

**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)	Case No. IT-2007-0187
General Exchange Tariff, PSC Mo-No. 35)	Tariff Tracking No. JI-2007-0260
Regarding Provision of 811 Service.)	

AT&T MISSOURI'S POST-HEARING BRIEF

AT&T Missouri¹ respectfully submits its Post-Hearing Brief, pursuant to the Commission's December 22, 2006, Order Setting Briefing Schedule.

SUMMARY

The Commission should approve AT&T Missouri's proposed 811 service tariff. There is no issue regarding the terms and conditions of the proposed tariff, nor is there any issue regarding the reasonableness of its charges. Rather, the single issue presented in this case is how AT&T Missouri's one-time costs to implement 811 service will be recovered.² The Commission's approval of AT&T Missouri's proposed tariff would appropriately impose the charge on the entity that uses and benefits from the service.

AT&T Missouri cannot dictate that Missouri One Call System, Inc. ("MOCS") use 811 service, and AT&T Missouri acknowledges that MOCS has reservations about allowing excavators any means to contact MOCS other than by its toll free number (1-800-DIG-RITE), its Internet website and its fax number. In any case, whether MOCS would decline to use AT&T Missouri's 811 service would present an issue of its compliance with federal law, not state law.

¹ Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri ("AT&T Missouri").

² The nonrecurring charge would be \$235.12 per host or stand alone switch, or a total of approximately \$70,000. AT&T Missouri Exh. 1; Tr. 124. No recurring charges apply. Tr. 66.

Its decision in this regard has nothing to do with whether the Commission should approve AT&T Missouri's tariff as filed.

If MOCS chooses to use 811 service, then it must pay for the service. That result would be consistent with four important considerations.³

First, it would be consistent with federal law indicating that a one-call notification system (hereinafter, "one-call center") would be the user of the service. Second, it would also be consistent with the Commission's treatment of other abbreviated dialing services in which the entity using the service pays for it, e.g., 211, 311 and 911. Third, this result would be consistent with effective tariffs and signed contracts in several other states, all of which expressly provide that the one-call center will pay for the costs of implementing 811 service. Last, this result would be consistent with two significant real-world realities.

The benefits of AT&T Missouri's tariff would flow to all members of MOCS whose underground facilities are protected from harm -- not just telecommunications companies, but also gas, electric, cable, water, sewage and other companies. Furthermore, requiring MOCS to pay for 811 service is a logical and reasonable extension of its obligation to pay for its other communications-related services, such as those associated with its toll free number, its website and its fax machine, as well as other services it purchases, including services provided by other utilities (e.g., gas, electric, water, sewer), all of which MOCS pays for today.

Finally, as a legal matter, AT&T Missouri cannot be required to provide 811 service without recovery of its attendant costs. While the reasons for this are explained in greater detail below, Staff Counsel expressly conceded as much and MOCS has provided no authority warranting any other result:

³ Tr. 51.

AT&T is a price cap company and such a carrier may propose a new telecommunications service, such as 811 service, and establish the price for that service at the rate of its choice under Section 392.245, subsection 11. In keeping with this principle, AT&T Missouri submitted tariff sheets that include charges to recover this implementation cost and Staff has no objection to the tariff.⁴

ARGUMENT

The Commission should approve AT&T Missouri's proposed 811 service tariff.⁵ The purpose of this tariff is to offer 811 service, which would be used by a one-call center such as MOCS to provide advance notice of excavation activities to underground facility operators, as intended by Section 17 of the Pipeline Safety Act⁶ and the FCC's March 14, 2005, 811 Order.⁷ The Pipeline Safety Act does not address how the costs to implement 811 service are to be recovered, and the FCC's 811 Order merely indicates that matters regarding 811 cost recovery should be resolved by state and local governments.⁸ As explained in greater detail below, if MOCS chooses to use 811 service, then it should be required to pay for the service. This result would be consistent with four important circumstances.

⁴ Tr. 33 (opening statement of Staff's Counsel).

⁵ The service would enable a contractor or anyone else intending to excavate to make a single 3-digit call (8-1-1) to give notice of their plans to dig in a specific area before they begin their project. The call would be routed to the state's one-call center, which acts as a clearinghouse to give advance notice to owners and operators of underground facilities in the areas identified, so that they can mark their facilities to prevent damage to them. See, AT&T Missouri Exh. 1.

