party number is local, and
17 the called parties would be whoever they're calling.
18 And they were calling locally.

19 **Q. On page 8, lines 2 through 4, you say KMC**
20 **routed calls to Sprint based on standard routing that**
21 **is used in connection with all local calling between**
22 **KMC's customers and Sprint's customer. So you're**
23 **saying this PRI service where the CPE is in Orlando**
24 **and the terminating end user is in Tallahassee, that's**
25 **standard routing? Is that what you're saying?**

1 **Sprint?**

2 A. I don't really know what's standard for
3 Sprint.

4 **Q. But you said --**

5 A. I would expect local calls on local
6 intermachine trunks. That's what I said.

7 **Q. So when you said standard, the only part of**
8 **this you're saying is standard is what? What do you**
9 **mean by standard routing? I guess I should ask you**
10 **that, because I think I misunderstood that.**

11 A. Again, that a local call is sent from KMC to
12 Sprint on a local intermachine trunk, a trunk
13 designated for local traffic.

14 **Q. So you're just saying that if a call is**
15 **local, then it's standard to route that over local**
16 **interconnection trunks?**

17 A. That's correct.

18 **Q. But you're not saying the routing of it over**
19 **local interconnection trucks is what determines**
20 **whether it's local?**

21 A. I think that the standard is to send local
22 over local. The responsibility of determining
23 jurisdiction is at the other end.

24 **Q. The other end? What's the other end?**

25 A. If I was sending you the traffic, it would

1 be your responsibility to determine what is the proper
2 jurisdiction of that traffic.

3 **Q. So it's not the interconnection agreement?
4 It's the receiving party's interpretation.**

5 A. Okay. I believe that in following the
6 interconnection agreement, one would expect local to
7 be in local, and I'm saying that's what we do. Does
8 that automatically make it local? That was the
9 intent. But if the party at the other end says,
10 "Something doesn't look right here," then it's their
11 responsibility to determine what is the proper
12 jurisdiction and to take appropriate action.

13 **Q. Isn't that what Sprint has attempted to do
14 in this case?**

15 A. I believe that's the discussion we're
16 having. And to this point, I stick to -- we have a
17 local customer with local calls which we're sending to
18 Sprint on a local intermachine trunk, and that's the
19 proper thing to do.

20 **Q. And then you said that it's up to the
21 receiving party if they think there's something wrong
22 to challenge that and try to ensure that it's being
23 done properly. Isn't that what you said?**

24 A. That would be what I would expect, but then
25 I would expect that there would be some proof that in

1 that that would have taken place. I mean, these
2 things happen.

3 **Q. Are you aware that Sprint and KMC did have
4 discussions almost a year prior to this complaint
5 being filed?**

6 A. I haven't found the documentation. I
7 personally was not involved in it.

8 **Q. So you don't know about that?**

9 A. No.

10 MS. MASTERTON: Okay. I don't have any
11 further questions.

12 CROSS-EXAMINATION

13 BY MS. KEATING:

14 **Q. I have just a few for staff. And I don't
15 want to seem like I'm beating a dead horse, but I
16 really want to make sure I understand how these
17 scenarios play out.**

18 A. Okay.

19 **Q. But let me start out with something pretty
20 basic. I want to make sure I understand the PRI
21 service that KMC was providing to Customer X.**

22 **Is PRI service essentially like dedicated
23 services between two points? I mean, is it like it's
24 dedicated between the Orlando and Tallahassee points
25 of presence for KMC?**

1 fact there was something amiss. What I would expect
2 first is that there would be some -- two parties have
3 entered into a contract with consideration on both
4 sides, that there would be some trouble process that
5 one would go through, because we know that things do
6 happen in trunking, and someone could have ordered a
7 trunk assuming that it was to be provisioned as
8 access, but in fact it was provisioned as local. So
9 someone could see that the results of the transit of
10 information doesn't look right, and so we would
11 probably see a history of discussions held in the
12 network area saying, "This doesn't look right," that
13 this is something that maybe was a problem, and maybe
14 it was, and then it was fixed. If that wasn't the
15 case, then I would expect there would be some sit-down
16 and discussion around what is going on here to gain a
17 better understanding.

