

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

DeLana Smith-Sattarin,)	
Complainant,)	
v.)	File No. TC-2015-0205
)	
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 satisfied the complaint. 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. Smith-Sattarin's complaint immediately called her on February 27, 2015. AT&T's representative left a voicemail message acknowledging the Company's receipt of the complaint and provided Company contact information. Upon investigation, AT&T determined:

- AT&T records indicate Ms. Smith-Sattarin's telephone accounts have been correctly billed and all charges sustained.
- AT&T records reflect no contact was made by the customer to dispute the AT&T Long Distance ("ATTLD") charges. The charges billed are accurate and no adjustment due. The only account (ending in 2101) that was billed ATTLD charges commenced with the customer contacting Customer Care on June 5, 2012, when All Distance service was added,

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."

and again on June 22, 2012, with the customer requesting removal of All Distance service and replacement with Complete Choice Package OneRateNationWide plan. The monthly rate for the OneRateNationWide plan is \$5.00 plus taxes and surcharges.

- AT&T addressed the service issue on March 4, 2015, by dispatching a technician to Ms. Smith-Sattarin's premise and replaced an aerial drop wire. Ms. Smith-Sattarin verified that her service was working satisfactorily.

2. On March 5, 2015, an AT&T representative made a follow-up call to confirm the above information and left a resolution voice mail message. AT&T's representative also provided a contact number for Ms. Smith-Sattarin to call with questions or further complaints regarding this matter. AT&T believes that it has addressed the customer's complaints, as no further contact has been received.

3. AT&T's good faith effort to satisfy the complaint provides good cause for dismissal of the complaint pursuant to 4 CSR 240-2.116(4).² If there is no longer an issue in dispute, the matter is moot and the case should 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.

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."

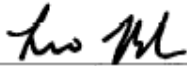
³ *Kansas City Power & Light Co. v. Midwest Energy Consumers Grp.*, 425 S.W.3d 142, 144 (Mo. Ct. App. 2014), *reh'g and/or transfer denied* (Mar. 4, 2014), *transfer denied* (Apr. 29, 2014) ("When an event occurs that makes a decision on appeal unnecessary or makes it impossible for the appellate court 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."

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.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY  _____

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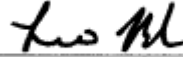
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CERTIFICATE OF SERVICE

Copies of this document were served on the following by either US Mail or e-mail on March 26, 2015.



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