

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

In the Matter of Southwestern Bell Telephone,)	
L.P. d/b/a AT&T Missouri's Revision to its)	Case No. IT-2007-0187
General Exchange Tariff, PSC Mo-No. 35)	Tariff Tracking No. JI-2007-0260
Regarding Provision of 811 Service.)	

**AT&T MISSOURI'S RESPONSE IN SUPPORT OF GRANTING
CENTURYTEL/WINDSTREAM'S PETITION FOR LEAVE
TO FILE *AMICUS CURIAE* BRIEF**

AT&T Missouri¹ supports the Petition for Leave to File *Amicus Curiae* Brief in Support of Tariff Approval, filed by CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel (collectively, "CenturyTel") and Windstream Missouri, Inc. ("Windstream"). The Petition complies with the Commission's rule governing the filing of *amicus curiae* briefs and should be granted.

Commission Rule 2.075(6) (4 CSR 240-2.075(6)) states that a petition for leave to file an *amicus* brief "must state the petitioner's interest in the matter and explain why an *amicus* brief is desirable and how the matters asserted are relevant to the determination of the case." CenturyTel/Windstream's Petition meets all of the requirements of this rule.

The Petition states that "Petitioners will be filing proposed tariffs with this Commission in the near future to offer 811 service." Petition, p. 2. There is little doubt that CenturyTel/Windstream's tariffs filed in Missouri will -- as do their currently effective tariffs in nineteen other states -- "include[] a charge upon the entity that uses the service, e.g., the one-call notification system operator." Petitioners' *Amicus Curiae* Brief, p. 2.

¹ Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri ("AT&T Missouri").

CenturyTel/Windstream’s “unique perspective based on their experience and the status of state-approved 811 tariffs in other jurisdictions” (Petition, p. 2), together with its discussion of these state-approved tariffs (Petitioners’ *Amicus Curiae* Brief, p. 2), present information which is not merely “desirable.” Rather, this compelling information is directly relevant to both AT&T Missouri’s claim and the opposite claim of Missouri One Call System, Inc. (“MOCS”).

CenturyTel/Windstream’s experience in other states adds to the undisputed evidence presented by both Staff and AT&T Missouri regarding the many states whose commissions have allowed telecommunications companies to recover their costs incurred in implementing 811 service, a key circumstance favoring the Commission’s approval of AT&T Missouri’s 811 service tariff. CenturyTel/Windstream’s experience is likewise directly relevant in refuting MOCS’ claim that “the costs of implementing 811 should be borne internally by AT&T.” MOCS’ Post-hearing Brief, p. 2. While MOCS blithely asserts that “[d]ecisions in other states . . . are inapposite,” (id., p. 7), its assertion should be rejected. AT&T Missouri submits that the uniformity of these decisions and MOCS’ failure to cite even a single opposite decision in its discussion of the subject, are important considerations which the Commission should take into account in coming to a decision in this case.

Furthermore, whether as a result of consistently applied regulatory policy or of applicable legal requirements, or both, the Commission’s determination of the cost recovery issue presented by AT&T Missouri’s proposed 811 service tariff will likely guide, if not govern, the Commission’s consideration of CenturyTel/Windstream’s own Missouri 811 service tariffs when they are filed. Consequently, it is clear that CenturyTel/Windstream’s interest in this case is neither insubstantial nor tangential, but “vital.” Petition, p. 2.

For these reasons, the Commission should grant CenturyTel/Windstream's Petition and give due consideration to its *Amicus Curiae* Brief in support of AT&T Missouri's 811 service tariff.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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