18 For instance, if the trunks were trunked
19 correctly and the recipient of the traffic still sees
20 that I'm looking at something that says calling party
21 and called party are just in the kind of buckets that
22 say this should be access, then a discussion around
23 that's how that appeared, but in fact it's an enhanced
24 call, that it's a local call from an enhanced service
25 provider, which says that it's not subject to access,

1 A. The PRI is a service between a customer and
2 KMC.

3 **Q. But it provides dedicated service between
4 Orlando and Tallahassee?**

5 A. It provides service, a bandwidth for that
6 customer to both send and receive calls.

7 **Q. Are you familiar with foreign exchange
8 service at all?**

9 A. It has been a long time since I've had
10 anything to do with foreign exchange service.
11 Conceptually, I know what you're talking about.

12 **Q. Is the PRI service that was provided to
13 Customer X similar to that type of service?**

14 A. When you think of a long loop which is used
15 in this customer's provisioning, there's something
16 that resonates with FX. However, that's really
17 something that is the outside my knothole. I'm the IT
18 and the billing guy, so someone else would have to
19 really fulfill that discussion.

20 **Q. Okay. I almost hate to do this, but let's
21 go back to the call from Atlanta, that scenario.**

22 A. Sure.

23 **Q. Just to make sure I understand, KMC
24 considers the call from Atlanta to the clinic to be an
25 entirely separate call from the call-forwarded portion**

1 **of the call to the doctor's home; is that correct?**

2 A. We see that as two calls.

3 **Q. Okay. Are there two separate call records**
4 **for those two portions of the call?**

5 A. Yes, there are.

6 **Q. There are two separate SS7 records?**

7 A. There are multiple SS7 records. Every hop
8 has an SS7 record.

9 **Q. Okay.**

10 A. And we would expect that the call records
11 that we saw to KMC -- I would see an inbound
12 terminating access call coming in from the Atlanta
13 person, and we would in fact be working with Sprint to
14 get copies of the tandem tapes, because that's how we
15 bill our terminating access because of the CIC code
16 issue. And so we would expect, having gotten those
17 records, that Sprint also created their switch records
18 for that call and billed their part of the access, and
19 we billed our part of the access.

20 And the second part of the call is now a
21 local call that the CPE is able to loop through, and
22 it originates a call, which is local, from Tallahassee
23 to the doctor's home in Tallahassee. We would now
24 create an originating record, local. It would go
25 through the -- I'm saying the tandem to the end office

1 Florida. So everything comes together nicely in terms
2 of how that customer actually reached the doctor in
3 his home office, how the transport of the call worked
4 through all the various carriers that were connected,
5 and how the records were there so that everything
6 could be billed. And that happens on a daily basis.

7 **Q. So when the call ends up terminating at the**
8 **clinic, why doesn't the calling party number then --**
9 **in your scenario, why doesn't the calling party then**
10 **become for that second call record the clinic number?**

11 A. The way this works is that the doctor or
12 anyone else who happens to be receiving calls in
13 today's world wants caller ID. He wants to know who's
14 calling me. You know, the doctor doesn't want to
15 think that the clinic is calling him. The doctor
16 really wants to know it's his patient, who he told,
17 "If you have an emergency, be sure to call me." Well,
18 boom, you know, there's the person calling him.

19 **Q. Now, going back to the customer that's**
20 **making the call from Atlanta, to that customer, it's a**
21 **long distance call?**

22 A. It's a long distance call, and to the clinic
23 it's a local call.

24 **Q. Okay.**

25 A. And that's a good way of thinking of the two

1 to the customer. And Sprint would be creating records
2 as well to bill us reciprocal compensation for
3 terminating our local call.

4 So the accounting for these two calls
5 jumps -- there are SS7 records for every hop. There
6 are AMA records that the switches are creating,
7 Automatic Message Accounting, the AMA, the standard
8 billing records are created. And Bell would have
9 theirs, and they would be billing the customer for the
10 call they made. They would have their records for all
11 of the originating access, and we would have our
12 records for the terminating access. We would create
13 records for the creation of the second call, and so
14 would Sprint.

