

1 STATE OF NEW HAMPSHIRE

2 PUBLIC UTILITIES COMMISSION

3 **July 27, 2006 - 1:05 p.m.**  
4 Concord, New Hampshire

5  
6 RE: **DT 06-067**  
7 **FREEDOM RING COMMUNICATIONS, LLC**  
8 **d/b/a BAYRING COMMUNICATIONS:**  
9 **Complaint of Freedom Ring Communications, LLC**  
10 **d/b/a BayRing Communications against**  
11 **Verizon New Hampshire regarding**  
12 **access charges. (Prehearing conference)**

13 **PRESENT:** Chairman Thomas B. Getz, Presiding  
14 Commissioner Graham J. Morrison  
15 Commissioner Clifton C. Below

16 Wayne Hackett, Clerk

17 **APPEARANCES:** **Reptg. Freedom Ring Communications d/b/a**  
18 **BayRing Communications:**  
19 Susan S. Geiger, Esq.

20 **Reptg. One Communications:**  
21 Gregory M. Kennan, Esq.

22 **Reptg. AT&T Communications of New England:**  
23 Jay Gruber, Esq.

24 **Reptg. segTEL:**  
Jeremy Katz

**Reptg. Verizon:**  
Victor D. Del Vecchio, Esq.

**Reptg. PUC Staff:**  
Donald M. Kreis, Esq.

Court Reporter: Steven E. Patnaude, CCR

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1 Mr. Trent Lebeck.

2 CHAIRMAN GETZ: Good afternoon.

3 CMSR. MORRISON: Good afternoon.

4 CMSR. BELOW: Good afternoon.

5 MR. KENNAN: Good afternoon, Mr.

6 Chairman, Commissioner Morrison and Commissioner Below.

7 I'm Gregory Kennan, from One Communications. It's my

8 first appearance here on behalf of One Communications,

9 which is the company that has resulted from the merger of

10 Choice One, CTC, including Lightship and Conversent.

11 CHAIRMAN GETZ: Good afternoon.

12 CMSR. MORRISON: Good afternoon.

13 CMSR. BELOW: Good afternoon.

14 MR. GRUBER: Good afternoon. My name is

15 Jay Gruber. I'm appearing here on behalf of AT&T

16 Communications of New England, Inc. And, this is my first

17 appearance in this building. That dates me for how long

18 it's been since I've been here. Thank you.

19 CHAIRMAN GETZ: Good afternoon.

20 CMSR. MORRISON: Good afternoon.

21 CMSR. BELOW: Good afternoon.

22 MR. KATZ: Good afternoon, Mr. Chairman,

23 Commissioners Below and Morrison. I'm Jeremy Katz,

24 representing segTEL.

1                   **CHAIRMAN GETZ:** Good afternoon.

2                   **CMSR. MORRISON:** Good afternoon.

3                   **CMSR. BELOW:** Good afternoon.

4                   **MR. DEL VECCHIO:** Good afternoon, Mr.

5 Chairman, Commissioners. Victor Del Vecchio, representing

6 Verizon. With me is Lisa Thorne. And, I hate to admit I

7 have been here more than I wish to acknowledge.

8                   **CHAIRMAN GETZ:** Good afternoon.

9                   **CMSR. MORRISON:** Good afternoon.

10                  **CHAIRMAN GETZ:** Good afternoon.

11                  **MR. KREIS:** Good afternoon,

12 Commissioners. I'm Attorney Donald Kreis, of the Staff of

13 the Commission. The distinguished regulator to my

14 immediate left is Kate Bailey, who is the Director of our

15 Telecommunications Division. And, we also have with us

16 today at counsel table two members of her staff, Kath

17 Mulholland, who is the Deputy Director, and David Goyette,

18 who is an analyst in the Telecommunications Division.

19                  **CHAIRMAN GETZ:** Good afternoon.

20                  **CMSR. MORRISON:** Good afternoon.

