

**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 STATEMENT OF POSITION

COMES NOW the Staff of the Public Service Commission, and as directed by the Commission in its *Order Granting Intervention, Suspending Tariff, Directing Notice, Setting Prehearing Conference and Setting Evidentiary Hearing*, provides its statement of position:

Issue: How are the costs associated with implementation of 811 to be recovered?

Position: Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri may submit tariff sheets that include charges to recover the cost of implementing 811 service, and Staff has no objection to the tariff sheets submitted in this case. However, the Commission does not have the authority to require Missouri One Call System to take 811 service. MOCS serves as the statutorily designated "notification center" under the provisions of Section 319.015(4) RSMo. (Supp. 2006). It does not provide telecommunications services or own telecommunications facilities, it is not a telecommunications company as that term is defined by Section 386.020(51) RSMo. (Supp. 2006), nor is it a public utility under Section 386.020(42) RSMo. (Supp. 2006). Thus, it does not fall within the scope of Commission jurisdiction under Section 386.250(2) RSMo. (2000) and the Commission cannot direct it to subscribe to 811 service. The Federal Communication Commission's directive regarding 811 abbreviated dialing is simply for carriers to deploy it, but the Federal Communications Commission, like this Commission, cannot mandate that potential subscribers such as MOCS actually subscribe to it.

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

Respectfully submitted,

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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 15th day of December, 2006.

/s/ David A. Meyer