15 So we've got SS7 records, AMA records, and
16 accounting in terms of the billing. So everything is
17 there in the process, in the way things work in our
18 industry. And at the end of the day, when the doctor
19 answered that call and the patient got their
20 prescription refilled in Atlanta, all was well, and
21 everything has been accounted for in our world as
22 well.

23 But it can be confusing, because that second
24 call does have a calling party number that says
25 Atlanta, Georgia, and a called party in Tallahassee,

1 calls. That customer will get billed for that long
2 distance call.

3 **Q. Does that scenario change at all if the**
4 **traffic being sent from Atlanta is enhanced services?**

5 A. Ask that question again.

6 **Q. If the customer is actually sending data as**
7 **opposed to making that telephone call.**

8 A. Sending data to?

9 **Q. E-mailing the clinic. Would that make a**
10 **difference?**

11 A. If the customer had a computer and they used
12 dial-in to the clinic, that would be a telephone call.

13 **Q. Okay. So does KMC differentiate at all --**
14 **strike that. Can KMC tell if the traffic that it's**
15 **carrying for its customer, the clinic, whether the**
16 **traffic it receives is enhanced services traffic?**

17 A. No. That discussion we've had even recently
18 in these depositions, that we can't tell and Sprint
19 can't tell.

20 **Q. Now, when KMC agreed to provide customer**
21 **access through PRIs, did KMC understand that Sprint**
22 **used the charge party number to determine the**
23 **jurisdiction of the call?**

24 A. I don't believe we knew that. I certainly
25 didn't.

1 **Q. Do you know when KMC became aware that that**
2 **was Sprint's perspective on determining jurisdiction?**

3 A. I did through reading the documentation of
4 the dispute.

5 **Q. Do you know if the use of the charge party**
6 **number to determine the jurisdiction of a call is**
7 **common industry practice?**

8 A. I don't know that.

9 **Q. Let me try a slightly different scenario.**

10 A. Okay.

11 **Q. And actually, let's use the actual PRI**
12 **between Orlando and Fort Myers. A customer in Fort**
13 **Myers calls the local Fort Myers number that's**
14 **provided to Customer X by KMC. KMC treats that as a**
15 **local call --**

16 A. Sure.

17 **Q. -- between Fort Myers and Fort Myers?**

18 A. Fort Myers and Fort Myers.

19 **Q. And KMC has a point of presence in Fort**
20 **Myers; correct?**

21 A. KMC has a central office in Fort Myers.

22 **Q. Okay. Is KMC viewing that as a local call**
23 **because it terminates in Fort Myers and then is picked**
24 **up as a separate part of the call that goes back to**
25 **Orlando?**

1 that was what was accepted and engineered and
2 provisioned, to me, that's local service, because what
3 happens then -- and this is again stepping back into
4 the strange world of billing. We are looking for call
5 records for every call that's placed. And what I
6 would expect then to see is call type 1s, call type
7 2s, which are either rated messages or flat-rated
8 messages coming out as there's a local call. And to
9 me, the world is good. I've got my record, and that's
10 what I go ahead and do.

11 So that's where I'm saying that the customer
12 was allowed to order local services, did order local
13 services, and that was the PRI they ordered, and
14 that's what was provisioned. The translations
15 engineers then take and put the billing telephone
16 number into the switch so that those lines all map to
17 that billing telephone number. That appears on the
18 records. That's both the AMA records as well as the
19 SS7 records, and those that are routed as local calls
20 over the intermachine trunks, as I was discussing with
21 Susan.

22 **Q. Well, going back to the actual call routing**
23 **scenario, I think you had told Ms. Masterton earlier**
24 **that as you understood the service that was provided**
25 **to Customer X, the calls were coming from the Fort**

1 A. KMC sees that as a call from Fort Myers to a
2 number in Fort Myers, where that number appears on the
3 KMC switch.

4 **Q. How would you define a local call?**

5 A. This would be a situation where in my
6 billing world, that's provided to me, saying here are
7 all the numbers from which someone on our switch can
8 call someone, and that would be translated in the
9 switch, and a local record would be produced. So
10 that's kind of a technical answer of what I'm looking
11 at in terms of billing. I'm looking at a switch that
12 knows that anyone having dial tone off our switch
13 dialing any of these NPA-NXXs, that a local call
14 record would be produced for that call.

