

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE PETITIONS OF
BROOKINGS MUNICIPAL UTILITIES
D/B/A SWIFTEL COMMUNICATIONS FOR
SUSPENSION OR MODIFICATION OF
DILAING PARITY, NUMBER
PORTABILITY AND RECIPROCAL
COMPENSATION OBLIGATIONS**

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Docket No. TC07-007

SUPPLEMENTAL REPLY TESTIMONY

OF

RON WILLIAMS

ON BEHALF OF ALLTEL COMMUNICATIONS, LLC. (ALLTEL)

August 8, 2008

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Ron Williams. My business address is 3650 131st Avenue S.E., Suite
3 600 Bellevue, Washington 98006.

4 **Q. FOR WHOM ARE YOU TESTIFYING IN THIS PROCEEDING?**

5 A. I am testifying on behalf of Alltel Communications, LLC, an intervener in this
6 docket.

7 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

8 A. This testimony supplements my previously filed testimony and is based on additional
9 information obtained subsequent to the filing of my initial testimony on June 6,
10 2007¹. Specifically, I will provide information to challenge Swiftel's request for
11 suspension of its obligations under 47 U.S.C Sections 251(b)(2), (3), and (5) wherein
12 it asks this Commission to grant:

13 **2) Modification of local number portability (LNP) requirement such that**
14 **Swiftel is not required to transport traffic to ported numbers beyond its**
15 **service territory.**

16 **3) Modification of dialing parity requirement such that Swiftel is not**
17 **required to provide local dialing parity and is not required to transport**
18 **traffic outside of its service territory.**

19 **5) Modification of any requirement that Swiftel would not be able to collect**
20 **access charges for toll traffic.**

21 **6) Modification of any requirement that Swiftel pay reciprocal**
22 **compensation on traffic terminating to a wireless carrier within the MTA**
23 **that is handed off to an IXC.**

24 Swiftel's basis for justifying filing of its petition appears to be a claim of undue
25 economic burden and an implied adverse impact on users of telecommunications.

¹ Initial discovery responses were provided in June 2008 and Alltel is still awaiting complete discovery responses on interrogatories and requests for production that were the subject of a Motion to Compel heard by the Commission on August 6, 2008.

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1 Information obtained by Alltel indicates this claim is warrantless and Swiftel's
2 position should be dismissed in its entirety as it relates to the issues noted above.

3 **Q. IS SWIFTEL ACTUALLY EXPOSED TO ALLEGED ECONOMIC HARM TO JUSTIFY IT**
4 **SEEKING A SUSPENSION OF ITS OBLIGATIONS?**

5 A. Not at all. Swiftel has other means to mitigate the alleged exposure but has not
6 pursued such before seeking the extraordinary relief of a suspension. Perhaps the
7 most significant avenue available to Swiftel is its right to enter into interconnection
8 and compensation negotiations with the major wireless carriers and, if not able to
9 resolve issues through negotiations, seek arbitration of those issues. Swiftel has an
10 existing interconnection agreement with Alltel that already protects it from the
11 exaggerated exposures that it seeks to avoid. While that agreement can be terminated
12 at anytime by Swiftel, there is no basis for it to assume the worst case scenario will
13 result from a negotiation or arbitration if the parties could not agree. Neither Swiftel
14 or Alltel have terminated the agreement or indicated they would pursue renegotiation.
15 Swiftel also has interconnection agreements with the other local active providers
16 Verizon and the local Sprint wireless provider (a division of Petitioner). Therefore, it
17 is premature for Swiftel to assume the worst and seek to preemptively block any such
18 negotiations. Swiftel's failure to pursue interconnection negotiations under the Act
19 should not be rewarded by their attempt to circumvent the negotiation/arbitration
20 process set forth in Section 252 of the Act.

