

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

In the Matter of the tariff filing of Southwestern	)	
Bell Telephone Company to introduce a new rate	)	
for Wireless Connection Circuits that will be used	)	Case No. IT-2003-0159
by Wireless Carriers to be used in providing	)	Tariff No. J1-2003-0843
Wireless 9-1-1- Service.	)	

**SOUTHWESTERN BELL TELEPHONE, L.P.'S**  
**D/B/A SOUTHWESTERN BELL TELEPHONE COMPANY'S**  
**RESPONSE TO OFFICE OF THE PUBLIC COUNSEL'S**  
**MOTION TO SUSPEND TARIFFS AND**  
**REQUEST FOR AN EVIDENTIARY HEARING AND PUBLIC HEARINGS**

Comes now Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company ("SWBT") and, for its Response to Office of the Public Counsel's ("OPC's) Motion to Suspend and Request for an Evidentiary Hearing and Public Hearings, states as follows:

1. At the outset, SWBT notes that the Missouri Public Service Commission ("Commission") needs to understand the call flow of an emergency call from a wireless 911 caller when SWBT is the 911 service provider. If a wireless carrier's customer dials 911 and SWBT is the 911 service provider, the call will be routed to SWBT's Selective Router from the wireless carrier. Based on the information that SWBT receives from the wireless carrier, SWBT will route the call to the appropriate Public Safety Answering Point ("PSAP"), which in turn, will respond to the 911 call.

2. The Federal Communications Commission ("FCC") mandated wireless carriers to provide Phase I Wireless 911 service [delivery of call back number and the location of the base station or cell site receiving a 911 call to the designated Public Safety Answering Point ("PSAP")] by April 1, 1998, or within six months of a PSAP request,

whichever is later.<sup>1</sup> SWBT filed a tariff to allow for the implementation of Phase I service by wireless carriers on Feb. 1, 2000. The Commission approved SWBT's tariff effective March 17, 2000. The FCC further mandated that wireless carriers provide Phase II Wireless Service [Phase I Service plus the latitude and longitude of a mobile unit making a 911 call, within a radius of no more than 125 meters in 67% of all cases] by October 1, 2001.<sup>2</sup> SWBT's proposed tariff in this instance would allow wireless carriers to implement Phase II as mandated by the FCC.

3. SWBT acts as a middleman between the wireless carrier and the PSAP when a wireless carrier's customer dials 911 and SWBT is the 911 service provider. SWBT must establish terms and conditions, including charges and rates, to govern the relationship between (a) SWBT and the wireless carrier and (b) SWBT and the PSAP for provisioning of 911 service. The terms and conditions, including charges and rates, that govern the relationship between SWBT and wireless carriers is at times contained in the specific wireless carriers' interconnection agreement with SWBT that has been approved by and is on file with the Commission. If a wireless carrier does not have an Interconnection Agreement with SWBT or the terms and conditions, including charges and rates, that govern the relationship between SWBT and the wireless carriers is not addressed in the parties' Interconnection Agreement, the terms and conditions for the provision of wireless services are contained in SWBT's Wireless Carrier Interconnection Service Tariff, P.S.C. Mo.-No. 40. The terms and conditions of Phase I service that

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<sup>1</sup> Second Memorandum Opinion and Order, In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, December 8, 1999, paragraph 105.

<sup>2</sup> Fourth Memorandum Opinion and Order, In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, September 8, 2000, paragraph 4.

govern the relationship between SWBT and the PSAPs are currently in Sections 28 (wireline) and 31 (Wireless 911 Service) of SWBT's General Exchange Tariff, P.S.C. Mo. 35.

4. In order to establish the terms and conditions that govern the relationship between SWBT and the wireless carriers into a tariff which would allow the wireless carriers to implement Phase II and to provide Phase I wireless 911 service on an ongoing basis as mandated by the FCC (as opposed to separate Interconnection Agreements between SWBT and each wireless carrier) on October 15, 2002, SWBT filed a proposed revision to its Missouri Wireless Interconnection Service Tariffs, P.S.C. Mo. No. 40. The proposed tariff contains the terms and conditions, including charges and rates, for wireless 911 connection circuits that will be purchased by wireless carriers, to route 911 calls to SWBT. SWBT has also filed a proposed tariff (number JI-2003-0845), which is the subject of Case No. IT-2003-157, to govern the terms and conditions for the provision of Phase II wireless 911 service to the appropriate PSAP. SWBT's tariffs comply with the FCC's decision in its Letter from Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau, to Marlys R. Davis, E911 Program Manager, Department of Information and Administrative Services, King County, Washington (May 7, 2001) ("King County Letter")<sup>3</sup>, which was subsequently affirmed in Order on Reconsideration, In the Matter Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Request of King County, Washington, CC Docket No. 94-102, released July 24, 2002.<sup>4</sup> Specifically, in the King County Letter, the FCC determined wireless carriers are responsible for the provision of wireless 911

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<sup>3</sup> A copy of the King County Letter is attached hereto and marked Exhibit A.