15 Now, that decision of what includes the
16 NPA-NXXs that are in the local calling area of that
17 particular location for KMC would be something that
18 had been discussed and documented, and that would be
19 by Ms. Johnson, the regulatory group.

20 **Q. But just so I understand how you understand**
21 **it, you define it based on the service that KMC had**
22 **provided to the customer. In other words, if a**
23 **customer thinks he's buying local service, that's how**
24 **you define local service; is that right?**

25 A. If the customer ordered local service and

1 **Myers area to the Fort Myers number, going back to**
2 **Customer X's actual location in Orlando. Do I**
3 **understand that correctly?**

4 A. We saw calls coming from the customer. We
5 didn't see calls going to the customer.

6 **Q. Okay. Then would you have known if a call**
7 **originated in, say, Orlando, being made to the**
8 **Customer X-held Fort Myers number?**

9 A. If someone called from Orlando to the
10 customer Fort Myers number, that call would be coming
11 in as a toll call, because it's a Fort Myers number.

12 **Q. And how would KMC handle that call?**

13 A. With a two-way PRI, KMC would have taken
14 that call and put it on the PRI, and the customer's
15 CPE would have done what it does. I don't know what
16 its CPE is, but say it's a PBX. But it would have
17 been a toll call that I terminated in Fort Myers,
18 because it came from Orlando.

19 MS. KEATING: Can we break for like two
20 minutes?

21 (Short recess.)

22 BY MS. KEATING:

23 **Q. The good thing about taking a little bit**
24 **longer than two minutes is that eliminated about five**
25 **minutes of questions.**

1 **Let me play out, though, one more scenario.**
 2 **Let's try the Atlanta to Tallahassee scenario again,**
 3 **but I want to change it up a little bit. The doctor**
 4 **has gone home to visit his family in Miami. His calls**
 5 **are being forwarded from Tallahassee to Miami. How**
 6 **does -- first of all, how would the call records**
 7 **change?**

8 A. The first part would remain the same in
 9 terms of call 1 would come into the clinic in
 10 Tallahassee. The call is now being forwarded to
 11 Miami, so the called party would be in Miami. The
 12 charge party would be the billing telephone number of
 13 the clinic's PRI, and it would now go out as a long
 14 distance call.

15 **Q. So in that scenario --**

16 A. Assuming that the PRI was provisioned to
 17 allow, you know, outbound toll calls.

18 **Q. Okay. So in saying that that outbound call**
 19 **to Miami is a toll call, that would mean access**
 20 **charges were due to the terminating LEC?**

21 A. Uh-huh.

22 MR. SELF: Yes.

23 THE WITNESS: Yes.

24 BY MS. KEATING:

25 **Q. So the call would be delivered over a toll**

1 know that he was in Miami, but that's where he is.
 2 Now, they're still paying a long distance call to
 3 Tallahassee. The Tallahassee clinic is now going to
 4 pay for a long distance call to Miami.

5 **Q. Okay. And there would still be two separate**
 6 **call records?**

7 A. There would be multiple call records.

8 **Q. On the first one, would the called party**
 9 **number be the clinic number?**

10 A. Yes. It would be the number that the
 11 patient in Atlanta was calling to the doctor.

12 **Q. And on the second one, would the called**
 13 **party number be the Miami number?**

14 A. Correct.

15 **Q. How do you define enhanced services traffic?**

16 A. Enhanced services traffic has been really
 17 defined by the FCC, and the industry, of course, has a
 18 lot of discussion around that. There are a number of
 19 things that take place with enhanced service traffic.
 20 But it's that additional enhancement. It's the value
 21 added that is outside the normal boundary of the voice
 22 call. There's just a number of features, options, and
 23 doodads that enhanced service providers are providing
 24 to customers. And --

25 **Q. And the -- I'm sorry. I didn't mean --**

1 **trunk as opposed to a local trunk?**

2 A. The PRI, the customer, the clinic would have
 3 more than likely presubscribed to some long distance
 4 carrier, and the CPE is going to basically do the
 5 dialing of the Miami number, and that's going to start
 6 the process in terms of, you know, from KMC's
 7 perspective, are we directly trunked with the
 8 presubscribed IXC, and we might deliver the traffic
 9 that way, or if not, then to the Sprint tandem on its
 10 way there.