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1 **II. SWIFTEL HAS NOT MET THE STANDARD FOR SUSPENSION BY**
2 **DEMONSTRATING IMPLEMENTATION OF ITS OBLIGATIONS WOULD BE**
3 **UNDULY ECONOMICALLY BURDENSOME.**

4 **Q. WHAT IS THE STANDARD FOR ESTABLISHING AN “UNDUE ECONOMIC BURDEN”?**

5 A. Section 251(f)(2) permits the Commission to suspend a LEC’s obligation(s) if such
6 action is “necessary to avoid imposing a requirement that is unduly economically
7 burdensome.” The Ohio Commission held that the statutory phrase, “unduly
8 economically burdensome,” means economic burdens “beyond the economic burdens
9 typically associated with efficient competitive entry.” The facts contained in
10 Swiftel’s petition and testimony do not meet the standard that would lead one to
11 conclude the economic burden exceeds that “typically associated with efficient
12 competitive entry.”

13 **Q. DO THE COST PROJECTIONS IN THE TESTIMONY OF PETER RASMUSSEN REPRESENT**
14 **A REASONABLE APPROXIMATION OF THE INCREASED COSTS THAT WOULD BE**
15 **INCURRED WITHOUT A SUSPENSION?**

16 A. No, the cost projections of Mr. Rasmussen on behalf of Swiftel grossly overstate the
17 costs of implementing LNP, transporting traffic to ported numbers, and transporting
18 traffic to wireless carriers. Both non-recurring ‘start-up’ and monthly recurring costs
19 are over estimated by Mr. Rasmussen; in all cases producing costs many times more
20 than a realistic projection. It is important to note that in Docket TC08-017, Swiftel’s
21 General Manager, has already conceded to the implementation of LNP². As such, any
22 of the costs of implementing LNP cannot be considered to be an economic burden

² See Direct Testimony of W. James Adkins On Behalf of Brookings Municipal Utilities D/B/A Swiftel Communications, Page 6 Lines 8-10, July 15, 2008

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1 relevant to suspension of Swiftel’s LNP, transport, dialing parity, and reciprocal
2 compensation obligations in this case.

3 **Q. ISN’T ROUTING OF SWIFTEL ORIGINATED TRAFFIC TO WIRELESS CARRIERS ONE OF**
4 **THE SIGNIFICANT DRIVERS UNDERLYING MR. RASMUSSEN’S COST CLAIMS?**

5 A. Yes, Swiftel claims that its cost to route traffic to wireless carriers would exceed
6 \$44,000 per month³ if it has to implement LNP. This estimate is absurd. Swiftel
7 would incur that amount of costs only if it implemented the most expensive routing
8 option available (short of routing via Timbuktu; which may, in fact, be less expensive
9 than the scheme Mr. Rasmussen relies upon) and the volume of traffic increased
10 many fold.

11 **Q. WHAT ARE THE PRIMARY REASONS THAT DRIVE UP THE COST OF MR. RASMUSSEN’S**
12 **ROUTING SCHEME?**

13 A. The routing scheme assumed in Mr. Rasmussen’s testimony is that Swiftel would
14 require direct connections to 15 different carriers with a capacity of two DS1s to each
15 carrier (30 DS1s in total). On top of this excessive and inefficient use of direct
16 connections, Mr. Rasmussen assumes leased circuits for these direct connections
17 priced many times above market rates. Mr. Rasmussen’s assumption that would be
18 necessary for Swiftel to separately directly connect to 15 different carriers results in
19 average capacity utilization of those connections of less than 5%. This demonstrates
20 how unrealistic the assumption. Carriers simply do not and would not justify
21 operating at this level of inefficiency and nor would it be necessary. Carriers would

³ See Rasmussen Testimony Exhibit 3 “All Wireless Providers” “Total Estimated Costs MTA-wide Dialing Parity”.