⁶ Pipeline Safety Improvement Act of 2002, Pub. L. No. 107-355, § 17, 116 Stat. 2985, 3008 (2002) ("Pipeline Safety Act"); see, 49 U.S.C. § 60114.

⁷ Sixth Report and Order in the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements, 20 FCC Rcd 5539 (2005) ("811 Order"). That is not to say that federal funding is necessarily foreclosed to MOCS. As the FCC noted, under the Transportation Equity Act, "grants are made to states to establish or improve One Call notification systems." 811 Order, n. 7. The Transportation Equity Act expressly provides that "[a] State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105." 49 U.S.C. §6106(c).

⁸ 811 Order, Appendix B, para. 39.

First, it would be consistent with federal law indicating that a one-call center would be the user of the service. Second, it would also be consistent with the Commission's treatment of other abbreviated dialing services in which the customer pays for the service, e.g., 211, 311 and 911. Third, this result would be consistent with effective tariffs and signed contracts in several other states, which provide that the one-call center will pay for the costs of implementing 811 service. Last, this result would be consistent with two significant real-world realities.

The benefits of AT&T Missouri's tariff would flow to all members of MOCS whose underground facilities are protected from harm -- not just telecommunications companies, but also gas, electric, cable, water, sewage and other companies. Furthermore, requiring MOCS to pay for 811 service is a logical extension of its obligation to pay for other communications-related services, such as those associated with its toll free number, its website and its fax machine, as well as other services its purchases, including services provided by other utilities (e.g., gas, electric, water, sewer), all of which MOCS pays for today.

Finally, for the reasons explained below, AT&T Missouri cannot be required to provide 811 service for free.

A. Congress and the FCC intended that one-call centers would use an abbreviated dialing code, i.e., 811 service.

MOCS casts 811 service as a "safety device employed by the telecommunications industry," and "not a service used by the one call centers."⁹ By doing so, MOCS seeks to avoid the principle that one who uses a service should pay for it.¹⁰ MOCS' attempt to recast 811 service contradicts multiple authorities holding that 811 service will, in fact, be "used by" one-call centers.

⁹ MOCS Motion to Suspend, p. 7.

¹⁰ In re Farmland Industries, 305 B.R. 497, 503 (W.D. 2004).

Section 17 of the Pipeline Safety Act states in unmistakable terms Congress' view that a 3-digit nationwide number would be "used by" one-call centers such as MOCS:

Within 1 year after the date of enactment of this Act, the Secretary of Transportation shall, in conjunction with the Federal Communications Commission, facility operators, excavators, and one-call notification system operators, provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems.¹¹

Likewise, the first paragraph -- indeed, the first sentence -- of the FCC's 811 Order, echoes Congress' view:

In this Order, we designate 811 as the national abbreviated dialing code to be used by state One Call notification systems for providing advanced notice of excavation activities to underground facility operators in compliance with the Pipeline Safety Improvement Act of 2002.¹²

Finally, the North American Numbering Council, which in December, 2003, furnished the FCC with its Report and Recommendation, leaves no doubt that one-call centers would be regarded as customers of local exchange carriers ("LECs") providing the service and that the centers would pay for 811 service:

It is recommended that the cost of implementing this service should not be an unfunded mandate (see letter from the National Telecommunications Damage Prevention Council dated July 18, 2003). The IMG notes the availability and means of cost recovery are not specified. Some LECs offer N11 service based on monthly recurring charges per existing Advanced Intelligent Network (AIN) tariffs and non-recurring charges that vary with the number of switches involved. In this proposed model (as with 211 and 511), the One Call Centers would be customers of the LECs providing the service and reimbursing them per service agreement after the cost of preparing the network is completed.¹³

These three sources of authority leave no doubt as to the lack of merit in MOCS' argument. MOCS submitted no evidence countering any of them. Thus, despite MOCS'

¹¹ 49 U.S.C. § 60114 (emphasis added); see, AT&T Missouri Exh. 2.

¹² 811 Order, para. 1 (emphasis added) and para. 12; see, AT&T Missouri Exh. 3.

¹³ 811 Order, n. 17, citing, Report and Recommendation of the North American Number Council, Abbreviated Dialing For One Call Notification Issue Management Group, October 29, 2003, pp. 11-12 (emphasis added); see, AT&T Missouri Exh. 4.

contrary view, 811 service is in fact “a service used by one call centers.”¹⁴ MOCS’ attempt to deny that fact, as a means to avoid paying for the service, must be rejected.