21                  **CMSR. BELOW:** Good afternoon.

22                  **CHAIRMAN GETZ:** And, maybe you can help

23 me, Mr. Kreis. The docket list shows "Otel Telekom's

24 Petition to Intervene". I have not seen a copy of such a

1       Petition to Intervene. Is this an error on our docket  
2       list or can you help me with that?

3               **MR. KREIS:** It appears that what  
4       happened is that was transmitted electronically by e-mail,  
5       and a hard paper copy has not yet been filed with the  
6       Commission. Apparently, they do intend to file such a  
7       hard copy.

8               **CHAIRMAN GETZ:** Okay. Well, then, let's  
9       address this issue. Petitions to Intervene, are there  
10      objections to any of the petitions to intervene, even  
11      including the one we have yet to see?

12              (No verbal response)

13              **CHAIRMAN GETZ:** Hearing no objections,  
14      and I've seen filings from Otel Telekom in other  
15      proceedings, we'll grant the Petitions to Intervene,  
16      recognizing that the parties have shown rights, duties,  
17      interests or privileges that would be affected by this  
18      proceeding. And, we'll grant that intervention to Otel  
19      Telekom provisionally, depending on what the petition  
20      looks like when we actually see it.

21              Okay. Is there anything, before we hear  
22      the positions of the parties?

23              (No verbal response)

24              **CHAIRMAN GETZ:** Okay. Hearing nothing,

1       then, Ms. Geiger.

2                   **MS. GEIGER:** Thank you, Mr. Chairman. I  
3       think, before I get started with my remarks, I'd like to  
4       hand out a couple of diagrams for the Commissioners'  
5       reference during my remarks. They're diagrams that were  
6       appended to the complaint that BayRing filed. So,  
7       hopefully, everyone else has them. But, in the event  
8       people don't have them, I've got extra copies up here.  
9       I'll give some to Verizon, to make sure they are seeing  
10      that what I'm talking about are the same documents that  
11      were submitted with my complaint.

12                   As is indicated in the Commission's --  
13      in the complaint filed with the Commission, rather, on  
14      behalf of BayRing, its attempts to resolve its disputes  
15      with Verizon over this matter have been unsuccessful, and  
16      that's why we're here today. BayRing's position in this  
17      matter is simple. Verizon is improperly assessing and  
18      collecting access charges from BayRing for calls where no  
19      access is provided to Verizon customers or end-users. The  
20      calls upon which improper access charges are levied by  
21      Verizon are those that are made by BayRing customers or  
22      end-users to wireless carriers' customers or end-users.

23                   Now, if you look at Attachment F, which  
24      I have labeled "#2" for today's purposes only, this is an

1 illustration of the calls that I'm talking about. BayRing  
2 submits that Verizon's tariffs do not authorize Verizon to  
3 impose these charges. And that, to the extent BayRing has  
4 paid unauthorized charges, Verizon should be ordered to  
5 make refunds to BayRing.

6 Now, various tariff provisions come into  
7 play in this case. And, before I talk about each of them,  
8 I think it's useful, again, for comparison purposes, to  
9 look at the two handouts that I've given you. What these  
10 two diagrams do, I think, is, in a physical sense, show  
11 you the calls that we're talking about, and the services  
12 Verizon is providing in connection with those calls, and  
13 what charges should apply to calls that originate with a  
14 BayRing end-user and terminate with a wireless carrier or  
15 a wireless customer.

16 First, we'd like to take a look at the  
17 scenario where we believe Verizon is correctly charging  
18 access fees. That would be the scenario that's depicted  
19 on the handout that I've labeled "#1" one, and it's  
20 "Attachment C" to the complaint. Attachment C depicts a  
21 call from a BayRing end-user to a Verizon end-user. It  
22 also shows the applicable charges for each segment of the  
23 call. This diagram corresponds to the graphic depiction  
24 of switched access service contained in Verizon's Tariff



1 85, at Section 6.1.2. Now, that tariff provision that  
2 I've referred to is contained in Attachment B to BayRing's  
3 complaint.

