

REDACTED

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: PAUL J. CALABRO

TAKEN AT THE INSTANCE OF: Sprint-Florida Incorporated

DATE: June 30, 2005

TIME: Commenced at 1:17 p.m.
Concluded at 3:50 p.m.

LOCATION: 2540 Shumard Oak Boulevard
Tallahassee, Florida

REPORTED BY: MARY ALLEN NEEL, RPR
Notary Public, State
of Florida at Large

ACCURATE STENOGRAPHY REPORTERS, INC.
2894 REMINGTON GREEN LANE
TALLAHASSEE, FLORIDA 32308
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DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

1 number was developed, to support customer services,
2 not for billing purposes nor for jurisdictional
3 purposes.

4 Q. What if KMC had assigned an Orlando NAP-NXX
5 number to the call in the charge party field instead
6 of the Fort Myers number? What would that have done
7 to the jurisdiction of the call?

8 A. It wouldn't have changed the jurisdiction at
9 all. These were local calls from Tallahassee or Fort
10 Myers to Tallahassee or Fort Myers.

11 I'm not aware of anybody that has used the
12 SS7 content in the way it's portrayed here to be used,
13 anyone in the industry. I certainly know none of the
14 [REDACTED] companies, including [REDACTED] that operates in
15 the State of Florida, has ever dreamt of doing
16 anything like that.

17 Q. Isn't there a charge party number field for
18 the billing records as well as for the AMA records?
19 There's no charge party field in the AMA records?

20 A. There's no such thing as charge party number
21 field in AMA records. They're two discrete things.
22 They may be populated with the same value, but there's
23 no use in SS7 signaling data for AMA records. AMA
24 records stand on their own. They're made at the local
25 switch. They're not made at the signal transfer

1 A. No. If KMC terminated to ██████ -- and
2 they're not here to defend themselves. I no longer
3 ██████ for them. If KMC sent a call that was originated
4 by an enhanced service provider on a primary rate ISDN
5 in -- let's make this ██████ Tampa, KMC in Tampa to
6 ██████ in Tampa. ██████ would have thought that was
7 a local call, would have afforded it local treatment,
8 and would have been right, and would never have
9 thought to look at what the calling party number was.
10 It was irrelevant to determining the proper
11 jurisdiction and treatment of the call from KMC's
12 customer who purchased primary rate ISDN service
13 terminated to a local number in the local calling
14 area.

15 Q. But are you saying that if Verizon found out
16 that the calling party number was a calling party
17 number from Virginia, they would still consider it a
18 local call? Is that what you're saying?

19 A. I don't think ██████ would have ever
20 thought to do anything different but treat that call
21 as local. ██████ I think would have been smart
22 enough -- I mean, I know the -- at least he was the
23 president of ████████████████████. He certainly
24 would have been smart enough to know what the ESP
25 exception was. He certainly worked on it when he was

1 a member of [REDACTED], and the FCC adopted it, and
2 then when they did FCC Docket 87-215 and others
3 thereafter, to know that ESPs are exempt from access
4 charges. And I don't think [REDACTED] would have ever
5 dreamt of pursuing this issue.

6 Q. So you think they would have still
7 considered that a local call?

8 A. They would have been right, and they would
9 have considered it a local call.

10 Q. Even though the calling party number was in
11 Virginia?

12 A. Irrespective of where the calling party
13 number was.

14 Q. So Verizon would do that. Okay. Thank you.
15 But you're saying Agilent should have just ignored the
16 calling party number; correct?

17 A. I think if Agilent wanted to do a study, it
18 wouldn't have done an access bypass study. As I read
19 the material in this case, and it's by no means all --

20 Q. Could you just -- I asked you a question,
21 and I would like you to answer it before you go on.
22 Should Agilent have ignored the calling party number?
23 Is that what you're saying? You can say no, but if
24 you could just answer the question.

25 A. Based on the facts as we know them now, yes,