

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 31st day of
January, 2006.

In the Matter of the Request of Southwestern Bell)	
Telephone, L.P., d/b/a SBC Missouri, for a Waiver)	<u>Case No. TE-2006-0053</u>
of Certain Requirements of 4 CSR 240-29.040(4))	

**ORDER DENYING MOTION TO DISMISS, EXTENDING
TEMPORARY WAIVER AND SCHEDULING
PREHEARING CONFERENCE**

Issue Date: January 31, 2006

Effective Date: January 31, 2006

On July 28, 2005, the Commission issued, in Case No. TX-2003-0301, its Order Denying Application for Rehearing and Granting a Temporary Waiver.¹ Although Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, had requested a waiver of at least one year, the Commission instead granted a temporary waiver, until September 30, 2005, of a portion of one of the Enhanced Record Exchange rules. Specifically, the Commission granted a waiver of the requirement in 4 CSR 240-29.040(4)(A) that the originating Calling Party Number (CPN) be included in the 11-01-XX billing records for wireless-originated calls. By order issued August 4, 2005, the Commission opened this case, TE-2006-0053, to review SBC Missouri's waiver request. In that order, the Commission also adopted a procedural schedule.

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, has filed a Petition for Writ of Review in Case No. TX-2001-0301. The appeal is still pending.

On August 8, 2005, the Commission's Staff filed a Joint Motion of All Parties to Suspend Procedural Schedule. The parties agreed that the temporary waiver should be extended to allow the parties to meet and attempt to resolve this matter in an informal setting. Accordingly, an extension of the temporary waiver was extended and re-extended repeatedly until January 31, 2006.

On January 20, 2005, Staff and AT&T Missouri filed a Joint Motion to Dismiss based on Staff's representation in the appeal to Circuit Court in Case No. TX-2003-0301 that the new rules do not require the Calling Party Number to be included in the intercompany record used to bill wireless carriers.

On January 27, 2006, MITG Companies² filed a Reply in Opposition to the Joint Motion to Dismiss. MITG argues that in the Commission's June 15, 2005 Order of Rulemaking in Case No. TX-2003-0301, the Commission determined the CPN shall be included in the 11-01-XX billing records for wireless-originated calls.

The Commission has reviewed the pleadings and determines that this rule cannot be interpreted until it is fully adjudicated. The Commission will deny the motion to dismiss.

The Commission finds that, pending such adjudication, an extension of the waiver, to March 31, 2006, is appropriate.

In order to begin moving this matter toward resolution, the Commission will schedule a procedural conference at which the parties will be expected to develop a procedural schedule.

² Alma Communications Company d/b/a Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company (O'Telco), MoKAN DIAL Inc., and Northeast Missouri Rural Telephone Company.

IT IS THEREFORE ORDERED:

1. That Staff of the Missouri Public Service Commission and AT&T Missouri's motion to dismiss this proceeding is denied.

2. That AT&T Missouri's waiver of the requirement in 4 CSR 240-29.040(4)(A), that the originating Calling Party Number (CPN) be included in the 11-01-XX billing records for wireless-originated calls, is extended from January 31, 2006, to March 31, 2006.


3. That a procedural conference will be held on February 15, 2006, beginning at 10:00 a.m., in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. This conference will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this conference, please call the Public Service Commission Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the conference.

4. That no later than February 23, 2006, the parties shall jointly or separately file a proposed procedural schedule.

5. That this order shall become effective on January 31, 2006.

(S E A L)

BY THE COMMISSION



Colleen M. Dale
Secretary

Davis, Chm., Gaw, Clayton and Appling, CC., concur
Murray, C., dissents

Dale, Chief Regulatory Law Judge