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1 not lease transport capacity and then utilize such a small percentage of that capacity.
2 One significant reason that Swiftel would not need this level of capacity or incur
3 these costs estimates is because , the three major national wireless carriers that likely
4 comprise more than 80% of the wireless traffic exchanged with Swiftel already
5 receive traffic from Swiftel in Swiftel’s own operating area or have nearby indirect
6 interconnection⁴. New circuits associated with these carriers and for over 80% of the
7 traffic would not be needed and should not be in the estimate of impact without a
8 suspension.

9 **Q. DOES MR. RASMUSSEN ADMIT THAT EFFICIENCIES WOULD BE REALIZED BY USE OF**
10 **INDIRECT ROUTING?**

11 A. Indeed he does. On page 20 lines 29-30 Mr. Rasmussen endorses the efficiency of
12 tandem routing available in South Dakota:

13 “The SDN switch is an efficient access point to over 130,000 rural customers.”
14 The SDN switch referenced in this statement is a tandem switch which allows
15 efficient exchange of traffic between most of the incumbent LECs in South Dakota
16 (including Swiftel) and a large number of interexchange carriers.

17 **Q. IN SPITE OF THIS ADMISSION DID SWIFTEL OR MR. RASMUSSEN IGNORE THE USE OF**
18 **THE SDN TANDEM SWITCH FOR THE PURPOSE OF ROUTING TRAFFIC TO OTHER**
19 **CARRIERS?**

20 A. Yes they clearly ignored and refused to consider the indirect routing of traffic and the
21 substantially lower costs associated with such in their analysis. In fact, in response to
22 Alltel’s Interrogatory 41, Swiftel responded as follows:

⁴ Swiftel has established a direct connection with its wireless affiliate and utilizes an EAS route with Interstate Telephone to transit traffic to Alltel and Verizon direct connections with Interstate.

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1 Interrogatory 41: Describe in detail any and all efforts on the part of Swiftel to
2 encourage SDN to provide local tandem functionality for traffic originating and/or
3 terminating to Swiftel.

4 Swiftel Response: Swiftel continues to maintain its objection ... Without waiving
5 the foregoing objections, **Swiftel states that it has taken no actions.**

6 **Q. IS SWIFTEL ALSO AWARE OF TANDEM ROUTING AVAILABLE VIA QWEST?**

7 A. Yes, Swiftel is very familiar with the use of Qwest tandem transit services as an
8 efficient routing option. Notably, Swiftel wireless uses Qwest exactly for that
9 purpose for inbound and outbound traffic from its network to a number of other
10 carriers. Furthermore, Swiftel receives most of its wireless terminating traffic via
11 trunk groups that connect Swiftel to Qwest's Sioux Falls tandem.

12 **Q. IS THERE ANY BASIS FOR SWIFTEL TO IGNORE THE USE OF TANDEM ROUTING OF**
13 **TRAFFIC TO OTHER CARRIERS?**

14 A. No. Swiftel's decision to ignore tandem routing is clearly an attempt to exaggerate the
15 potential costs to justify a suspension when none is needed or justified. Swiftel's
16 claimed costs cannot be used to substantiate its Petition. Swiftel ignores tandem
17 routing in spite of the fact that, in a series of parallel suspension dockets in which
18 Swiftel is involved, other RLECs and SDN have tested and validated the routing of
19 RLEC originated traffic to wireless carriers⁵. Swiftel has the ability to substantially
20 reduce costs associated with the transport of its originating traffic to ported numbers
21 and outside of service area.

⁵ Swiftel participates in these parallel suspension dockets by way of its separate petition for suspension of its obligations under the Act in Docket 08-017. As part of the process in resolving issues in that docket, Alltel and Verizon Wireless participated in joint testing with SDN and three South Dakota rural telephone companies to validate tandem routing of RLEC originating traffic terminating to wireless carriers. Upon completion of the testing, SDN circulated pricing for such service to all parties including counsel representing Swiftel.

