

Attachment to NASUCA Two-Page Talking Points Handout
provided in conjunction with its Ex Parte Presentation in the nature of a clarification.
Issue: Support for Addition of Equal Access to the List of Supported Services
CC Docket 96-45

Attached is a transcript excerpt of cross-examination on the issue of the cost of adding equal access as a feature for wireless. The testimony is from the recent West Virginia proceeding in Highland Cellular, Inc., v. WV PSC Case No. 02-1453-T-PC.

This wireless witness testimony makes clear that neither new nor modified hardware is required in order to provide equal access as a wireless feature. Rather the "cost" is that associated with reprogramming existing software. This is the same cost currently incurred by landline providers in providing equal access.

BEFORE THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

COPY

CASE NO. 02-1453-T-PC

HIGHLAND CELLULAR, INC.,

Petition for consent and approval to be designated as an eligible telecommunications carrier in the areas served by Citizens Telecommunications Company of West Virginia.

TRANSCRIPT OF PROCEEDINGS had and testimony adduced at the administrative hearing in the above-referenced matter, held on Tuesday, April 15th, 2003, at 9:30 a.m., at the West Virginia Public Service Commission, 201 Brooks Street, Charleston, West Virginia, before Ronnie Z. McCann, Administrative Law Judge, pursuant to notice duly given to all interested parties.

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Attending Reporter: Jennifer L. Jimison, C.C.R.

1 for about ten minutes.

2 (WHEREUPON, there was a ten minute break
3 during the proceeding.)

4 JUDGE McCANN: Okay. Let's go back on the
5 record.

6 BY MR. GREGG:

7 Q Mr. Stearns, we have previously went over
8 the nine services that you have to provide in order
9 to qualify as ETC. One of those was access to long
10 distance, access to interexchange carriers. It is
11 correct, is it not, that land line carriers have been
12 required to provide not just access to long distance
13 carriers, but equal access for a period of years?

14 A I don't know that to be the fact.

15 Q You are a land line customer yourself; are
16 you not?

17 A Yes.

18 Q Do you have the ability to choose whichever
19 long distance carrier you wish?

20 A Yes, we do.

21 Q And that choice is yours, alone?

22 A Yes, sir.

23 Q Does that same right or ability exist for a
24 customer of wireless system?

1 A Speaking just for Highland, no, it does
2 not.

3 Q In other words, if I was a customer of
4 Highland I would have to take the long distance
5 service that Highland chose for me?

6 A That is correct.

7 Q In other words, it is not equal access?

8 A No, sir.

9 Q And that is, as we are aware of, a
10 provision in the 1996 Telecom Act, Section 332c, I
11 believe that did not require wireless carriers to
12 provide equal access simply because they are common
13 carriers?

14 A I would refer that to counsel.

15 Q Could you physically or technically provide
16 equal access? We know that there is a policy, legal
17 reason for not providing, but technically could you
18 provide it?

19 CROSS-EXAMINATION OF MR. TURNER

20 MR. TURNER: As a technical matter today,
21 it would be very burdensome for us to provide it.
22 And whether we could actually provide it or not is
23 not -- it is not really a study that we perform.

24 BY MR. GREGG:

1 Q But it could be done?

2 A Yes.

3 CROSS-EXAMINATION OF MR. STEARNS

4 BY MR. GREGG:

5 Q Mr. Stearns, do you have a copy of the
6 stipulation that was put into evidence today?

7 A Yes, sir. I do.

8 Q I want to turn your attention to page four
9 and five and six of that stipulation. These are the
10 conditions that Highland has agreed to assuming that
11 Highland is granted ETC status in Frontier's service
12 territory?

13 A Yes.

14 Q The first agreement had to do with how
15 Highland would treat requests for service from
16 customers in areas where you don't presently provide
17 service. Could you go over that, kind of, flow chart
18 for us, briefly?

19 A These six points, sir?

20 Q Yes. Either you or Mr. Turner. Mr. Turner
21 included it in his testimony.

22 A Yes. It says, "First it will determine
23 where the customer's equipment can be modified or
24 replaced to provide acceptable service."