B. The Commission’s approval of AT&T Missouri’s 811 service tariff would be consistent with its treatment of other abbreviated dialing services in which the customer pays for the cost of providing the service.

MOCS’ use of 811 service would be no different in kind than information and referral providers’ use of AT&T Missouri’s 211 service, a tariffed service for which the information and referral provider is regarded as the customer and pays the applicable tariffed charge. MOCS’ use of 811 service would likewise be no different than state or local government units’ use of AT&T Missouri’s 311 service, a “non-emergency” tariffed service for which the governmental unit pays the applicable tariffed charge. MOCS’ use of 811 service would also be like Public Service Answering Points’ (“PSAPS”) use of emergency 911 service, for which PSAPs pay a tariffed charge. As in the case of these three services -- which involve a “single point of contact to receive calls and act as a clearinghouse . . . and point people in the right direction for needed services” -- AT&T Missouri is entitled to recover its costs associated with providing 811 service from the one-call center which would use the service.¹⁵

More particularly, AT&T Missouri offers 211 service, which is a service that may be purchased by information and referral providers authorized by the Commission in accordance with 4 CSR 240-32.32.200. Pursuant to its General Exchange Tariff, Section 29,¹⁶ AT&T Missouri charges the 211 provider both a non-recurring and monthly recurring charge for 211

¹⁴ MOCS Motion to Suspend, p. 7.

¹⁵ Tr. 48-49, 63, 103-104; see also, Tr. 34 (Staff Counsel’s reference in opening statements to other “N11” services, such as 211 and 311, and that “[t]he Commission has permitted tariff sheets to go into effect that charge for those types of services that covered the implementation costs on an entity that was involved with receiving that type of service. Staff, therefore, believes that it’s reasonable for the commission to act again in the same way in this case and recommends the Commission approve the tariff sheets.”).

¹⁶ AT&T Missouri Exh. 5.

service. An example of a 211 customer would be a United Way Agency wishing to act as a clearinghouse for health and human service referrals. The United Way would purchase 211 from AT&T Missouri to allow for citizens to reach its operators by dialing 2-1-1 who would then direct the caller to an appropriate human service provider.¹⁷

AT&T Missouri also offers 311 service, which allows telephone customers to reach non-emergency local government services by dialing 3-1-1. The service may be purchased by a local municipality, a council of governments, a communication district, or other state or local governmental unit, or an authorized agent of one or more municipalities or other state or local governmental units. 311 service is used by customers as a non-emergency alternative to 911 service. Pursuant to AT&T Missouri's General Exchange Tariff, Section 56,¹⁸ the 311 customer pays both a non-recurring and monthly recurring charge for the service. The governmental unit also pays a charge of 5 cents per call.¹⁹

Finally, AT&T Missouri offers 911 services for which appropriate cost recovery mechanisms have long been in place. Moreover, at the hearing, Staff's counsel confirmed as correct Commissioner Clayton's understanding that "[e]mergency services are tariffed and the PSAPs pay for that service."²⁰

¹⁷ Tr. 64-65.

¹⁸ AT&T Missouri Exh. 6.

¹⁹ Tr. 66-67. In addition, with respect to telecommunications relay services (i.e., 711-related services), about which Commissioner Clayton inquired (tr. 48), 47 CFR § 64.604(c)(5)(ii) states: "Cost recovery. Costs caused by interstate TRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism. Except as noted in this paragraph, with respect to VRS, costs caused by intrastate TRS shall be recovered from the intrastate jurisdiction. In a state that has a certified program under § 64.605, the state agency providing TRS shall, through the state's regulatory agency, permit a common carrier to recover costs incurred in providing TRS by a method consistent with the requirements of this section. Costs caused by the provision of interstate and intrastate VRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism." Section 209.255.1 RSMo 2000 provides that the rate recovery mechanism to recover the costs of implementing and maintaining the state's dual-party relay system "shall be applied to each basic telephone access line."

²⁰ Tr. 48-49.

All of these services are directly analogous to 811 service in the sense that the user of the service (i.e., the customer) pays for the service. Information and referral providers pay for 211 service. Government agencies pay for 311 service. PSAPs pay for 911 service. A one-call center should pay for 811 service.

C. AT&T Missouri's recovery of costs for providing 811 service would be consistent with effective tariffs and signed contracts in several other states in which the one-call center must pay for the costs to provide 811 service.

