

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Request of Southwestern Bell)
Telephone, L.P., d/b/a SBC Missouri, for a Waiver) Case No. TE-2006-0053
of Certain Requirements of 4 CSR 24-29.040(4).)

JOINT MOTION TO DISMISS

COME NOW Staff of the Missouri Public Service Commission (“Staff”) and AT&T Missouri¹ and respectfully request the Commission to dismiss this proceeding as moot.

1. On July 14, 2005, AT&T Missouri in Case No. TX-2003-0301 filed an Application for Rehearing, and an Alternative Request for Temporary Variance or Waiver of what it perceived to be a requirement of 4 CSR 240-29.040(4) that the Calling Party Number (“CPN”) be included in the Category 11-01-XX billing records for wireless-originated calls. The Commission on July 28, 2005, denied AT&T Missouri’s request for rehearing, but granted a temporary waiver until September 30, 2005, to allow the Commission to investigate the matter further. On August 4, 2005, the Commission determined that a new case should be opened to address this matter and opened Case No. TE-2006-0053. The Commission, on joint motions of all parties, suspended the proceeding and issued successive extensions of the temporary waiver. The temporary waiver is now set to expire on January 31, 2006. By January 20, 2006, the parties were either to file a unanimous stipulation resolving the case or a proposed procedural schedule so the case could proceed to hearing.

2. In addition to seeking a waiver, AT&T Missouri also sought review of the perceived CPN requirement in Cole County Circuit Court through a Writ of Review filed August 22, 2005. In its Respondent’s Brief filed on December 9, 2005, the Commission represented to

¹ Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri will be referred to in this pleading at “AT&T Missouri.” It previously conducted business as “SBC Missouri.”

the Court that its new rules do not require CPN to be included in the intercompany record used to bill wireless carriers:

That said, the Commission concedes that the single sentence of which SBC Missouri complains is an incorrect statement of what rule 4 CSR 240-29.040(4) requires. This is so because the Commission now believes that neither a "Category 11-01-XX record" nor a "Missouri-specific Category 11-01-XX record" must include the CPN for wireless-originated calls.²

3. Based on this representation to the Court, Staff and AT&T Missouri conclude that the rule does not require that CPN be included on intercompany records used to bill wireless carriers. No waiver is necessary if the rule does not require CPN to be included on these records and, on that basis, this proceeding may be dismissed.

WHEREFORE, Staff and AT&T Missouri respectfully request the Commission to issue an order dismissing this case as moot.

Respectfully submitted,

MISSOURI PUBLIC SERVICE COMMISSION

SOUTHWESTERN BELL TELEPHONE,
L.P.

D/B/A AT&T Missouri

BY /s/ Keith Krueger

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² See Brief of the Missouri Public Service Commission, filed December 9, 2005, in Cole County Case No. 05AC-CC00732, p. 6.

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on January 20, 2006.

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