

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

In the Matter of the Application of MultiBand, Inc.)
for a Certificate of Service Authority to Provide) Case No. ZA-2006-0346
Shared Tenant Services in the State of Missouri)

STIPULATION AND AGREEMENT AND JOINT MOTION

COME NOW MultiBand, Inc. ("MultiBand"), Applicant herein, and the Staff of the Public Service Commission of Missouri ("Staff"), by and through counsel of record, and stipulate and agree as follows:

1. On March 6, 2006, MultiBand filed its verified application in this case seeking certificate of service authority as a Shared Tenant Services (STS) provider in Missouri. An Order and Notice of the application was issued by the Commission on March 14, 2006.

2. By its verified application in this case, MultiBand seeks a certificate to provide STS services at the Jefferson Arms Apartment Building at 415 North Tucker Boulevard in downtown St. Louis, Missouri. The verified application, in paragraph numbered 23, also requests waivers of various Commission statutes and rules (enumerated therein) that are standard waivers for STS certificate holders.

3. AT&T Missouri filed an application to intervene in the case on March 31, 2006.

4. Staff filed its Staff Recommendation in the case on April 7, 2006, recommending that the instant application be granted.

5. On April 11, 2006, the Regulatory Law Judge issued an *Order Granting Intervention and Directing Filing*, in which AT&T Missouri was granted

leave to intervene in this case and was provided an opportunity to respond to the Staff Recommendation.

6. On April 21, 2006, AT&T Missouri filed its response to the Staff Recommendation in the case, and requested that MultiBand's certificate of service authority be conditioned upon MultiBand entering into an interconnection agreement with AT&T Missouri.

7. By Order dated April 24, 2006, the RLJ gave MultiBand and Staff an opportunity to respond to AT&T Missouri's proposed conditioning of MultiBand's certificate. Both Staff and MultiBand filed such responses.

8. On May 10, 2006, the Regulatory Law Judge issued an *Order Setting Prehearing Conference and Requiring Filing of Procedural Schedule*, ordering the parties to participate in a prehearing conference on May 22, 2006 and to file a proposed procedural schedule no later than May 29, 2006. The prehearing conference was held as directed by the RLJ, but no procedural schedule was agreed to.

9. On May 24, 2006, MultiBand, Staff and AT&T Missouri filed a *Joint Motion for Extension of Time for Filing Procedural Schedule*, requesting an extension until June 28, which was granted by Order of May 30, 2006.

10. On June 6, 2006, MultiBand filed a *Motion for Determination on the Pleadings and Motion to Dismiss Intervenor*, to which AT&T responded on June 16, 2006. Additional pleadings were filed concerning the motion.

11. On June 29, 2006, the Commission issued an *Order Suspending Requirement to File Proposed Procedural Schedule*.

12. On July 13, 2006, the Commission issued its *Order Denying Motion for Summary Determination*. On July 17, 2006, an *Order Directing Filing of Proposed Procedural Schedule* was issued in the case.

13. Orders granting an extension of time for the filing of a procedural schedule were issued on August 18, September 20, September 26 and October 10, 2006.

14. On October 26, 2006, the Parties filed a *Joint Motion to Hold Proceedings in Abeyance*, which was granted by the Commission in an order issued October 31, 2006.

15. Public Counsel has not participated in this case.

16. AT&T Missouri's proposed conditions in this case arose from MultiBand's use of certain facilities within the Jefferson Arms Apartment Building in St. Louis, Missouri.

17. MultiBand made changes to its technical configuration at the Jefferson Arms in August 2006, which do not require the use of any of the pre-existing facilities within that building for the provision of voice communications to MultiBand's STS customers.

18. On December 29, 2006, AT&T Missouri filed its *Notice of Withdrawal* in this case, stating that AT&T Missouri and MultiBand, Inc. have resolved their differences concerning the use of facilities at the Jefferson Arms, and that AT&T Missouri withdrew its opposition to the Commission's granting MultiBand a certificate of service authority to provide STS in Missouri.

19. MultiBand has submitted to the Commission the information required of applicants for STS certificate of service authority. Staff continues to recommend that the Commission grant the STS certificate of service authority requested by MultiBand in this case. AT&T Missouri has no objection to the Commission granting the certificate of service authority, without additional conditions on said certificate of service authority.

20. No party is requesting a hearing in this matter. In accordance with Missouri case law and Commission precedent, since Staff recommends that the requested certificate be granted and since no one opposes MultiBand's application or requests a hearing, no hearing is necessary. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

21. AT&T Missouri has indicated to counsel that it has no objection to this *Stipulation and Agreement and Joint Motion*.

WHEREFORE, MultiBand, Inc. and Staff jointly and respectfully submit this *Stipulation and Agreement and Joint Motion* to the Public Service Commission of Missouri for its approval, and respectfully request the Commission to issue a certificate of service authority to MultiBand to provide Shared Tenant Services (STS) within the State of Missouri.

Respectfully submitted,

/s/ William D. Steinmeier

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served electronically on the General Counsel's Office, the Office of the Public Counsel and counsel for AT&T Missouri this 8th day of January 2007.

/s/ William D. Steinmeier

William D. Steinmeier