

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

Stone County Emergency Services,)
)
 Complainant,)
)
 vs.)
)
GTE Midwest Incorporated (n/k/a Verizon))
and Southwestern Bell Telephone)
Company,)
)
 Respondents.)

Case No.: TC-2000-767

FIRST AMENDED COMPLAINT

COMES NOW, the Complainant and hereby respectfully offers its First Amended Complaint to the Missouri Public Service Commission. For its cause, Complainant states to this Commission as follows:

JURISDICTION AND PARTIES

1. The Public Service Commission has jurisdiction over this matter pursuant to Section 386.250.2, RSMo.
2. Stone County Emergency Services is a local Public Safety Answering Point (PSAP). It is a governmental entity organized pursuant to Chapter 190, RSMo. The Stone County Emergency Services Board has the authority to maintain this action pursuant to Section 190.327.3, RSMo. This Complaint is brought pursuant to Section 386.390.1, RSMo.
3. GTE Midwest Incorporated (n/k/a Verizon) (hereinafter referred to "GTE") provides telephone services to certain customers in Stone County, Missouri. GTE has approximately Nineteen Thousand (19,000) lines in Stone County. GTE is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri.

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4. SouthWestern Bell Telephone Company (hereinafter referred to as "SWB") provides telephone services to certain customers within Stone County Missouri. SWB has approximately Six Hundred (600) lines in Stone County. SWB is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri.

5. The Complainant has taken the following steps to present this Complaint to the Respondents: Three years of documentation, formal letters, handwritten notes, telephone calls, minutes taken during formal meetings, e-mail, fax communications, notes from meetings, and public statements made by telephone company personnel.

COUNT I

COMES NOW, Complainant, Stone County Emergency Services, and for Count I of its Complaint against GTE, hereby states as follows:

6. Complainant contracts with GTE for basic 911 services and enhanced 911(E-911) services.

7. Basic 911 is a service that provides for routing all 911 calls originating from telephones within a given geographic area to a single public safety answering point without the delivery of ALI (Automatic Location Identification) and ANI (Automatic Number Identification).

8. E- 911 is an enhanced service that provides features such as selective routing of E-911 calls to a single Public Safety Answering Point (PSAP) selected from those within the E-911 service area. E-911 also provides for the delivery of ALI and ANI to the Public Safety Answering Point.

9. ALI is Automatic Location Identification. This is a record that includes a subscribers name, street address, emergency service number, and other predetermined information associated

with the E-911 callers telephone number.

10. ANI is Automatic Number Identification. This is a telephone encoding of the subscribers telephone number used for selective routing and for display at a PSAP to identify the caller. It is the key field in an ALI record.

11. An unknown and undetermined number of Stone County Customers of GTE do not receive basic 911 services. Numerous Stone County Customers of GTE have dialed 911 and received a recording informing them, to wit: "911 services are not offered in this service area."

12. An unknown and undetermined number of Stone County Customers of GTE do not receive E-911.

13. Certain Stone County Customers of GTE who have dialed 911 do not have their ALI (Automatic Location Identification) appear on screen in the Stone County PSAP center.

14. The foregoing conduct by GTE violates its contractual and regulatory obligations as a basic 911 service provider and as an E-911 service provider.

WHEREFORE, as to Count I, Stone County Emergency Services respectfully request this Commission enter its Order to require GTE to provide basic 911 and E-911 services to all its Stone County Customers and for any and all further relief this Commission may deem just and proper.

COUNT II

COMES NOW, Complainant, Stone County Emergency Services, and for Count II of its Complaint against GTE, hereby states as follows:

15. Barry County borders Stone County to the West. GTE provides telephone services to customers in Barry County.

16. Certain Barry County customers of GTE who have dialed 911 are routed to the Stone County Emergency Services 911 Center.

17. Stone County Emergency Services is neither organized, structured, capable, nor authorized to provide 911 services to Barry County residents.

18. Barry County customers of GTE should not be routed to Stone County Emergency Services for either basic 911 or E-911 services.

WHEREFORE, as to Count II, Complainant respectfully requests this Commission enter its Order requiring GTE to immediately cease routing Barry County GTE customers to Stone County Emergency Services 911 Center.

COUNT III

COMES NOW, Complainant, Stone County Emergency Services, and for Count III of its Complaint against SWB, hereby states as follows:

19. Complainant had compiled and maintains its own data base which consists of a computer system, where citizen automatic location information is stored. This data base enables complainant to maintain an accurate 911 system and dispatching system as mandated under Section 190.339, RSMo. This data base further provides Stone County Emergency Services the ability to know the location of all Stone County Structures by latitude and longitude, which is then cross referenced to physical addresses. Further, this data base provides Stone County Emergency Services with a reliable back up system and a system that assists Stone County Emergency Services in insuring the accuracy of all physical addresses within Stone County.

20. GTE provides Complainant with a daily download of customer information consisting of customer lines that have been disconnected or connected that day. GTE also provides

information relating to whether a customer has moved or maintained a same telephone number. This information enables Complainant to maintain an accurate E-911 database to serve its public safety purpose. Without this information, Complainant's database would not be maintained in an accurate manner as it would not have access to updated disconnected or connected numbers in its database or numbers that have been relocated to another geographic address within Stone County.

