

1 STATE OF MICHIGAN
2 BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION
3 In the matter of the complaint
4 and application for emergency Case No. U-15230
5 relief by Neutral Tandem, Inc. for interconnection with Level 3
6 Communications. Volume 5

_____/
6 CROSS-EXAMINATION
7 Proceedings held in the above-entitled matter
8 before Sharon L. Feldman, J.D., Administrative Law
9 Judge with SOAHR, at the Michigan Public Service
10 Commission, 6545 Mercantile Way, Room C, Lansing,
11 Michigan, on Thursday, August 9, 2007, at 9:00 a.m.

12 APPEARANCES:

13 MICHAEL S. ASHTON, ESQ.
14 Fraser, Trebilcock, Davis & Dunlap, P.C.
15 124 West Allegan Street, Suite 1000
Lansing, Michigan 48933

16 -and-

17 JOHN R. HARRINGTON, ESQ.
18 MATT BASIL, ESQ.
19 Jenner & Block, LLP
One IBM Plaza
Chicago, Illinois 60611-7603

20 On behalf of Neutral Tandem, Inc.

21

22

23

24

25 (Continued)

1 APPEARANCES (Continued):

2 CHRISTINE MASON SONERAL, ESQ.
3 Dykema Gossett, PLLC
4 Capitol View
201 Townsend Street, Suite 900
Lansing, Michigan 48933

5 -and-

6 HENRY T. KELLY, ESQ.
7 Kelley, Drye & Warren, LLP
8 333 West Wacker Drive
Chicago, Illinois 60606

9 -and-

10 GREGG STRUMBERGER, ESQ.
11 Level 3 Communications, L.L.C.
12 1025 Eldorado Blvd.
Broomfield, Colorado 80021

13 On behalf of Level 3 Communications

14 STEVEN D. HUGHEY, ESQ.
15 Assistant Attorney General
16 6545 Mercantile Way, Suite 15
Lansing, Michigan 48911

17 On behalf of Michigan Public Service
18 Commission Staff

19 ALSO PRESENT: RICHARD L. MONTO, ESQ.
20 Neutral Tandem
21 One South Wacker, Suite 200
Chicago, Illinois 60606

22 - - -

23 REPORTED BY: Lori Anne Penn, CSR-1315
24 Marie T. Schroeder, CSR-2123
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1 Q Did Neutral Tandem provide notice to its customers in

2 Wisconsin that it would no longer be delivering traffic
3 to Level 3 in Wisconsin?

4 A Well, we worked with our customers, if that's considered
5 notice. We worked with our customers up to --

6 Q When did you provide notice to the customers? I'm sorry.

7 JUDGE FELDMAN: Mr. Kelly, please don't
8 cut the witness off while he's speaking.

9 Had you finished?

10 A Yes.

11 JUDGE FELDMAN: O.K.

12 Q (By Mr. Kelly): O.K. I'm sorry. When did you provide
13 notice to your customers?

14 A Again, I don't know about notice, but it was several
15 weeks ago.

16 Q So in July?

17 A I don't know the exact date when we got started with
18 letting customers know that they need to start to reroute
19 traffic.

20 Q Did you advise customers that in Wisconsin, Level 3
21 telephone numbers would, that calls could no longer be
22 delivered to Level 3's telephone numbers?

23 A Yes. We had to give them Level 3's codes.

24 Q The NPA-NXX's?

25 A That's correct.

1 Q NPA-NXX's. You sent them an e-mail telling them that
2 Level 3's NPA-NXX's would no longer be routed or
3 transitted by Neutral Tandem in Wisconsin?

4 A I don't exactly know the logistics, but it's probably an
5 e-mail with a phone call as well with the specifics of
6 the NPA-NXX's.

7 Q And the customers rerouted their traffic?

8 A Actually, yes, some of them have completed, some of them
9 haven't completed rerouting the traffic.

10 Q So the calls that, for those companies that have not
11 rerouted traffic -- strike that.

12 When you say rerouted traffic, you mean
13 that they are no longer delivering calls destined to
14 Level 3, they are no longer delivering those calls to
15 Neutral Tandem for transit, correct?

