

**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  
COMMENTS**

AT&T Missouri,<sup>1</sup> pursuant to the Missouri Public Service Commission's ("Commission's") April 11, 2006, Order Granting Intervention and Directing Filing,<sup>2</sup> respectfully submits the following comments concerning Multiband, Inc.'s ("Multiband's") application for a certificate of service authority to provide shared tenant services ("STS"):

1.       In this proceeding, Multiband on March 6, 2006, applied to the Commission for authority to provide private STS in the State of Missouri. In its Application, Multiband indicated it intended to serve residents of the Jefferson Arms Apartment building located at 415 Tucker Boulevard in St. Louis, Missouri.

2.       AT&T Missouri sought to intervene in this proceeding on March 31, 2006. In its request to intervene, AT&T Missouri explained that as the incumbent local exchange company in St. Louis, AT&T Missouri has a considerable investment in facilities (e.g., cross-connect box, jumper wires, riser and house cabling) located in the Jefferson Arms Apartment building that AT&T Missouri installed and maintains to provide telephone service to its customers in the building. AT&T also explained that AT&T Missouri has been engaged in a dispute with Multiband arising from Multiband's unauthorized use of AT&T Missouri's facilities to provide telephone service to customers residing in the Jefferson Arms Building. AT&T indicated that it wished to intervene in MultiBand's STS certification proceeding to ensure that AT&T Missouri's rights concerning its facilities in the Jefferson Arms Building are not impaired.

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<sup>1</sup> 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."

<sup>2</sup> Order Granting Intervention and Directing Filing, Case No. ZA-2006-0346, issued April 11, 2006 at p. 2.

3. On April 4, 2006, Staff of the Missouri Public Service Commission (“Staff”) filed a pleading recommending that the Commission grant in Multiband’s application for STS certification.

4. In its April 11, 2006, Order Granting Intervention and Directing Filing, the Commission granted AT&T Missouri’s request to intervene in Multiband’s STS certification proceeding and provided AT&T Missouri until April 21, 2006 to respond to Staff’s April 4, 2006, recommendation.

5. In an effort to resolve its dispute with Multiband, AT&T Missouri on February 6, 2006, offered to negotiate an interconnection agreement pursuant to the federal Telecommunications Act of 1996 with Multiband. AT&T Missouri provided Multiband with a copy of AT&T Missouri’s proposed standard interconnection agreement on February 15, 2006. Multiband indicated in a letter dated February 22, 2006, that it wished to initiate negotiations as a shared tenant service provider to provide services via local interconnection with AT&T Missouri. AT&T Missouri responded to Multiband in writing on March 9, 2006, appointing an AT&T negotiator for Multiband to contact when Multiband was ready to begin discussions and forwarding the standard AT&T nondisclosure agreement to cover the negotiations.

6. AT&T Missouri has not received any further contacts from Multiband. AT&T Missouri, however, presumes that Multiband is currently reviewing the proposed agreement and will contact AT&T Missouri when Multiband is ready to begin discussions. For its part, AT&T Missouri stands ready to commence such discussions.

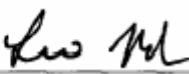
7. AT&T Missouri has a reasonable basis to believe that its dispute with Multiband will be resolved in the negotiation process. This belief is based on the expectation that Multiband will follow through and negotiate an interconnection agreement with AT&T Missouri in good faith and that Multiband will pursue the proper authorization from the Commission to provide telephone service in the state. In the event an agreement cannot be reached, Multiband may petition the Commission for arbitration pursuant to the federal Telecommunications Act of

1996. On this basis, AT&T Missouri does not oppose the Commission's granting Multiband a certificate of service authority to provide STS in the state of Missouri.

8. But given Multiband's provision of telephone service to customers without Commission certification<sup>3</sup> and Multiband's unauthorized use of AT&T Missouri's facilities, AT&T Missouri believes that it would be appropriate for the Commission to condition its grant of service authority to Multiband on Multiband's completion of an appropriate agreement with AT&T Missouri for the lawful use of AT&T Missouri's facilities and the approval of that agreement by the Commission.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

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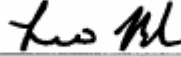
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<sup>3</sup> Section 392.410.2 R.S.Mo. (2000) prohibits "offering, providing or seeking to offer or provide local or interexchange telecommunications service" until a carrier has applied for and received a certificate of service authority from the Missouri Public Service Commission.

## **CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on April 21, 2006.



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