In several other states, arrangements are already in place -- in the form of effective 811 service tariffs or contracts -- by which the appropriate one-call center will pay the costs for the 811 service it uses. For example, the Kansas Corporation Commission recently approved an AT&T Kansas 811 service tariff nearly identical to the 811 tariff filed by AT&T Missouri.²¹ Additionally, AT&T Illinois' 811 service tariff became effective on January 1, 2007, and AT&T Arkansas' 811 service tariff became effective just last week.²² The Kansas, Illinois and Arkansas tariffs expressly provide that 811 service is "used by" the one-call center (i.e., the customer) and that the one-call center will be charged for the provision of the 811 service.²³ Finally, Staff

²¹ See, AT&T Missouri Exh. 7 (AT&T Kansas' approved 811 service tariff); AT&T Missouri Exh. 8 (Kansas Corporations Commission's October 27, 2006, Order in Docket No. 06-GIMT-049-GIT Telecom, approving AT&T Kansas' 811 service tariff); Tr. 68.

²² AT&T Missouri Exh. 17. Pursuant to 4 CSR 240-2.110(8), AT&T Missouri respectfully offers into evidence -- as Exhibit 21 -- the single page document first attached hereto, entitled "Voting Record of Matters before the [Illinois Commerce] Commission," reflecting that on December 20, 2006, that commission voted unanimously not to investigate the AT&T Illinois 811 service tariff, which thus became effective on January 1, 2007. This particular document was not available to AT&T Missouri until January 5, 2007, and no prejudice would result in its being admitted into evidence. A copy of the Illinois tariff had already been filed as a late-filed exhibit on December 28, 2006, as AT&T Missouri Exh. 17. AT&T Missouri also respectfully offers into evidence -- as Exhibit 22 -- the four-page document next attached hereto, which is Section 54 of the AT&T Arkansas General Exchange Tariff, whose 811 service provisions became effective January 12, 2007.

²³ AT&T Missouri Exh. 7, Sections 62.1, 62.2, 62.3 and 62.4; AT&T Missouri Exh. 17, Sections 11.A, 11.C, 11.D; AT&T Missouri Exh. 22 (offered), Sections 54.01, 54.02.01, 54.02.02 and 54.03.01.

indicated that “from the respect of cost recovery,” five other states -- Florida, Minnesota, Nebraska, Tennessee and Washington -- “have tariffs or some sort of plan in place.”²⁴

Elsewhere, one-call centers have entered into contracts that are to the same effect. Thus, for example, one-call centers in Oklahoma, California and Nevada have entered into 811 service contracts with AT&T Oklahoma, AT&T California and AT&T Nevada, respectively.²⁵ As in the case of the currently effective tariffs of AT&T Kansas, AT&T Illinois and AT&T Arkansas, and as in the case of AT&T Missouri’s proposed tariff, each of these contracts provide that the particular one-call center identified in the contract will pay specific one-time charges associated with implementing the service.

Finally, the Mississippi one-call center has likewise made this commitment. In proceedings held before the Mississippi Public Service Commission, Mississippi One Call testified that “all costs to implement 811 three digit dialing will be funded by the members of Mississippi One Call by an increase in the fees paid by the members.” Consequently, in its Agreed Final Order, the Mississippi Commission expressly found that “Mississippi One Call shall reimburse the telecommunications carriers who submit bills for their reasonable costs in implementing the switching and other changes required to allow Mississippi One Call to utilize the 811 dialing code.”²⁶

These developments provide ample support for the Commission’s approval of AT&T Missouri’s 811 service tariff, including its cost recovery provisions.

²⁴ Tr. 184; 194-195. Though it was initially suggested that Iowa and Texas may have reached an opposite conclusion, cross-examination revealed that the Iowa Staff (but not the Commission) had merely expressed an opinion on the matter, and that the Texas Commission did not order that the telephone company implement 811 service without recovering its costs. Tr. 196-197.

²⁵ AT&T Missouri Exh. 9 (Oklahoma), Exhs. 10 and 19 (California) and Exhs. 11 and 20 (Nevada).

²⁶ AT&T Missouri Exh. 12, p. 5.

D. AT&T Missouri's recovery of 811 service implementation costs would be consistent with the benefits received by, and other like expenses paid by, all members of a one-call center.