11 **Q. And just to make sure I've got it clear, the**
 12 **calling party number would still be the Atlanta**
 13 **number?**

14 A. Uh-huh, yes.

15 **Q. And the called party number would be the**
 16 **Tallahassee --**

17 A. Miami.

18 **Q. The Miami number. Okay.**

19 A. On the second call. And to the patient
 20 who's in Atlanta, all this is taking place, and it's
 21 transparent to them. They've just dialed this number
 22 in Tallahassee, and they're on the phone, and it takes
 23 place, and the doctor picks up the phone in Miami, and
 24 that's what the customer expected to have happen.
 25 They wanted to talk to their physician. They didn't

1 A. I was just going to say, it's a grocery list
 2 that probably grows every day.

3 **Q. In the Atlanta scenario where the call is**
 4 **being forwarded to Miami, do you consider any portion**
 5 **of that call an enhanced service?**

6 A. I believe that the call that you've
 7 described as the example we're talking about is an
 8 ordinary telecommunications call, and I'm not -- in
 9 the diagram we drew and in the recent enhancement, to
 10 just take the second leg, and instead of going to a
 11 local doctor's office or going to Miami, it doesn't
 12 change this whole concept. That's a normal
 13 telecommunications call. It doesn't go to or through
 14 any enhanced service provider in this example.

15 **Q. What would need to change about that**
 16 **scenario to make it an enhanced service?**

17 A. Well, somebody would have to be identified
 18 here as an enhanced service provider that's doing some
 19 value added to this particular call that you've
 20 described. I think our call -- it's generic. Even in
 21 a generic sense, it gets a little bit confusing and
 22 convoluted here, but that's just a generic call. To
 23 put in some enhanced services, someone would have to
 24 be the provider of those services and would enter into
 25 the diagram here.

1 **Q. In that scenario, would KMC be able to**
 2 **determine if there had been value added to the call**
 3 **such that it was now an enhanced service?**

4 A. Unfortunately, no.

5 MS. KEATING: That's all. Thank you.

6 MR. SELF: I have just a couple of redirect
 7 questions.

8 CROSS-EXAMINATION

9 BY MR. SELF:

10 **Q. There has been a lot of discussion today**
 11 **about local calls. Mr. Twine, would you agree that**
 12 **there are both geographic and regulatory uses of the**
 13 **word "local" in terms of the telecommunications**
 14 **industry?**

15 A. Yes, I would.

16 **Q. So, for example, a company such -- well,**
 17 **let's use everyone's favorite easy example. A**
 18 **cellular company, for example, can say dialing any**
 19 **place in the continental United States is a local call**
 20 **if that's what they want to do; correct?**

21 A. Yes, they can.

22 **Q. Assuming there's no legal or regulatory**
 23 **limitations on that, just as KMC as a CLEC can define**
 24 **its local calling area as it chooses; correct?**

25 A. Yes.

1 **discussions about local service, does KMC's network**
 2 **treat a PRI between its switch in Tallahassee and the**
 3 **CPE in Orlando any differently than a PRI between its**
 4 **Tallahassee switch and the CPE located in Tallahassee?**

5 A. No, it does not.

6 **Q. And is what makes that call, quote, local in**
 7 **that sense the fact that the switch that's serving**
 8 **those PRIs in both of those examples is in**
 9 **Tallahassee?**

10 A. Say that one again.

11 **Q. And is what makes that call local the fact**
 12 **that the switch serving those PRIs is in Tallahassee?**

13 A. Yes.

14 **Q. And I think very early on Ms. Masterton was**
 15 **asking you some questions where she was seeking**
 16 **examples of where the calling party number was not the**
 17 **same as the charge party number. Do you recall that?**