21. Though requested on numerous occasions, SWB refuses to provide Complainant with a daily download. This refusal is contrary to Section 386.310, RSMo. whereby every public utility is required to maintain and operate its system and equipment in such a manner as to promote and safeguard the health and safety of its customers and the public.

22. Refusal by SWB to provide this daily download prevents Stone County Emergency Services from fulfilling its public safety mandate under Chapter 190, RSMo., and is contrary to the public safety of Stone County Citizens because it prevents the formation of an accurate data base to services basic 911 and E-911 calls of Stone County citizens.

WHEREFORE, as to Count III, Complainant respectfully requests this Commission to enter its Order requiring SWB to provide Complainant with a daily download consisting of customer lines that have been connected and disconnected, and information relating to whether a customer's telephone number has been relocated to another geographic address within Stone County, and for any and all further relief this Commission may deem just and proper under the circumstances.

COUNT IV

COMES NOW, Complainant, Stone County Emergency Services, and for Count IV of its Complaint against GTE, hereby states as follows:

23. On occasion, Complainant receives information or complaints from its citizens or

GTE which are inconsistent or incorrect when compared with its E-911 database and/or GTE's E-911 database. For instance, when a Stone County citizen and subscriber of GTE dials 911 and receives a recording which states to wit: "911 services are not offered in this service area," Complainant forwards that information to GTE. This is done so GTE's database may be corrected and that particular GTE customer provided basic and E-911 services.

24. GTE employs a method to update its database which is labor intensive and unreasonably burdensome to the Complainant. When incorrect information is received by Stone County Emergency Services consisting of either the citizen not receiving basic 911 or the citizen's ALI not appearing on the screen in the Stone County PSAP Center, that information is then immediately provided by e-mail and/or fax to GTE. It then takes GTE days or weeks to make the necessary correction to its data base. This requires Stone County Emergency Services to continue to follow-up with GTE regarding that necessary change and often entails Stone County Emergency Services receiving another complaint about the same issue from its citizen(s) which results in that same information being resubmitted to GTE. Stone County Emergency Services receives during the average week thirty to forty instances of incorrect ALI information for its citizens, or citizens who do not receive basic 911. Once accurate subscriber/citizen information is submitted to GTE, Stone County Emergency Services and/or the citizen(s) is then required and directed by GTE to multiple contact points within GTE to see that the necessary change to the GTE database is made. This results in these necessary corrections to the GTE data base being made in an untimely and burdensome manner.

25. When incorrect citizen information is received by Stone County Emergency Services and corrective information related to either basic 911 or E-911 then forwarded to GTE, GTE has

failed to properly and promptly update its database after receiving said accurate subscriber/citizen records from Stone County Emergency Services.

26. This conduct violates GTE requirements as a basic 911 and E-911 service provider. Further, it demonstrates GTE fails to maintain and operate its system and equipment in such a manner as to promote and safeguard the health and safety of its customers and the public.

27. GTE's failure to timely update and provide a non-labor intensive and reasonable method to provide updated subscriber/citizen ALI and basic 911 information presents a public safety risk since the resulting 911 data base for GTE is inaccurate or incomplete which results in certain Stone County GTE customers not receiving basic 911 services or E-911 services.

WHEREFORE, Complainant respectfully requests this Commission to enter its Order requiring GTE to provide a reasonable and non-labor intensive procedure to update basic 911 data and ALI and to require GTE to timely and properly update their E-911 database and for any and all further relief this Commission may deem just and proper under the circumstances.

COUNT V

COMES NOW, Complainant, Stone County Emergency Services, and for Count V of its Complaint against GTE and SWB, hereby states as follows:

28. GTE collects sales tax on its monthly bills to Stone County Customers.

29. SWB collects sales tax on its monthly bills to its Stone County Customers.

30. GTE receives a one percent collection fee for collecting these sales tax.

31. SWB receives a one percent collection fee for collecting these sales tax.

32. GTE has erroneously collected sales taxes from Stone County residents while not providing that collected tax to Stone County.

33. SWB has erroneously collected sales taxes from Stone County residents while not providing that collected tax to Stone County.

34. This improper tax collection practice of GTE and SWB has resulted in lost revenues for Complainant. Complainant is solely reliant and dependent on these revenues to operate its PSAP and perform its mandatory statutory functions.

WHEREFORE, Plaintiff respectfully requests this Commission enter its Order requiring both GTE and SWB to cease from its practice of collecting taxes from Stone County Customers while not providing said taxes to Stone County. Complainant further respectfully requests this Commission to enter its Order requiring GTE and SWB to either remit and/or collect and pay to Complainant erroneously collected taxes that were not provided to Stone County Emergency Services since 1997.

Respectfully submitted,

GIBBS LAW OFFICE, P.C.



Scott R. Pool, #42484
P.O. Box 1088
314 Monroe Street
Jefferson City, Missouri 65102-1088
Tel: (573)636-2614
Fax: (573)636-6541

Attorneys for Complainant.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing document by mailing and faxing a true copy thereof on September 22, 2000, to the following:


Mr. James Fischer
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, MO 65101

Ms. Mimi B. MacDonald
One Bell Center, Room 3510
St. Louis, Missouri 63101

Mr. Michael F. Dandino
Office of the Public Counsel
301 West High Street
P.O. Box 7800
Jefferson City, Missouri 65102

Dana Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Mr. Mark Rundel
Stone County Emergency Services
P.O. Box 206
Galena, Missouri 65656



Scott R. Pool