As the testimony showed, MOCS' members include a wide array of utilities and non-utilities which have underground facilities in Missouri, including but not limited to electric, natural gas, cable, water, sewer and telecommunications facilities. Some of its members are very large, well known companies, such as AmerenUE, Kansas City Water, Laclede Gas, Time Warner, Conoco Phillips, as well as AT&T Missouri.²⁷ MOCS' funding is based on a \$1.20 "per locate notification" fee charged to its members.²⁸

The Commission's approval of AT&T Missouri's proposed 811 service tariff, including its cost recovery provisions, would be entirely consistent with the fact that the benefits of 811 service would be enjoyed by all members of MOCS whose underground facilities are protected from harm, not just telecommunications companies. That being the case, if MOCS chooses to use the service that AT&T Missouri would offer pursuant to its proposed tariff, thereby benefiting from it, then MOCS is legally obligated to pay for the service.²⁹

Since all of MOCS' members, not just AT&T Missouri, would benefit from the establishment of a uniform abbreviated dialing arrangement, it is perfectly reasonable for all of its members to pay for the service, not just a single industry group (much less a single company).³⁰ Conversely, disallowing AT&T Missouri cost recovery would, in practical effect, require AT&T Missouri to absorb the costs of providing service to others for free, a manifestly arbitrary, capricious and unfair result.

²⁷ Tr. 77; AT&T Missouri Exh. 13.

²⁸ Tr. 113-115, 133.

²⁹ Smith v. Estate of Sypret, 421 S.W. 2d 9, 15 (Mo. 1967); Kinetic Energy Development Corp. v. Trigen Energy Corp., 107 S.W. 3d 301, 304 (Mo. App. W.D. 2003).

³⁰ Tr. 79-80.

In addition, requiring MOCS to pay for the 811 service it would use would be a logical extension of its current obligation to pay for other telecommunications-related charges. Stated another way, MOCS' expense associated with 811 service would be no different in kind from the expenses MOCS already incurs which are associated with its current 1-800-DIG-RITE telephone number, its Internet website, its fax machine and various other items such as employee salaries. All of these expenses are today paid solely as a result of MOCS' assessment of the \$1.20 per locate notification fee to its members.³¹

MOCS cannot deny that telecommunications companies are not the only entities that would benefit from 811 service entities. Nor can it deny that the 811 service expense would be any different than the telecommunications-related expenses MOCS already pays. AT&T Missouri's cost recovery approach is sound and reasonable, and should be approved.

E. AT&T Missouri Cannot Be Compelled to Provide 811 Service Without Recovering Its Costs Incurred to Provide the Service.

As was stated in its Position Statement, and emphasized again at the hearing, "AT&T Missouri cannot be required to offer a service without compensation."³² With particular respect to AT&T Missouri's proposed 811 service charges -- which no party denies are reasonable³³ -- the Commission does not have the legal ability to force AT&T Missouri to provide 811 service as a "free service."³⁴

³¹ Tr. 79, 116, 131-132; see also, MOCS Exhibit 18, p. 4 (itemizing "utilities and telephone" as one of eighteen categories of expenses).

³² AT&T Missouri's Position Statement, December 15, 2006, p. 2; Tr. 36.

³³ AT&T Missouri's Position Statement, December 15, 2006, p. 1 ("Staff has found the proposed charges to be reasonable and [MOCS] has confirmed that it will not raise an issue with respect to the reasonableness of those charges."); see also, Staff's Response to Motion to Suspend, November 15, 2006, p. 3 ("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."); Tr. 38 (MOCS' counsel stating that "we do not intend to make any objections in the Commission's order concerning the reasonableness of the rates that are proposed to be charged").

³⁴ Tr. 35. Moreover, nowhere in the FCC's 811 Order does the FCC order or otherwise mandate that telecommunications companies are to implement 811 service without being permitted to recover their costs to do so.

The Missouri Supreme Court has left no doubt on this subject:

There is a limit to the regulatory power. Rates established by the Commission must not be confiscatory. The utility must be able to recover its proper expenses and also a reasonable return on its prudent investment.³⁵

Nor has the United States Supreme Court left any doubt on the subject:

Rates which are not sufficient to yield a reasonable return on the value of the property used at the time it is being used to render the services are unjust, unreasonable and confiscatory, and their enforcement deprives the public utility company of its property in violation of the Fourteenth Amendment.³⁶

Additionally, subsection 11 of the Missouri “price cap” statute, Section 392.245.11 RS Mo 2000, specifically provides:

This subsection shall not preclude an incumbent local exchange telecommunications company from proposing new telecommunications services and establishing prices for such services.