4 For calls that originate on BayRing's  
5 network and terminate at a Verizon end-user, BayRing  
6 properly, and in accordance with Verizon's tariff, pays  
7 the Carrier Common Line Charge, as well as other charges  
8 associated with the services provided by Verizon for that  
9 type of call. So, again, in Document Number 1, or  
10 Attachment C, these are the access charges, including  
11 Carrier Common Line Charges and other charges, that we  
12 believe properly apply when a call is initiated by a CLEC  
13 customer, such as BayRing's customers, and which terminate  
14 with a Verizon end-user.

15 The situation we have a problem with is  
16 depicted in Attachment F, which was submitted with the  
17 complaint, and this we've labeled document "#2" for  
18 today's purposes. In Attachment F, we see that, when a  
19 CLEC customer calls a wireless carrier's end-user, there  
20 is no access or other common line service provided to a  
21 Verizon end-user. The only service that Verizon is  
22 providing in this situation is Tandem Transit Service.  
23 BayRing estimates that, if Verizon charged BayRing just  
24 for the services that it is providing in Attachment F to

BayRing, that rate would be approximately ten times less than what BayRing is now paying for those calls. Based upon information and belief, the amount of these access charges that BayRing is paying is approximately 3 cents a minute under the scenario posed in Attachment F. We believe that really the appropriate charge there that relates only to the Tandem Transit Service should be three-tenths of a cent per minute. So, we've got a magnitude of ten relating to those excess charges.

Now, Verizon is saying that BayRing is wrong, and they're disputing BayRing's claims by pointing to Section 5.1.A of Tariff 85, which states in pertinent part that "all switched access provided to the customer", meaning a CLEC like BayRing, "will be subject to Carrier Common Line access charges." Verizon's written response to BayRing's complaint states, on Page 2, that "The clear terms of the Tariff thus require BayRing to pay CCL charges on the switched access services it purchases from Verizon New Hampshire, even for calls that terminate on a wireless carrier's network."

The problem with this response from Verizon is it doesn't go on to identify what those switched access services are. Tariff 85, Section 6.1.2.A lists all of the switched access services provided under

1 that tariff. BayRing submits that none of them are  
2 provided in connection with the scenario shown in  
3 Attachment F, Document Number 2 today.

4 BayRing submits that what Verizon is  
5 providing when a BayRing customer calls a wireless carrier  
6 end-user is not switched access service or any other type  
7 of access, as that term is used in Verizon's tariffs, and  
8 as it has been used historically in the telecommunications  
9 industry. What Verizon is providing in the scenario  
10 depicted in Attachment F is a routing function, that does  
11 not implicate any Verizon end office or Verizon end-user.  
12 Thus, no access or Carrier Common Line charges should  
13 apply to this situation.

14 As indicated in Paragraph 5 of BayRing's  
15 complaint, various sections of Verizon's Tariff 85 show  
16 that CCL, or Carrier Common Line charges, do apply to the  
17 use of common lines that provide access to Verizon  
18 end-users. For example, Section 1.3.2 of Tariff Number 85  
19 defines "common line" as "including facilities that  
20 terminate on a central office switch". That situation is  
21 clearly not present in Attachment F.

22 Now, Verizon's response to this  
23 argument, at Page 2 of its reply, states that "the CCL  
24 charge in New Hampshire was strictly intended as a

1 contribution element and was never associated with any  
2 network functionality." We submit that, if that's the  
3 case, we don't understand why, in Verizon's tariff, it has  
4 a diagram at Section 6.1.2 of Tariff 85. However, to  
5 support its position, Verizon is saying that, by virtue of  
6 testimony provided by Mr. Michael McCluskey, in docket  
7 90-002, a docket which dealt with toll competition, that  
8 BayRing is wrong, and that Verizon is authorized to  
9 charge, as a contribution element, all of the access rates  
10 that we are disputing here.