16 A Yes. Some portions of -- they haven't completed entirely
17 moving the traffic.

18 Q O.K. When they are moving the traffic, though, you're
19 talking about how they are finding another route to
20 deliver traffic destined to Level 3, perhaps the ILEC?

21 A Yes.

22 Q For those calls that have not been rerouted, how are
23 those calls being delivered to Level 3, if at all?

24 A We are using our connections with the LEC to transport
25 that call through the ILEC tandem to give time for our

1 customers to complete the rerouting.

2 Q Did you solicit from your originating carriers their
3 consent to no longer deliver traffic directly through
4 Level 3?

5 MR. HARRINGTON: Objection. Vague, your
6 Honor.

7 JUDGE FELDMAN: If the witness
8 understands the question, I'll allow him to answer it.

9 A I'm not sure what you mean by solicit, but, you know, we
10 worked with them and gave them Level 3's codes and asked
11 them to not route those calls to us and to start finding
12 other ways; and as I said, some of them have done some
13 amount of the work and some of them have not, and for
14 those that have not, we are tandeming through the ILEC
15 tandem.

16 Q (By Mr. Kelly): Did you ask them permission to do that?

17 A Well, they have to do a lot of the work, so I'm not sure
18 the permission aspect of it, but we work with them
19 because they have to do the work in terms of rerouting.

20 Q Did Neutral Tandem inform Level 3 that it would be
21 advising, that Neutral Tandem would be advising its
22 customers that calls would no longer be delivered to
23 Level 3 through the direct interconnection arrangement in
24 Wisconsin?

25 A No, we did not. But we had testimony from Level 3 that

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1 ago. I have no knowledge of this particular e-mail
2 and/or the thing behind it, or whatever went on at that
3 time.

4 Q (By Mr. Kelly): But putting aside the e-mail, isn't it
5 true that Neutral Tandem, because it didn't have enough
6 call traffic destined to Level 3, that it sought to
7 disconnect interconnection trunks with Level 3 connecting
8 Indy?

9 A Personally I don't know. But if you read in e-mail, it
10 may suggest that. But again this is -- I'm reading it,
11 Emberson is an employee, I'm just reading the e-mail to
12 give you my impression. But I don't know about the
13 background or instance, this particular instance, what
14 actually happened.

15 Q So it's possible that employees within Neutral Tandem
16 would seek to disconnect interconnection facilities
17 between Neutral Tandem and Level 3, because there was a
18 lack of call volume and it cost too much, without your
19 knowledge?

20 A Yeah. I have a group of people that look at network
21 costs and engineering and efficiency in the network, and
22 in some cases we project that there's a lot of traffic,
23 when we put the trunk in and then we see there is not
24 enough traffic at all. I mean, the customers forecast a
25 lot of traffic, and you put it in, and then we don't see

1 calls, then we work with the customers to say, really do
2 you want to put this trunk group in? Because it's
3 efficiency and cost issue on both sides of the network.
4 So I think -- But I do have a group that yes, there may
5 be instances that I'm not aware of, personally, of all
6 instances of such actions.

7 JUDGE FELDMAN: Let's go off the record.

8 (At 10:25 a.m., a 15-minute recess was taken.)

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10 (Documents marked for identification by the court
11 reporter as Exhibit Nos. R-8 and R-9.)marked.

12 JUDGE FELDMAN: Mr. Kelly, any time
13 you're ready.

14 Q (By Mr. Kelly): O.K. Mr. Saboo, let me direct your
15 attention, if I could, please, to Respondent's Exhibit
16 No. R-9.

17 A Yes.

18 Q O.K. And just for the record, this is a copy of an
19 interconnection agreement between several Neutral Tandem
20 companies and Verizon. Have you seen this before?

21 MR. HARRINGTON: Judge, I think R-8. R-8
22 is the Verizon one.

23 JUDGE FELDMAN: I think you did give him
24 the wrong number, Mr. Kelly.

25 Q (By Mr. Kelly): I'm sorry. Take a look at R-8, please.

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