The import of this statute and its clear application to AT&T Missouri’s proposed 811 service tariff was correctly noted by Staff’s counsel:

AT&T is a price cap company and such a carrier may propose a new telecommunications service, such as 811 service, and establish the price for that service at the rate of its choice under Section 392.245, subsection 11. In keeping with this principle, AT&T Missouri submitted tariff sheets that include charges to recover this implementation cost and Staff has no objection to the tariff.³⁷

Given these authorities, Section 392.200.7 RS Mo 2000, cannot be relied on to deny AT&T Missouri cost recovery.³⁸ While Section 392.200.7 allows the Commission to identify the “limits” within which “messages” shall be delivered “without extra charge,” it does not authorize

³⁵ State ex rel. Union Electric Co. v. Public Service Commission of the State of Missouri, 687 S.W. 2d 162, 166 (Mo. En Banc. 1985).

³⁶ In the Matter of the Tariff Filing of The Empire District Electric Company to Implement a General Rate Increase for Retail Electric Service Provided to Customers in its Missouri Service Area, Case No. ER-2004-0570; Tariff File No. YE-2004-1324, March 10, 2005, 2005 Mo. PSC LEXIS 348 at *58-59, quoting, Bluefield Water Works & Improv. Co. v. Public Service Commission of West Virginia, 262 U.S. 679, 690 (1923).

³⁷ Tr. 33.

³⁸ Tr. 36.

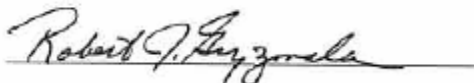
the Commission to require provision of an entire service free of any charge. Thus, Section 392.245.11 should apply here, not Section 392.200.7. Moreover, even if the Commission perceives a conflict between the two statutes, it should adhere to the principle that where two statutes cannot be harmonized, “the general statute must yield to the statute that is more specific.”³⁹ Section 392.200.7 is a general statute (indeed, as Staff’s counsel noted, a “very old statute”⁴⁰), while Section 392.245.11 is specifically directed to the introduction of new services by a price cap-regulated company such as AT&T Missouri and to the expressly-stated right of such company to “establish the price for that service.”

CONCLUSION

For the foregoing reasons, AT&T Missouri respectfully requests that the Commission approve AT&T Missouri’s proposed 811 service tariff as filed with the Commission on October 19, 2006.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

BY 

LEO J. BUB #34326

ROBERT J. GRYZMALA #32454

Attorneys for Southwestern Bell Telephone, L.P.,
d/b/a AT&T Missouri

One AT&T Center, Room 3516

St. Louis, Missouri 63101

314-235-6060 (Telephone)/314-247-0014 (Facsimile)

robert.gryzmala@att.com

³⁹ City of Clinton v. Terra Foundation, Inc., 139 S.W. 3d 186, 189 (Mo. App. W.D. 2004).

⁴⁰ Tr. 36.

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on January 17, 2007.


Robert J. Gryzmala

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

Public Counsel
Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Mark W. Comley
Newman, Comley & Ruth P.C.
PO Box 537
Jefferson City, MO 65102
comleym@ncrpc.com

**VOTING RECORD OF
MATTERS BEFORE THE COMMISSION**

Meeting Date: December 20, 2006

Docket No.: TRM #874

Agenda No.: T-10

Staff Member Presenting Matters to the Commission: H. K. Green, Chief Telephone Engineer, Telecommunications Division

Name of Utility and Nature of Matter:

ILLINOIS BELL TELEPHONE COMPANY

Ill. C. C. No. 19, Part 1, Section 2
7th Revised Sheet No. 2

Part 1, Section 3
16th Revised Sheet No. 1

Part 8, Section 11
Original Sheet Nos. 1 - 3

Filed: December 1, 2006
Effective: January 1, 2007

COMMISSION ACTION:

Do Not Investigate

(All Commissioners present unless otherwise noted)

Voting Yes:

X Box
X Ford
X O'Connell-Diaz
X Wright
X Lieberman

AB = Abstains
D = Dissents
C = Concurs
CP = Concurs in Part
DP = Dissents in Part
A = Absent
R = Recuse

No supplement to this tariff will
be issued except for the purpose
of canceling this tariff.