11                   However, in 90-002, the Company, and at  
12 that time it was New England Telephone, was faced with the  
13 issue of how to charge competitive toll carriers for  
14 access to its network and how to deal with the expected  
15 loss of retail toll revenue that the Company would  
16 experience due to the onset of toll competition. It's  
17 significant to note that Mr. McCluskey could not have  
18 possibly been testifying about CLEC access charges for  
19 local calls made to wireless carriers in that docket,  
20 because CLECs did not even exist in New Hampshire when  
21 Mr. McCluskey was testifying in May of 1992. That  
22 position is further borne out by the transcript of  
23 Mr. McCluskey's testimony, which I'd like to read from, in  
24 which he says that "This testimony is not intended to

1 address the issues of separate competing networks or  
2 multiple exchange carriers in the same franchise  
3 territory. These issues may ultimately require extensive  
4 policy decisions on the part of the Commission should this  
5 form of competition become a reality in New Hampshire."  
6 So, clearly, Mr. McCluskey was not talking about CLEC  
7 access charges when he made his testimony.

8 In addition, if you look at the words of  
9 his testimony that Verizon has included in its response,  
10 we believe those words themselves undercut Verizon's  
11 argument. Mr. McCluskey says, and this is what Verizon  
12 has highlighted: "The sole purpose of the carrier common  
13 line charge rate elements is to bring the end-to-end  
14 access rate from the incremental costs of transport and  
15 switching up to a level which results in the proper  
16 relationship between toll and access". We believe this,  
17 this excerpt from Mr. McCluskey's testimony does not  
18 support Verizon's argument; it actually undercuts it.  
19 Because there is no end-to-end access provided by Verizon  
20 in the situation depicted in Attachment F. At one end we  
21 have a BayRing customer and at the other end we have a  
22 wireless carrier customer or end-user. Verizon provides  
23 no originating access nor terminating access in this case.

24 BayRing submits that the service Verizon

1 is actually providing to BayRing in Attachment F is  
2 properly characterized as "Tandem Transit Service". And,  
3 that's the only thing that BayRing should be charged for  
4 here. But Verizon says "no". However, Verizon's position  
5 ignores a provision within Tariff 84, Part C, Section  
6 1.1.1.C.1, which says that "wireless is not considered in  
7 this switched interconnection service tariff, except as  
8 provided in Section 1.3.3 under Tandem Transit Service."  
9 So, Tariff 84 itself says "Okay. Wireless isn't covered  
10 here. However, in Tandem Transit Service, wireless is  
11 covered. There's an exception. Wireless carriers are  
12 addressed under Tandem Transit service."

13 Under Tariff 84, Part C, Section 1.3.3,  
14 TTS, or Tandem Transit Service, applies not just as  
15 Verizon says, to the exchange of traffic between two  
16 telecommunications carriers, which Verizon says does not  
17 include wireless, or between a telecommunications carrier,  
18 a TC, and another carrier purchasing Meet Point B  
19 arrangements. The tariff is not limited in that way.  
20 What Verizon didn't include in its reply is the next  
21 sentence in 1.3.3.A, which says "TTS", Tandem Transit  
22 Service, "also provides for the exchange of local traffic  
23 between a TC", telecommunications carrier, "and an ITC or  
24 other carrier." BayRing submits that the term "other

1 carrier" properly includes wireless carriers. Also,  
2 Section 1.3.3.B refers to calls "terminated to another TC,  
3 ITC, or other carrier".

