

**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.)

AT&T MISSOURI'S REPLY TO STAFF

AT&T Missouri¹ respectfully submits this Reply to the Response Staff filed on June 29, 2006, to MultiBand's Motion for Determination on the Pleadings:

1. In its Response, Staff claims that the concerns AT&T Missouri has raised in this proceeding "have been addressed by MultiBand and by the Staff."² Staff, however, does not state that these concerns have been resolved. And as reflected in AT&T Missouri's responses to MultiBand, AT&T Missouri's concerns remain unresolved. Staff's refusal to ensure that the unlawful provision of service and unlawful use of facilities is addressed is puzzling at best.

2. Staff also claims that the concern over MultiBand's unauthorized use of AT&T Missouri's facilities in the Jefferson Arms Apartment building "appears to be a dispute between AT&T Missouri (the provider of wireline telecommunications service) and Jefferson Arms Apartment (a premise owner and/or its agent MultiBand)" over the location of the demarcation point (i.e., the demarcation between AT&T Missouri's network facilities and inside wire owned either by the building owner or individual consumers).³

3. Staff is incorrect. AT&T Missouri has had no dispute with the owner of the Jefferson Arms Apartment building and the building owner has not made any request to relocate the demarcation point, which under FCC rules, would trigger negotiations between the building

¹ Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri will be referred to in this pleading as "AT&T Missouri." It previously conducted business as "SBC Missouri."

² Staff Response, p. 3.

³ Staff Response, p. 3.

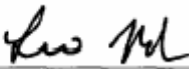
owner and AT&T Missouri.⁴ Instead, MultiBand has simply appropriated AT&T Missouri's facilities and continues to use those facilities to provide service despite its lack of certification.

4. The dispute focuses on whether a carrier that has and continues to provide telecommunications service without approval of the Commission and through the unlawful use of AT&T Missouri's facilities is entitled to certification. As AT&T Missouri has previously indicated, the Commission needs to address the issue of MultiBand's unlawful use of AT&T Missouri's facilities in this proceeding as a failure to do so creates a substantial risk that MultiBand will not follow through on its obligations leaving AT&T Missouri no realistic choice other than to prevent the continued unlawful use of its facilities through self-help which may impact Missouri consumers. Now is the appropriate time for the Commission to exercise its authority to ensure that the unlawful provision of service and unlawful use of AT&T Missouri's facilities is resolved.

WHEREFORE, AT&T Missouri respectfully requests the Commission to deny MultiBand's Motion for Determination on the Pleadings and Motion to Dismiss Intervenor.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.
D/B/A AT&T MISSOURI

BY 

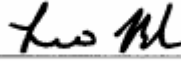
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⁴ See 47 CFR Section 68.105(d)(3).

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on July 10, 2006.



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