

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

Susan M. Noah,)	
)	
Complainant,)	
v.)	File No. TC-2015-0183
)	
Southwestern Bell Telephone Company,)	
d/b/a AT&T Missouri,)	
Respondent)	

**AT&T MISSOURI'S MOTION TO DISMISS
AND IN THE ALTERNATIVE REQUEST FOR MEDIATION**

AT&T¹ respectfully moves the Commission to dismiss this complaint on the grounds that AT&T has in good faith offered to satisfy the complaint and Complainant's own actions mooted the dispute. To the extent any issue remains in dispute, AT&T respectfully requests the matter proceeding be stayed for mediation, as it believes the matter capable of resolution without the need and expense of hearing.

1. Although AT&T denies that its actions were in any way contrary to the terms of its guidebooks or otherwise improper, AT&T upon learning of Ms. Noah's complaint immediately contacted her to advise that in resolution of the complaint, service would be arranged for her sister as requested. Specifically AT&T on February 9, 2015, confirmed the requested service address with the nursing facility; issued a work order for the expedited installation of service, taking care to avoid any change in telephone number; scheduled the installation for February 11, 2015; and left a detailed voicemail for Ms. Noah on advising of the due date, order number, contact information, and that no connection charges would be billed. AT&T also provided Ms. Noah with the Lifeline Contact number (877-677-0250) to address any Lifeline matters.

¹ AT&T Corp. and Southwestern Bell Telephone Company d/b/a AT&T Missouri will be referred to in this pleading as "AT&T."

2. On February 10, 2015, the day before the scheduled installation, Ms. Noah called AT&T and canceled the pending work order to install service for her sister. Ms. Noah advised that she had made other arrangements and AT&T's service would not be needed.

3. AT&T's good faith offer to fully satisfy the complaint and Complainant's declining the offer provides good cause for dismissal of the complaint pursuant to 4 CSR 240-2.116(4).² Moreover, as there is no longer an issue in dispute, the matter is moot and the case must be dismissed.³

4. AT&T believes that all issues pertaining to the complaint have been resolved. However, in the event any issue remains in dispute, AT&T respectfully requests a stay of the proceeding and mediation pursuant to 4 CSR 240-2.125 (2)⁴ and the Information Sheet⁵ served with the Complaint. To the extent a dispute exists, the Commission's procedures for alternative dispute resolution would be appropriate because this matter should be capable of resolution without the need and expense of hearing. In the event the case proceeds to hearing, AT&T reserves the right to assert other grounds for dismissal.

² 4 CSR 240-2.116(4) provides: "A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved."

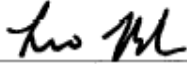
³ *Kansas City Power & Light Co. v. Midwest Energy Consumers Grp.*, 425 S.W.3d 142, 144 (Mo. Ct. App. 2014), *reh'g and/or transfer denied* (Mar. 4, 2014), *transfer denied* (Apr. 29, 2014) ("When an event occurs that makes a decision on appeal unnecessary or makes it impossible for the appellate court to grant effectual relief, the appeal is moot and generally should be dismissed," citing *State ex rel. Chastain v. City of Kansas City*, 968 S.W.2d 232, 237 (Mo.App.1998)). Accord, *Percy Cannon v. Missouri Gas Energy*, MoPSC Case No. GC-2008-016, WL 506278 (Feb. 14, 2008) ("MGE's Notice of Satisfaction, demonstrates that all of Complainant's contested issues have been resolved. Mr. Cannon was given ample opportunity to contest MGE's Notice of Satisfaction, and he has made no such attempt. Mr. Cannon's complaint has been rendered moot. Consequently, the Commission shall dismiss Mr. Cannon's November 19, 2007 complaint").

⁴ 4 CSR 240-2.125 (2) states: "(A) The commission may order mediation before any further proceeding in a case. (B) As the commission deems appropriate, or upon a request for mediation, the commission may appoint a presiding officer or other neutral third party other than the presiding officer assigned to the case to mediate the dispute.

⁵ Information Sheet Regarding Mediation of Commission Formal Complaint Cases.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY _____

LEO J. BUB #34326

Attorney for Southwestern Bell Telephone Company

d/b/a AT&T Missouri

909 Chestnut Street, Room 3558

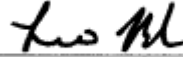
St. Louis, Missouri 63101

314-235-2508 (telephone)/314-247-0014 (fax)

leo.bub@att.com

CERTIFICATE OF SERVICE

Copies of this document were served on the following by either US Mail or e-mail on March 6, 2015.



Leo J. Bub

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

Susan M. Noah
POA for Karen C. Tallo
1614 Sail Away Circle
Baltimore, MD 21221

Office of the Public Counsel
Lewis Mills
P.O. Box 7800
Jefferson City, MO 65102
opcservice@ded.mo.gov

Cully Dale
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
cully.dale@psc.mo.gov