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1 **Q. HAVE YOU ESTIMATED THE TRANSPORT COST TO SWIFTEL ASSUMING EFFICIENT**
2 **TANDEM ROUTING SCENARIOS?**

3 A. Yes I have. Attached is Exhibit RW-1 showing the cost to Swiftel of transporting
4 traffic utilizing Qwest or SDN. The proper estimate of the cost to Swiftel to
5 transport all traffic to wireless carriers is less than \$300 per month.

6 **Q. HOW CAN YOU MEASURE THE ‘BURDEN’ ON SWIFTEL FOR IMPLEMENTATION OF THE**
7 **OBLIGATIONS FOR WHICH IT SEEKS RELIEF?**

8 A. The actual costs of implementation cannot be considered in the abstract. Attention
9 must be given to the comparative economic burden faced by Swiftel to meet its
10 obligations under the Act. In that respect, there are two important threshold criteria:

- 11 • Have other similarly situated rural local exchange carriers
12 implemented these obligations, and
- 13 • How does implementation of these obligations compare to
14 Swiftel’s overall financial condition and its ability to mitigate or
15 absorb the cost of complying with its obligations.

16 **Q. WHAT IS YOUR OPINION REGARDING SWIFTEL’S ABILITY TO MITIGATE OR ABSORB**
17 **THE IMPACT OF IMPLEMENTING ITS OBLIGATIONS WITHOUT SUBSTANTIAL**
18 **ECONOMIC HARM?**

19 A. I reviewed Swiftel’s financial data. I am also familiar with the financial situation and
20 impact on other RLECs that already implemented the obligations that Swiftel seeks to
21 avoid. . Swiftel’s financial condition is at least equivalent or stronger than that of
22 other RLECs that have already met their obligations for local number portability,
23 wireless dialing parity, and transport obligations for their originated traffic. It appears

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1 Swiftel stands alone in South Dakota in its total refusal to implement local number
2 portability⁶.

3 **Q. HAVE YOU ASSESSED SWIFTEL’S CLAIMED COST OF IMPLEMENTING LOCAL NUMBER**
4 **PORTABILITY?**

5 A. Yes I have. Exhibit RW-3 compares Swiftel’s implementation cost claims in 2004
6 with those made in this proceeding and with an adjusted cost that more realistically
7 reflects the situation that Swiftel’s RLEC operations face today in implementing
8 LNP. The relevant implementation costs amount to less than two cents per line per
9 month: Certainly neither an undue burden on Swiftel or significant economic
10 impact on users.

11 **Q. HAVE YOU REVIEWED SWIFTEL’S FINANCIAL CAPACITY TO MANAGE THE COSTS OF**
12 **THE OBLIGATIONS FOR WHICH IT SEEKS RELIEF?**

13 A. Yes I have. Based on its own financial statements Swiftel appears to have an
14 extraordinarily robust financial position. Swiftel’s balance sheet and future earnings
15 capability coupled with the fact that it is a municipal government enterprise fund that
16 can access debt funding at rates not available to most telecom carriers means that
17 Swiftel should easily be able to manage its obligations under the Act. For example,
18 the Brookings Municipal Utilities Telephone Fund (aka Swiftel)⁷:

- 19 • Generated \$3,699,848 in net income in 2007 and exceeded budget by 128%.
20 Operating income exceeded budget by 181%. The obligations it seeks relief
21 from would decrease 2007 net income by less than 1%.

⁶ At least 5 rural local exchange carriers have already implemented LNP and all other South Dakota rural local exchange carriers have agreed to implement LNP in Dockets TC08-006 – TC08-016 and TC08-018 – TC08-027

⁷ Attached as Exhibit RW-4 are pages from the Annual Report of Brookings Municipal Utilities of the City of Brookings, South Dakota for the year ended December 31, 2007.