4 Lastly, and perhaps more importantly,  
5 Verizon is, in fact, charging BayRing only for TTS, Tandem  
6 Transit Service, in connection with some calls placed by  
7 BayRing customers or end-users to wireless end-users. We  
8 think, therefore, it would be appropriate for Verizon to  
9 be consistent and to charge only TTS rates for all of  
10 BayRing's calls to wireless carriers. Also, BayRing pays  
11 terminating charges to wireless carriers for these calls.  
12 Verizon's terminating charges to BayRing, including CCL  
13 charges for these calls, results in BayRing paying twice  
14 to terminate a call to a wireless end-user. We think this  
15 is unfair, and we don't think that the tariff authorizes  
16 this.

17 In conclusion, BayRing respectfully  
18 would ask the Commission to order Verizon to correctly  
19 charge and bill BayRing for calls that terminate on a  
20 wireless carrier's network, and that Verizon refunds to  
21 BayRing for the improper charges it has collected from  
22 BayRing in the past. Thank you.

23 **CHAIRMAN GETZ:** Ms. Geiger, I'd like to  
24 have you address procedure. Were you expecting this

1 proceeding to include a hearing on the facts? Are there  
2 stipulated facts that could be used, stipulated drawings,  
3 and the case conducted on the papers? How were you seeing  
4 this play out?

5 **MS. GEIGER:** I think that makes a lot of  
6 sense. Unfortunately, we're not able to have a technical  
7 session this afternoon, due to the unavailability of  
8 Verizon's technical expert on this matter. So, we're  
9 scheduled to have a tech session in this case August 11th.  
10 I believe that's entirely appropriate. But BayRing will  
11 need to do some discovery. We need to get from Verizon,  
12 it seems to me, answers to questions about what exactly it  
13 believes are the switched access services that it believes  
14 it's providing in the scenario that we're discussing. I  
15 think that getting a stipulation of facts would be very  
16 helpful for the Commission and for all of the parties, to  
17 expedite the matter, perhaps make it easier for the  
18 Commission to make a determination. So, it's my hope  
19 that, yes, that perhaps we could get some stipulation as  
20 to some of the drawings and perhaps get some stipulation  
21 as to some of the facts.

22 **CHAIRMAN GETZ:** Thank you. And, if the  
23 others could address the procedure issue when they make  
24 their comments, that would be helpful. Mr. Kennan.



1                   **MR. KENNAN:** I really don't have much to  
2                   add to Ms. Geiger's able and detailed explanation. We  
3                   share the concern that it seems that we're being charged  
4                   for a service that we're not getting. We think that that  
5                   is unjust and unreasonable. And, I would hope that at  
6                   least many of the facts would be consensually undisputed,  
7                   especially whether the charges are appropriately applied  
8                   to the services that are provided by them. I'm not sure  
9                   that there would be a whole lot of debate as to exactly  
10                  how these calls are routed and what particular services  
11                  Verizon actually provides.

12                 **CHAIRMAN GETZ:** Thank you. Mr. Gruber.

13                 **MR. GRUBER:** Yes. Thank you. Again, I  
14                 agree wholeheartedly with Ms. Geiger. I thought her  
15                 presentation was excellent and detailed. And, I guess I  
16                 would, in a sense, summarize it this way. I think the  
17                 issue here is whether Verizon can pull out rate components  
18                 from its switched access tariff and apply them in this  
19                 case. And, Verizon's response was "Of course we can.  
20                 Look, there's a statement in our tariff that says "all  
21                 switched access service provided the customer will be  
22                 subject to carrier common line access charges"."

23                         But that begs the question. The  
24                 question is: Is this switched access service? Of course,

1 it's not. So, Verizon can talk all it wants about its  
2 switched access tariff, but it's not a tariff under which  
3 it could impose these charges. So, that would be AT&T's  
4 position.

5 On procedure, I actually believe that  
6 the parties can brief this without any evidentiary issues  
7 at all. I think that the facts are transparent and known  
8 to the Commission, and each party can attach whatever  
9 diagrams they want, and the Commission Staff can interpret  
10 the diagrams appropriately. Thank you.

11 **CHAIRMAN GETZ:** Thank you. Mr. Katz.