18 A. Uh-huh, yes.

19 **Q. Are you aware of any other examples where**
 20 **the calling party number and the charge party number**
 21 **is not the same?**

22 A. The CPE known as a PBX can be treated as a
 23 whole bunch of different -- it could be used in a
 24 whole bunch of different scenarios. The box is under
 25 the control of the customer, and they can go in and

1 **Q. And the same is true for Sprint?**

2 A. Yes.

3 **Q. Do you recall -- I believe the first couple**
 4 **of questions that Ms. Keating asked you, she was**
 5 **asking you about a dedicated PRI. Do you recall that**
 6 **discussion?**

7 A. Yes, I do.

8 **Q. Does a typical residential customer have a**
 9 **dedicated loop serving it, serving that person's**
 10 **residence?**

11 A. I believe they do.

12 **Q. I mean, is there anyone else that can use**
 13 **that loop, say, from your house to the central office?**

14 A. Like everything, you can come up with an
 15 exception. I assume it's a one-party line.

16 **Q. Right.**

17 A. Then it's really my line.

18 **Q. And what about a PRI customer? Is their PRI**
 19 **a dedicated facility?**

20 A. Yes, it is.

21 **Q. And it's dedicated in the sense that there's**
 22 **no other customer that could use that circuit;**
 23 **correct?**

24 A. That's correct.

25 **Q. Again, in connection with some of the**

1 program that to certainly create discrepancies. I'll
 2 call it that.

3 Centrex is a service that's used, and
 4 oftentimes large companies could have hundreds, if not
 5 thousands, of centrex lines and want everything on one
 6 bill, so the calling party number could be the station
 7 number, but the charge party number could be their
 8 billing telephone number. Those are the ones that
 9 come to mind.

10 MR. SELF: Excuse me one second off.

11 (Pause in the proceedings.)

12 BY MR. SELF:

13 **Q. Mr. Twine, Ms. Masterton asked you some**
 14 **questions about an exhibit that Mr. Wiley for Sprint**
 15 **prepared that I think for purposes of this deposition**
 16 **has been identified as Deposition Exhibit 1. Do you**
 17 **recall that?**

18 A. Yes, I do.

19 **Q. And she asked you some questions about this**
 20 **diagram, and I just want to ask you a couple of**
 21 **questions about it as well. Since this is -- I**
 22 **believe Mr. Wiley prepared this in an attempt to**
 23 **represent the network as he understands it in terms of**
 24 **the service that was provided to Customer X. Is that**
 25 **your understanding of what he was attempting to do?**

1 A. I think using his background, he drew a
2 chart that says this could be how it was configured.

3 **Q. Okay. Now, looking at this diagram, he's**
4 **got what he has identified on here as a DS3/DS1 DCS.**
5 **Do you know what that is?**

6 A. It's a digital cross-connect system.

7 **Q. To the best of your knowledge, is there any**
8 **reason to conclude that there was a digital**
9 **cross-connect with respect to the service that was**
10 **provided to Customer X, if you know?**

11 A. When I answered the question the first time,
12 it was is this accurate, and I said I couldn't answer
13 that. In terms of what do I think about this, I doubt
14 that there would be anything quite as robust as what
15 they were depicting here in this blue square outside
16 the customer premises. In fact, it states that it's
17 the KMC point of interconnection in Orlando, and the
18 coloring of it being blue kind of shows it the same as
19 the equipment that one would have in Tallahassee and
20 Fort Myers, and I think that's misrepresenting that
21 there's something here for KMC.

22 In our subsequent discussion, we had that
23 there's just a DS3 that's coming into Orlando that we
24 lease from someone else, a third party, the underlying
25 carrier, and that there's just some jumpers, again,

1 that KMC has in each of those areas. I probably would
2 have been more explicit in the area here as well in
3 defining the ring a little bit more as Tallahassee and
4 showing the various other POPs that are on our ring in
5 the town of Fort Myers or Tallahassee.

6 **Q. So there's a ring in Tallahassee, a KMC ring**
7 **in Tallahassee, and there's a separate KMC ring in**
8 **Fort Myers?**

9 A. Yes. And typically one of our rings would
10 go, obviously, through the KMC switch, but it would
11 also go through the incumbent LEC's tandem, which in
12 this case would be Sprint in both of these cities,
13 oftentimes through some of their larger end offices in
14 the business district of the town, and through any of
15 the major IXC POPs, AT&T, Qwest, and, of course,
16 Sprint.