<sup>4</sup> A copy of the Order on Reconsideration is attached hereto and marked as Exhibit B.

service from the wireless carrier's serving office to the 911 Selective Router and the costs that they incur in association therewith while the PSAP is responsible for the costs from the 911 Selective Router, including the Selective Router.<sup>5</sup> The FCC stated:

[T]he proper demarcation point for allocating costs between the wireless carriers and the PSAPs is the input to the 911 Selective Router maintained by the Incumbent Local Exchange Carrier ("ILEC"). Thus, under section 20.18(d) of the Commission's regulations governing Enhanced 911 Service (E911), wireless carriers are responsible for the costs of all hardware and software components and functionalities that precede the 911 Selective Router, including the trunk from the carrier's Mobile Switching Center (MSC) to the 911 Selective Router, and the particular databases, interface devices, and trunk lines that may be needed to implement the Non-Call Path Associated Signaling and Hybrid Call Path Associated Signaling methodologies for delivering E911 Phase I data to the PSAP. PSAPs, on the other hand, must bear the costs of maintaining and/or upgrading the E911 components and functionalities beyond the input to the 911 Selective Router, including the 911 Selective Router itself, the trunks between the 911 Selective Router and the PSAP, the Automatic Location Identification (ALI) database, and the PSAP customer premises equipment (CPE).<sup>6</sup> (Emphasis added).

5. SWBT notes that although most wireless carriers will purchase 911 connection circuit service, which routes the wireless carrier's customer's 911 call from the wireless carrier's customer to SWBT, from their Interconnection Agreement with SWBT, not all wireless carriers have an Interconnection Agreement with SWBT. Further, not all of SWBT's Interconnection Agreements address 911 connection circuit service. This tariff, therefore, makes 911 connection circuit service available for wireless carriers that either do not have an Interconnection Agreement with SWBT or have an Interconnection Agreement with SWBT that does not address 911 connection circuit service and allows the wireless carriers to implement wireless 911 service as mandated by the FCC. Moreover, this tariff makes 911 connection circuit service available for

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<sup>5</sup> King County Letter, page 1.

<sup>6</sup> Id.

wireless carriers that either do not have an Interconnection Agreement with SWBT or do not have an Interconnection Agreement with SWBT that addresses 911 connection circuit service under that same terms and conditions, and at the same rates, as wireless carriers that do have an Interconnection Agreement with SWBT that addresses 911 connection circuit service. Finally, SWBT notes that the rates in SWBT's proposed tariff are also the same rates as those in the M2A UNE Pricing Appendix, which this Commission approved in In the Matter of the Application of Southwestern Bell Telephone Company to Provide Notice of Intent to File an Application for Authorization to Provide In-region InterLATA Services Originating in Missouri Pursuant to Section 271 of the Telecommunications Act of 1996, Case No. TO-99-227, March 15, 2001.<sup>7</sup>

6. On October 29, 2002, OPC filed its Motion to Suspend Tariffs and Request for an Evidentiary Hearing and Public Hearings. However, OPC fails to identify any legitimate reason for suspending SWBT's proposed tariff. Moreover, OPC apparently does not understand the purpose of this tariff. OPC states:

Public Counsel suggests that, like the other related tariff, the tariff raises significant issues of public policy that not only affects local government providers of 9-1-1 service, but also the public as a whole. Costs for this service may increase the costs to 9-1-1 emergency providers, may result in higher costs to taxpayers in the communities supporting such service, higher costs to wireless providers, and higher costs to wireless and, perhaps, wireless customers.<sup>8</sup>

7. This tariff does not affect local government providers of 911 service. It merely specifies the terms and conditions, including the rates and charges, under which SWBT will provide wireless 911 connection circuit service to wireless carriers where SWBT is the 911 service provider. Because this tariff specifies the terms and conditions

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<sup>8</sup> OPC's Motion to Suspend Tariffs and Request for an Evidentiary Hearing and Public Hearings.

under which SWBT will provide 911 connection circuit service to wireless carriers, it does not address costs to 911 emergency providers and, therefore, it cannot increase the costs to 911 emergency providers. This service cannot result in higher costs to taxpayers in the communities supporting this service since the charge is imposed on wireless carriers who have no authority to levy taxes. Wireless carriers do have the ability to recover costs from their own customers, but this Commission has no jurisdiction over the rates that wireless carriers charge their customers. Moreover, the FCC has explicitly stated: "wireless carriers have the option of covering these Phase I costs through their charges to customers, either through their prices for service or through surcharges on customer bills."<sup>9</sup> Finally, since this tariff specifies the terms and conditions under which SWBT will provide 911 connection circuit service to wireless carriers, it cannot result in higher costs to wireline customers. OPC's claims to the contrary should be rejected.


8. Thus, since OPC has failed to provide any legitimate basis for suspending SWBT's proposed tariff, the Commission should deny OPC's Motion to Suspend Tariffs and Request for an Evidentiary Hearing and Public Hearings, and approve SWBT's proposed tariff.

Wherefore, SWBT prays this Commission dismisses OPC's Motion to Suspend Tariffs and Request for an Evidentiary Hearing and Public Hearings, approves SWBT's proposed tariff, together with any further and/or additional relief the Commission deems just and proper.

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<sup>9</sup> King County Letter, page 6.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on November 4, 2002.



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