

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

In the matter of Southwestern Bell)
Telephone, L.P. d/b/a AT&T Missouri's)
Revision to its General Exchange Tariff,)
PSC Mo.-No. 345 Regarding Provision of)
811 Service)

Case No. IT-2007-0187
Tariff No. JI-2007-0260

STAFF'S RESPONSE TO MOTION TO SUSPEND

COMES NOW the Staff of the Public Service Commission, and in response to Missouri One Call System, Inc.'s *Motion to Suspend Tariffs and Application to Intervene*, states:

1. On October 19, 2006, Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri submitted tariff sheet revisions to add conditions, terms and rates for 8-1-1, or "One Call" dialing to AT&T Missouri's General Exchange Tariff, P.S.C. Mo.-No. 35. The tariff sheets bear an effective date of November 18, 2006.

2. On November 13, 2006, Missouri One Call System, Inc. (MOCS) moved to suspend the tariff sheets, alleging that the contents of the tariff sheets were unjust and unreasonable and were inconsistent with the FCC Sixth Report and Order in CC Docket No. 92-105 (*In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, adopted March 10, 2005). MOCS objects to the nonrecurring initial set up charge of \$235.12 per host or stand alone switch, set forth in AT&T Missouri's tariff sheets.

3. At the outset, Staff notes that other telecommunications companies regulated by this Commission have indicated they are in the process of filing similar tariff sheets containing similar provisions, and thus the issues raised in this case could potentially recur. Both large and small incumbent local exchange companies will be filing 811 implementation tariff sheets. Staff anticipates that many of these tariff sheet filings will take place in the next few days.

4. The Federal Communications Commission addressed the issue of cost recovery as it pertains to 811 implementation in its Sixth Report and Order, stating that “[w]e therefore delegate authority to the state commissions, pursuant to section 251(e), to address the technical and operational issues associated with the implementation of 811.”¹ In its Final Regulatory Flexibility Analysis appended to the Sixth Report and Order, the FCC elaborated:

39. While we recognize that there may be some costs associated with implementation of the 811 code, we have not specified parameters for cost recovery in this *Order*. The Pipeline Safety Act did not provide for federal financial support as part of the mandate for a nationwide abbreviated dialing arrangement for access to One Call Centers. Therefore, we find that the Congressional mandate and benefits of a national N11 code assignment, specifically 811, outweigh any concerns regarding cost recovery on the federal level. ***These issues are most appropriately addressed by the state and local governments.*** As indicated above, we believe that state commissions are in the best position to addressing issues associated with implementing 811 because many of the One Call Centers were developed by, or under the auspices of, the state commissions. (footnotes eliminated)(emphasis supplied)²

Accordingly, the FCC has explicitly stated that the decision on how to address cost recovery rests with state commissions such as this Commission to determine. The FCC mandated that 811 be implemented by April 2007.

5. In prior filings involving 211, 311, 511 and 911 implementation, the Commission has permitted tariff sheets to go into effect that placed the burden to pay the implementation costs on the entity providing the service that corresponds to the N11 number, not on the telecommunications company.³ The Commission’s rule at 47 CFR 240.200(2)(C) directs companies to “submit a tariff to the commission, if no tariff exists, incorporating rates, terms and conditions for 211 service.” This rule explicitly indicates the Commission did not expect the

¹ Sixth Report and Order, *In the Matter of The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105 (adopted March 10, 2005), para. 35.

² *Id.*, appendix B, para. 39.

³ Staff is not aware that 711 service is tariffed at this time.

telecommunications companies to bear the costs of implementing 211, as it provided for rates to be charged.

6. As indicated in Appendix A, Staff has reviewed AT&T Missouri's proposed filing and rate, analyzed the underlying cost study and compared the rate to those charged by AT&T for similar services (211 and 311 dialing). Staff also compared AT&T Missouri's proposed rate against the rates proposed and charged by other incumbent local exchange carriers for N-1-1 services. Staff finds the proposed rates are reasonable in light of the cost justification provided by the company and the actual and proposed N-1-1 rates of other incumbents. Staff has no objection to the tariff going into effect.

WHEREFORE, Staff provides this response for the Commission's consideration in this matter.

Respectfully submitted,

/s/ David A. Meyer

David A. Meyer

Senior Counsel

Missouri Bar No. 46620

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360

Jefferson City, MO 65102

(573) 751-8706 (Telephone)

(573) 751-9285 (Fax)

david.meyer@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this November 15, 2006.

/s/ David A. Meyer

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Tariff No. JI-2007-0260

AFFIDAVIT OF WALT CECIL

STATE OF MISSOURI)
)ss
COUNTY OF COLE)

Walt Cecil, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he reviewed AT&T Missouri's proposed filing and rate, analyzed the underlying cost study, compared the proposed rate to those charged by AT&T for similar services (211 and 311 dialing), and compared AT&T Missouri's proposed rate against the rates proposed and charged by other incumbent local exchange carriers for N-1-1 services.



Walt Cecil

Subscribed and affirmed before me this 15th day of November, 2006. I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on 9-21-10.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942066



NOTARY PUBLIC