17 And that would be what our ring would look
18 like in terms of the major elements on the ring. The
19 ring would go through the business district of the
20 town. Our basic customer was typically a business
21 customer. We have very little residential service.

22 This makes it look like we actually have
23 this ring that goes through all of our cities,
24 including Orlando, and that would not be the case.

25 MR. SELF: All right. That's all I have.

1 just short little connections between the customer's
2 premise, probably the demarcation point and the far
3 end of the DS3.

4 **Q. The PRI service that KMC provided to**
5 **Customer X, was it DS3 service?**

6 A. No. The PRIs are DS1s, so the number of
7 DS1s that Customer X purchased in Tallahassee and in
8 Fort Myers, those individual DS1s would ride on the
9 DS3 as the means of transport. The DS3 would have
10 been channelized.

11 **Q. Okay. To the best of your knowledge, is**
12 **there a fiber ring as depicted in this exhibit that**
13 **would connect Tallahassee, Orlando, and Fort Myers?**

14 A. No. I would have drawn -- and you've seen
15 my art work. I would have had from the customer
16 premise box just kind of a straight line coming out
17 much further back towards Tallahassee and Fort Myers,
18 and that would be depicting this DS3 with the PRIs
19 riding on it for transport back to the Tallahassee and
20 the Fort Myers area here.

21 **Q. So would there be one line or two lines?**

22 A. I would draw a line from the customer
23 premise going to Tallahassee. I would have another
24 line going to Fort Myers. It would hit at one of
25 these network elements and join the fiber optic ring

1 Thank you.

2 MS. MASTERTON: I have a couple of follow-up
3 questions.

4 REDIRECT EXAMINATION
5 BY MS. MASTERTON:

6 **Q. Mr. Self was asking you about the DS3**
7 **transport versus the DS1s that are your PRIs. Do you**
8 **remember that?**

9 A. Uh-huh.

10 **Q. Okay. In this diagram, you said the whole**
11 **thing was the PRI, so could you tell me now where the**
12 **PRI fits versus the transport? Because it looks like**
13 **you left something out in this diagram.**

14 MR. SELF: Just so record is clear --

15 MS. MASTERTON: We've talked about this
16 previously, and it's KMC's response to staff's
17 interrogatory number 16 Bates stamped 884 --

18 BY MS. MASTERTON:

19 **Q. Based on what you said, it seems like you**
20 **left a lot out of that diagram, but that's okay. Just**
21 **the transport is all I'm interested in.**

22 A. I would say that the only change in the box
23 shown as the KMC 5E switch, in looking at Wiley's
24 exhibit here, Tallahassee has 12 PRIs going from
25 Customer X to the 5E, and Customer X has 15 PRIs that

1 go from Customer X to the Fort Myers switch. So I
2 could change this to reflect those specifics, you
3 know, for Tallahassee, 12 PRIs, and for Fort Myers, 15
4 PRIs, and somehow we could show some nomenclature, a
5 circle around there saying that it all rides on the
6 DS3.

7 **Q. And where does the DS3 fit into that**
8 **diagram? Where would you put it if you were going to**
9 **draw it in?**

10 A. It's the same arrow.

11 **Q. But you told Mr. Self that the PRI was**
12 **something different from the DS3 transport, didn't**
13 **you? He asked you if the DS3 transport was the PRI,**
14 **and you said no; is that not correct?**

15 A. The DS3 is not the PRI.

16 **Q. Okay. So where does the DS3 fit into that**
17 **drawing?**

18 A. The DS3 is a facility -- first of all, we'll
19 go to the PRI. The PRI is oftentimes a T1, has 23
20 bearer circuits and one data circuit, and it's got a
21 bandwidth of 1.5 meg. And what you do on a DS3 is
22 just stack those on top of it, so you have a bigger
23 bandwidth, and you're able to use that fiber to carry
24 the traffic from one point to another.