12 **MR. KATZ:** SegTEL agrees with BayRing's  
13 analysis and supports BayRing's position, and has nothing  
14 further to add.

15 **CHAIRMAN GETZ:** Thank you. Mr. Del  
16 Vecchio.

17 **MR. DEL VECCHIO:** Yes, Mr. Chairman.  
18 First off, Section 5.4.1.A of the tariff, which indeed  
19 does have the force and effect of law, as BayRing has  
20 suggested, provides, I think, without dispute, that all  
21 switched access services shall be subject to carrier  
22 common line access charges. That's what it provides, with  
23 only two exceptions. And, the question here is, "are  
24 these switched access services?" And, the answer has to

1 be "yes", because they don't fall within the exceptions  
2 specifically provided in Section 5.4.1.A or 5.1.1.B. They  
3 do not exempt from CLEC -- CLEC charges calls terminated  
4 to customers of wireless carriers or calls that do not  
5 travel over a common line. The exception set forth in  
6 5.1.1.B relate to Signalling System 7, transfer ports and  
7 links, a database access, if you will, with respect to the  
8 routing of calls.

9 BayRing's references are not to the  
10 "charges" section of the tariff. BayRing references  
11 Section 1.3.2 regarding the definition "common line", to  
12 5.1.1.A regarding the description of carrier common line  
13 access, to Section 6.1.2 regarding a diagram of a  
14 completed switched access service. But it's not  
15 persuasive. The section that deals with "charges", says  
16 that "all switched access service shall be charged the  
17 carrier common line". And, the general reference in the  
18 diagram that, I don't know whether it's handed out, no,  
19 Ms. Geiger didn't do it now, but it's attached to her  
20 compliant, is just that, it's a "general" description.  
21 It's not a description which is, in its entirety,  
22 capturing all that falls within the scope of "switched  
23 access". It says "general" for a reason.

24 From its very inception in 1993 in New

1 Hampshire, carrier common line charge was intended to be a  
2 contribution element. It was intended to capture the  
3 delta between costs and the revenue requirement under a  
4 rate of return revenue environment. And, for thirteen  
5 years, we haven't heard this dispute rise to this level,  
6 despite the fact that there were various carriers that  
7 participated in docket 90-002. Now, for the first time,  
8 we're hearing about alleged inappropriate application of  
9 our tariff. We entirely disagree.

10 This Commission approved that structure.  
11 They intended, by virtue of the testimony provided in the  
12 earlier docket, to allow for a contribution element. And,  
13 that contribution element isn't solely designed to recover  
14 the cost of common line. It was designed to allow us to  
15 recover our revenue requirement. And, that's why it was  
16 critical in that case, and it continues to be critical  
17 under a rate of return environment.

18 Moreover, BayRing's reliance on the  
19 "Tandem Transit" section doesn't really work. I have  
20 heard Ms. Geiger refer to other sections, and we'll review  
21 those. But the bottom line is, Tandem Transit Service is  
22 between telecommunications carriers as defined in the  
23 tariff, which are CLECs, or between a TC and another  
24 carrier under a Meet Point B billing arrangement. This

1 isn't a Meet Point B billing arrangement. I haven't heard  
2 them argue that. They're saying it's between TCs. And,  
3 if you look at this tariff and you look at the definition,  
4 the TC is not a wireless carrier. A TC is a carrier  
5 subject to your jurisdiction. It's a local exchange  
6 carrier that's a competitive carrier. It's not a wireless  
7 carrier, which is an interexchange carrier.

8           Regarding the issue of separate networks  
9 versus non-separate networks, the networks are separate in  
10 some instance, but they're intertwined, which is what the  
11 issue is in this case. It's Verizon that is providing  
12 network functionality to the competitive local exchange  
13 carrier. They're not completely separate networks.  
14 They're separate -- They're networks that are related by  
15 virtue of the use of Verizon's network. It's not  
16 completely two separate networks in one franchise  
17 territory. That distinction that Ms. Geiger has made was  
18 without a valid meaning.