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- 1 • Generated revenues of \$8,903,463 in 2007 (the obligations it seeks relief from
2 represent less than .5% of 2007 revenues)
- 3 • Incurred operating expenses of \$6,296,591 in 2007 (the obligations it seeks
4 relief from represent less than .5% of 2007 incurred expenses)
- 5 • The 3% annual line loss (Swiftel estimating losing ~330 lines due to customer
6 attrition not to obligations under the Act) would result in an impact more than
7 4 times greater than obligations it seeks relief from.
- 8 • Transferred \$825,000 to the municipality’s general fund in 2007. Transfers to
9 the general fund in 2005 and 2004 were even larger. The Telephone Fund
10 also transferred more than \$1.2M to the wireless affiliate ‘Sioux City PCS
11 Fund’ in 2004 and 2005.
- 12 • Held cash assets of more than \$16,900,000 at the end of 2007 and maintained
13 a very strong current ratio (current assets/current liabilities) of 4.39.

14 **Q. IN YOUR OPINION, HAS SWIFTEL DEMONSTRATED A SIGNFICANT ADVERSE**
15 **ECONOMIC IMPACT OR BURDEN AS REQUIRED UNDER 47 U.S.C. § 251(F)(2)?**

16 A. No, Swiftel’s costs and impact of implementation projections are woefully flawed and
17 when a corrected cost analysis is used, there is no appreciable or significant impact
18 that results from Swiftel’s implementation of its obligations. The Act contemplates
19 some increased economic burden resulting from competition, but anything short of
20 significant adverse and unduly economic burdensome is not enough. Relief is only
21 appropriate in extraordinary circumstances – this is not one of those circumstances.

22
23 **III. SWIFTEL CLAIMS OF A SIGNIFICANT ADVERSE ECONOMIC IMPACT**
24 **ON USERS OF TELECOMMUNICATIONS, ARE NOT VALID.**

25 **Q. WHAT IS THE ADVERSE IMPACT THAT SWIFTEL IS CLAIMING WILL OCCUR TO USERS**
26 **OF TELECOMMUNICATION SERVICES?**

27 A. Swiftel claims that users will incur two adverse impacts: (i) A potential financial
28 impact that assumes pass through of local number portability costs; (ii) potential

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1 financial impact for providing wireless dialing parity; (iii) potential impact of lost
2 access revenue, and (iv) potential impact for reciprocal compensation.

3 **Q. HAS SWIFTEL INDICATED IT WILL PASS THROUGH LOCAL NUMBER PORTABILITY**
4 **COSTS TO ITS END USERS THROUGH HIGHER LOCAL RATES OR SURCHARGES?**

5 A. No. Swiftel has not asserted that it will pass through ported number transport charges
6 to its customers in the form of higher rates or surcharges. Nor has Swiftel shown what
7 level if any of end user charges would be economically harmful to end users.

8 **Q. HAS SWIFTEL PROVIDED EVIDENCE THAT ITS USERS CAN NOT SUSTAIN THE LEVEL**
9 **OF RATE INCREASES THAT WOULD RESULT IF IT DID PASS ON THE COSTS?**

10 A. No. To the contrary, Swiftel's history demonstrates quite the opposite. Swiftel
11 increased its basic residential local service rates three times since 2001 from \$12 per
12 month to \$16 per month; a total increase of 33%. These increases amount to
13 significantly more than Swiftel's cost to implement its obligations under the Act.
14 Even at the level of rates to which it has increased, its rates are still affordable and
15 Swiftel, in spite of its claims of impact on users, has not provided any evidence or
16 study or analysis on the impact of rate increases on its users.

17 **Q. WILL SWIFTEL'S END USER'S BENEFIT FROM IMPLEMENTATION OF ITS**
18 **OBLIGATIONS?**

19 A. Yes. Swiftel's customers will continue to make local calls to ported to numbers
20 instead of paying retail toll rates to reach the called number.