GENERAL EXCHANGE TARIFF
Table of Contents
Original Sheet 3

TABLE OF CONTENTS

Section

54 811 SERVICE

Issued: January 11, 2007

Effective: January 12, 2007

By Edward Drilling, President - Arkansas
Southwestern Bell Telephone, L.P. d/b/a SBC Arkansas and AT&T Arkansas
Little Rock, Arkansas

Exhibit 22
1 of 4

No supplement to this tariff will
be issued except for the purpose
of canceling this tariff.

GENERAL EXCHANGE TARIFF
Section 54
Original Sheet 1

811 SERVICE

(AT) 54.01 DESCRIPTION

811 Service is a three-digit abbreviated local dialing arrangement that allows local exchange end-users to reach the provider(s) of the state's One Call Notification system (811 Customer). 811 Service is used by the One Call Notification system to provide advance notice of excavation activities to underground facility operators pursuant to Federal Communications Commission's Sixth Report and Order (FCC 05-59) in CC Docket 92-105.

811 Service determines the central office serving the calling party, converts the dialed digits to a Customer provided designated Routing Telephone Number (RTN) and routes the call over the public switched telephone network utilizing Advanced Intelligent Network platforms and features.

54.02 TERMS AND CONDITIONS

- 54.02.01 The Company and the 811 Customer will negotiate the installation date for the 811 Service. 811 Service is offered subject to the availability of facilities.
- 54.02.02 There can be only one 811 Customer for each stand-alone, host, or remote central office NPA-NXX serving area. The Company will route calls based on the serving central office. If a central office serves multiple states, the call will be routed based on the originating NPA-NXX.
- 54.02.03 The Customer must provide a toll-free number to the Company to ensure that toll charges are not incurred by the end-user.
- 54.02.04 811 Service can be accessed only by end-users who subscribe to the Company's local exchange service, and by end-users who obtain service from an entity that utilizes the Company's local switching to provide dial tone service to its end-users.
- 54.02.05 811 Service will not complete calls dialed using 0 + 811 or 1 + 811. 811 calls are not permitted where local calling is restricted.
- 54.02.06 The Customer is responsible for informing all local exchange service providers operating within its designated geographical area of any call centers it establishes.

(AT)

Issued: January 11, 2007

Effective: January 12, 2007

By Edward Drilling, President - Arkansas
Southwestern Bell Telephone, L.P. d/b/a SBC Arkansas and AT&T Arkansas
Little Rock, Arkansas

No supplement to this tariff will
be issued except for the purpose
of canceling this tariff.

GENERAL EXCHANGE TARIFF
Section 54
Original Sheet 2

811 SERVICE

(AT) **54.02 TERMS AND CONDITIONS (cont'd)**

- 54.02.07 811 Service does not include operator assisted calls, and will only be available to PBX and Key switching system when those systems have been correctly programmed. The Company does not undertake to perform nor shall it be responsible for such programming.
- 54.02.08 The Company will make every effort to route 811 calls to the appropriate call center(s); however, it will not be held responsible for routing mistakes and errors, interruptions of service, or intervening Acts of God that interfere with telephone service and/or with routing. The Company's obligation under 811 applies solely to the transmission of the call and ends upon call completion to the Customer-provided designated RTN.
- 54.02.09 811 Service is provided solely for the benefit of the Customer. The provision of such service shall not be interpreted, construed, or regarded as being for the benefit of or creating any obligation toward, or any right of action on behalf of, any third person or other legal entity, including end users of the Company or any providers of telecommunications service.

(AT)

Issued: January 11, 2007

Effective: January 12, 2007

By Edward Drilling, President - Arkansas
Southwestern Bell Telephone, L.P. d/b/a SBC Arkansas and AT&T Arkansas
Little Rock, Arkansas

Exhibit 22
3 of 4

No supplement to this tariff will
be issued except for the purpose
of canceling this tariff.

GENERAL EXCHANGE TARIFF
Section 54
Original Sheet 3

811 SERVICE

(AT) **54.03 PRICES**

	811 Service	<u>Recurring</u>	<u>Nonrecurring</u>
			<u>Service</u> <u>Charge</u>
(AT) 54.03.01	811 Service Per Central Office (per Host, Stand-alone or Remote Central Office Equipped)	NA	\$234.91

Issued: January 11, 2007

Effective: January 12, 2007

By Edward Drilling, President - Arkansas
Southwestern Bell Telephone, L.P. d/b/a SBC Arkansas and AT&T Arkansas
Little Rock, Arkansas

Exhibit 22
4 of 4