19           Regarding the issue attempting to work  
20 this out, I think, as you know, Verizon attempts to work  
21 out all of the disputes it has. And, we did attempt to  
22 work this out. And, we even were involved with Staff in  
23 discussing this. We can't reach commercially reasonable  
24 terms with BayRing. BayRing wants it all or they want

1 nothing. And, we believe that our tariff permits us to  
2 charge this, as it has for thirteen years, for thirteen  
3 years. And, we would be continuing willing to work this  
4 out with BayRing, but we're not going to concede  
5 completely, which is what they're seeking in this docket,  
6 particularly in light of the tariff language, which allows  
7 us to charge what we have charged and allows us to seek to  
8 have this Commission enforce our tariff as it's ordered.

9 And, lastly, Mr. Chairman regarding the  
10 procedural structure, I don't agree. Verizon wants an  
11 opportunity to see in writing, in testimony, what their  
12 position is, for example, on industry practice. They have  
13 made preference to this in their complaint, I've heard it  
14 again today. I want to see what the industry practice is,  
15 because we don't necessarily agree with it. I would like  
16 an opportunity to see their written testimony. I would  
17 like an opportunity to file our reply testimony. I would  
18 like written discovery on that, just as we would have when  
19 there's -- Verizon is seeking relief against another  
20 carrier. We want an opportunity for an adjudication, not  
21 on paper. We would like the typical discovery  
22 opportunities, just as we're giving a lot of other  
23 carriers and other parties in other proceedings, and then  
24 I'd like a hearing on this, your Honor, with witnesses.

1 We'd like an opportunity for cross-examination. Thank  
2 you, Mr. Chairman.

3 **CHAIRMAN GETZ:** Thank you. Mr. Kreis.

4 **MR. KREIS:** Thank you, Mr. Chairman.  
5 Staff doesn't take a substantive position on the outcome  
6 of this case at this time, other than observing that, with  
7 the possible exception of the argument that Mr. Del  
8 Vecchio just made on Verizon's behalf, it appears that the  
9 parties have been talking past each other, essentially  
10 because the Petitioner, the complainant, is suggesting to  
11 you that there isn't any switched access involved in calls  
12 that involve -- that are initiated by a CLEC and  
13 terminated on a wireless network. So, eventually, we're  
14 going to have to get these parties to talk about the same  
15 issue and figure out what the tariff really means. And,  
16 we're here to be earnest inquirers with respect to those  
17 issues, just like the Commission is.

18 On the question of what sort of  
19 proceedings ought to ensue from here, I think that there  
20 might be some benefit in the Commission receiving actual  
21 testimony, although not necessarily for the reasons that  
22 Mr. Del Vecchio just enumerated. Essentially, I think  
23 experts who testify at a hearing might be helpful to you,  
24 the Commissioners, in understanding what this problem is

1 all about and how it should be resolved. I'm not sure  
2 that there needs to be an elaborate discovery and  
3 elaborate fact-finding, so much as enlightenment, because  
4 this is very complicated, technical stuff. And, in order  
5 for me to understand it, I've got to talk to my experts.  
6 And, so, I'm suggesting or hypothesizing that, in order  
7 for you to understand it, you need to talk to the experts  
8 too. So, that might be helpful to the Commission.

9 **CHAIRMAN GETZ:** Thank you. Is there  
10 anything further this afternoon?

11 **MS. GEIGER:** No.

12 **CHAIRMAN GETZ:** Okay. Then, well, if I  
13 recall correctly, you said there would be a technical  
14 session on the 11th, and we'll await a report. It sounds  
15 like there may be some distance between the parties even  
16 on procedure. So, to the extent there's not a joint  
17 recommendation, we will be prepared to rule on procedure  
18 as well. So, thank you very much.

19 **(Whereupon the prehearing conference**  
20 **ended at 1:34 p.m.)**