21 **Q. HAS SWIFTEL CORRECTLY REPRESENTED THE IMPACT OF RECIPROCAL**
22 **COMPENSATION?**

23 A. No. Apparently Swiftel ignored the meaning of 'reciprocal' by only accounting for
24 what Swiftel would pay in compensation and has failed to include the revenues it

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1 would receive for 'reciprocal compensation'. In reality, Swiftel receives much more
2 reciprocal compensation than what it pays. According to Swiftel's own data, Swiftel
3 receives more than 10 million minutes of wireless traffic annually. Using the rate of
4 \$.013 per minute Swiftel has used in its analysis, Swiftel will receive more than
5 \$134,000 in reciprocal compensation per year; more than 12 times the estimated
6 increase it claims to be associated with its obligations under the Act⁸. Even if the
7 balance of traffic shifted such that it was a net payer, Swiftel has the ability to
8 renegotiate and reduce reciprocal compensation rates with any wireless carrier and, in
9 so doing, could likely reduce its reciprocal compensation expense to zero.

10 **Q. HAS SWIFTEL PROVIDED ANY INFORMATION AS TO WHY USERS IMPACTED BY**
11 **SWIFTEL'S LNP, TRANSPORT, AND DIALING PARITY OBLIGATIONS UNDER THE ACT**
12 **WOULD REALIZE AN IMPACT MORE SIGNIFICANT THAN THAT REALIZED BY USERS**
13 **WHOSE CARRIERS ARE ALREADY PERFORMING THEIR OBLIGATIONS UNDER THE**
14 **ACT?**

15 A. No, such information has not been provided. As indicated earlier, LNP, dialing parity,
16 and transport of traffic to terminating carriers has been implemented successfully and
17 without adverse impact to end users throughout the country.

18 **Q. ARE THERE ADVERSE IMPACTS ON USERS IF PETITIONER SUSPENSION IS GRANTED?**

19 A. Yes. There will be significant adverse impacts on users if Swiftel suspensions are
20 granted. If Swiftel is not required to transport calls to ported numbers then Swiftel
21 customer calls to those numbers will likely be blocked and/or sent to a recorded
22 message. Alternatively, Swiftel customers will be forced to dial toll calls to reach

⁸ See Exhibit RW-2.

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1 ported numbers and, likely, incur toll charges.⁹ Additionally, calling customers will
2 experience confusion and frustration because some calls to numbers within an
3 NPANXX will continue to be dialed locally while other calls to numbers within that
4 same NPANXX would require toll calling. The caller will not know which dialing
5 method to use to reach a particular telephone number (at least on the initial call to that
6 number).

7

8 **IV. SWIFTEL MAKES INVALID CLAIMS THAT FULFILLING ITS**
9 **OBLIGATIONS UNDER THE ACT ARE NOT IN THE PUBLIC INTEREST.**

10 **Q. HOW IS THE PUBLIC INTEREST STANDARD APPLIED IN SUSPENSION REQUESTS SUCH**
11 **AS THIS?**

12 A. The public interest standard is only applied when a Petitioner has proven it has met
13 one (or more) of standards set forth in Section 251(f)(2)(A) of the Act. In my
14 opinion, Swiftel has not met any such standard.

15 **Q. HAS SWIFTEL PROVIDED A COMPLETE PERSPECTIVE OF PUBLIC INTEREST?**

16 A. No. Swiftel has failed to identify some very important implications if their
17 suspension was granted. As noted above, a suspension of transport obligations to
18 deliver traffic to ported numbers will result in corruption of consumer dialing parity
19 expectations. Inconsistent application of dialing parity will result in confused
20 customers and will result in consumers being billed toll charges to reach local
21 telephone numbers. Further, Petitioner customers interested in porting their numbers

⁹ This implies a violation of local dialing parity obligations. As discussed in my initial testimony, local dialing parity obligations are not subject to suspension under Section 252(f)(2).

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1 will face a higher decision threshold to port since they would likely face adverse
2 impacts to callers attempting to reach their ported number. This is clearly anti-
3 competitive.