25 This was just a simple depiction, much like

1 A. Let's look at one fiber going from beginning
2 to end. There's a bandwidth, and we can allocate
3 different slots in the bandwidth. We can allocate so
4 many slots to PRI 1, so many slots to PRI 2, so many
5 slots to PRI 3, each of these being about 1.5 meg.
6 They're all still individual PRIs, but they're riding
7 on one DS3, which is the transport.

8 **Q. Okay. So on this drawing -- I think that's**
9 **what generated it. Can you show me the DS1s versus**
10 **the DS3s on this drawing? And this is the drawing**
11 **that's WLW-6, Deposition Exhibit 1.**

12 A. The DS1s would be terminated at this
13 demarcation point. If we drew a picture, we would
14 have them coming around on the DS3 to where it hit in
15 the area here of Tallahassee and Fort Myers. It would
16 hit a network element where it would come in and join
17 the ring, and then the ring would take it through the
18 office.

19 **Q. So basically, then that diagram accurately**
20 **captured that?**

21 A. No, because this has all of this material
22 out here. We're saying that there's really one line
23 that kind of comes this way and hits here, and one
24 line that goes there and hits here. That line would
25 be the DS3 upon which would be riding, in one case 12,

1 over here on local interconnection trucks, we didn't
2 say how many trunks there really are. That's
3 something that's -- that's what we're doing here with
4 PRI. It's simply -- the PRI is using it to carry the
5 traffic from here to here.

6 **Q. From where to where?**

7 A. From this end to that end.

8 **Q. From Orlando to Tallahassee.**

9 A. Well, from the demarcation point here to
10 some spot where we hit the KMC ring that actually is
11 what goes through the switch.

12 **Q. I guess I didn't understand what you meant**
13 **then. Just explain what you meant when you**
14 **differentiated and said that the PRIs were the DS1s,**
15 **not the DS3s. What did you mean then?**

16 A. Well, I --

17 **Q. Are you -- well, go ahead.**

18 A. Well, why don't you clarify, because --

19 **Q. Well, I must be misunderstanding, because to**
20 **me, you're telling me they're the same thing, but you**
21 **told Mr. Self that they're different. I'm guess I'm**
22 **not understanding, so I'm asking you to explain how**
23 **they're different, because in that drawing they look**
24 **like the same thing. So I'm asking you to explain to**
25 **me how the DS3 and the DS1 are different.**

1 in the other case 15 PRI, or DS1, T1, whatever the
2 nomenclature.

3 **Q. So what you're saying is that in this**
4 **drawing, the DS3 and the DS1 are the same line.**
5 **That's what you're saying?**

6 A. Right.

7 MS. MASTERTON: Okay. Thank you.

8 MR. SELF: Just to clarify, the DS3 has been
9 channelized into DS1s; correct?

10 THE WITNESS: That's correct.

11 BY MS. MASTERTON:

12 **Q. So what's the importance of distinguishing**
13 **that the DS1s are the PRI and the DS3s aren't?**

14 A. The distinguishing factor is that you sell
15 PRI to the customer. To transport the information, we
16 needed a DS3 or 12 DS1s and 15 DS1s. And that's an
17 additional charge which on the bill is highlighted,
18 here's the transport charge and here's the PRI charge.

19 MS. MASTERTON: Okay. Thanks.

20 MR. SELF: I have nothing else. I think
21 we're done.

22 (Deposition concluded at 12:15 p.m.)
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CERTIFICATE OF ADMINISTERING OATH

STATE OF FLORIDA:
COUNTY OF LEON:

I, MARY ALLEN NEEL, Registered Professional Reporter and Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that on the date and place indicated on the title page of this transcript, an oath was duly administered by me to the designated witness before testimony was taken.

DATED THIS 5th day of July, 2005.

MARY ALLEN NEEL, RPR
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CERTIFICATE OF REPORTER

STATE OF FLORIDA:
COUNTY OF LEON:

I, MARY ALLEN NEEL, Registered Professional Reporter, do hereby certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and that the foregoing pages numbered 1 through 100 are a true and correct record of the aforesaid proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED THIS 5th day of July, 2005.

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