4 **Q. ARE THERE OTHER ADVERSE IMPACTS RELATED TO CONSUMERS NOT SERVED BY**
5 **SWIFTEL?**

6 A. Yes. Wireless consumers who port their wireless phone number from one wireless
7 carrier to another may also be impacted by Swiftel's requested suspension if a new
8 (porting-in) carrier is not connected to Swiftel in the same manner as the porting-out
9 carrier. Finally, if Swiftel's suspension is granted, Swiftel will have shifted some or
10 all of its transport costs (as the calling party's network) to the carrier terminating a
11 ported number call.

12 **Q. ARE SWIFTEL ESTIMATES OF CONSUMER LNP INTERESTS CONSISTENT WITH**
13 **NATIONAL TRENDS?**

14 A. Far from it. Local number portability has helped facilitate a significant shift in the
15 way urban and rural consumers communicate. Attached as Exhibit RW-5 is a
16 summary of what has occurred and a projection of these trends. The implication is
17 clear; consumers are seeking change. To the extent LNP is not available or treatment
18 of their telephone number once ported is compromised, consumer interests will be
19 frustrated. Swiftel has provided no evidence to support its customers' desires are
20 different than those reflected in Exhibit RW-5.

21 **Q. HAS A SWIFTEL CONCEDED THE PUBLIC INTEREST WOULD BE SERVED BY DENYING**
22 **THEIR REQUEST FOR SUSPENSION OF DIALING PARITY?**

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1 A. Yes. In response to Alltel Interrogatory 15 wherein Swiftel explains the basis for
2 increased calling to wireless numbers, Swiftel stated the following public interest
3 argument for not having calls to wireless numbers be rated as toll calls:

4 “Response: Based on basic economic principles, as price declines for
5 a product or service the quantity demanded of that product or service
6 increases. Also, experience with EAS shows that when customers can
7 make calls between exchanges without a toll charge, the number and
8 duration of calls between exchanges increase. If Wireless Dialing
9 Parity is implemented without granting Swiftel’s petition, Swiftel’s
10 customers would be able to call wireless numbers outside of Swiftel’s
11 rate center and within the Minneapolis MTA without a toll charge.
12 Currently, any call to a wireless number rated outside of Swiftel’s rate
13 center is a toll call.”

14 So, what Swiftel says is implementing dialing parity will be valued by their customers
15 as they will make more (and longer) calls than they do today. Said another way,
16 granting Swiftel’s suspension will slam the door on the value its very own customers
17 would otherwise realize.

18
19 **V. CONCLUSION**

20 **Q. HAS SWIFTEL MET ITS BURDEN OF PROOF TO BE GRANTED A SUSPENSION OF**
21 **OBLIGATIONS UNDER SECTION 252(f)(2)?**

22 A. No they have not. Swiftel has failed on all accounts to prove it is entitled to relief
23 from the obligations of the Section 251 and 252 of the Telecom Act. Transport of
24 traffic to ported numbers is technically feasible, the cost of transport of Swiftel
25 originated traffic is not unduly burdensome, the impact on users for Swiftel to
26 transport traffic to ported numbers and wireless carriers is not significantly adverse,
27 and granting a suspension of Swiftel’s obligations is likely to create more adversity
28 for telecommunications users than denying a suspension. Furthermore, granting

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1 Swiftel's petition in light of the fact that Swiftel has failed to pursue available means
2 to mitigate each and every one of their cost claims would be an egregious and
3 audacious breach of the intent of the Act.

4 **Q. WHAT IS YOUR RECOMMENDATION TO THE COMMISSION?**

5 A. Deny Petitioner's request for suspension on all issues, order the Petitioner to
6 implement intermodal LNP to wireless carriers immediately, and order the Petitioner
7 to transport traffic in accordance with all existing interconnection agreements, the
8 Act, and FCC rules.

9 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

10 A. Yes, it does. However, as of the time of filing of this testimony, Swiftel has failed to
11 provide certain data it committed to provide on July 24, 2008 and it has not provided
12 information in response to Commission ruling on Alltel's Motion to Compel.
13 Therefore, I reserve the right to supplement this testimony by additional filing or at
14 the hearing.