

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

In the Matter of the tariff filing of Southwestern	)	
Bell Telephone Company to establish charges for	)	Case No. IT-2003-0157
local governments for transporting wireless 9-1-1	)	Tariff No. J1-2003-0845
calls.	)	

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

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, 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"), who in turn, will respond to the 911 call.

2. The Federal Communications Commission ("FCC") mandated that wireless carriers 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.¹ SWBT filed a tariff to allow for the implementation of Phase 1 service by wireless carriers on February 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, 2001.² SWBT's proposed tariff in this instance would allow implementation of Phase II wireless 911 service 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, where SWBT is the 911 service provider. It 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 are currently contained either in each wireless carriers' interconnection agreement with SWBT that has been approved by and is on file with the Commission or in SWBT's General Exchange Tariff, P.S.C. Mo. 35 or SWBT's Wireless Carrier Interconnection Service Tariff, P.S.C. Mo.-No.40. SWBT proposed revisions to the relationship between it and the 911 service providers are at issue in Case No. IT-2003-159. The terms and conditions, including charges and rates, that govern the relationship between SWBT and the PSAPs is currently in Sections 28 (wireline E9-1-1) and 31 (current wireless 911 tariff) of SWBT's General

¹ 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.

² 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.

Exchange Tariff, P.S.C. Mo. 35. However, Section 31 of SWBT's General Exchange Tariff provides terms and conditions, including charges and rates, currently being used for the provision of Phase I service to PSAPs. SWBT filed a new tariff, Section 56 that contains terms and conditions, including charges and rates, related to the provision of Phase II service to PSAPs.

4. SWBT proposed revisions to Sections 31 and 56 of its Missouri General Exchange Tariff, P.S.C. Mo. 35, would allow the PSAPs and wireless carriers to implement Phase II as mandated by the FCC. SWBT's proposed tariff specifies that effective November 14, 2002, PSAPs will no longer be able to purchase Phase I service through Section 31 of SWBT's General Exchange Tariff; rather, such service will be available in Section 56 of SWBT's General Exchange Tariff. SWBT's proposed tariff further specifies that PSAPs who are currently purchasing Phase I service from Section 31 of SWBT's General Exchange Tariff will be required to migrate to and purchase service out of Section 56 of SWBT's General Exchange Tariff within 36 months or when the existing contract for Phase I service expires, whichever is sooner.

5. SWBT's proposed tariff complies 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")³, 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, 2002.⁴ Specifically,

³ A copy of the King County Letter is attached hereto and marked Exhibit A.

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

in the King County Letter, the FCC determined that wireless carriers are responsible for costs incurred in reaching the 911 Selective Router, while the PSAPs are responsible for all costs associated with provisioning 911 service from the 911 service providers' selective router to the PSAP, including the 911 selective router itself.⁵ 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).⁶ (Emphasis added).

6. On October 29, 2002, OPC filed its Motion to Suspend Tariffs and Request for an Evidentiary Hearing. In its Motion, OPC contends that:

Public Counsel suggests that the tariff raises significant issues of public policy that not only affects local government providers of 911 service, but also the public as a whole. Costs for this service may increase the costs to 911 emergency service providers, may result in higher costs to taxpayers in communities supporting such service, higher costs to wireless providers, and higher costs to wireless and, perhaps, wireline customers.⁷

SWBT acknowledges that it is possible that its tariff may increase the costs to some 911 service providers. That is why SWBT established a Budget Billion Option, which is outlined in Section 5 of its proposed tariff. However, SWBT has incurred substantial

⁵ King County Letter, page 1.

⁶ Id.

⁷ OPC's Motion to Suspend Tariffs and Request for an Evidentiary Hearing, p. 1.

costs so that it can provide the specific location information to the PSAP as required in the implementation of Phase II service, including nonrecurring charges (E2 interface expenses for the transport of X,Y coordinate data; database software expenses; API Link Provisioning for improved selective routing functionality; network software fees; database integrity unity activities; tandem to tandem transfer provisioning; incremental billing costs; method and procedure activities; and service order costs) as well as recurring costs (switch features per call; tandem to tandem transfer costs per call; ALI service upgrade costs per call; signaling cost per call; and ongoing per call correlation of static and dynamic data). SWBT, therefore, seeks to recover its costs through its proposed tariff, which are backed up by SWBT's cost studies. Contrary to OPC's claim, SWBT's proposed tariff will not lead to higher costs to taxpayers because, to date, taxpayers have not approved a Wireless Service Provider Enhanced 911 Service Fund, pursuant to Section 190.440, RSMo. 2000, which the taxpayers must do before such a fund can be established. Further, SWBT's proposed tariff will not result in higher costs to wireless providers. This tariff addresses the relationship between SWBT and the PSAP where SWBT is the 911 service provider, not the relationship between SWBT and wireless providers. Also, contrary to OPC's claim, this tariff will not result in higher costs to wireless customers as the tariff does not purport to recover wireless 911 costs from these customers.

7. OPC also contends that: "[T]he service rates and charges in Section 4 are non-specific and have no explanations for each of the items."⁸ However the rates and charges in Section 4 are very specific and are based on each call SWBT forwards to the PSAP. Further, SWBT's rates are supported by its cost study. While there are rate

differences between Missouri and Illinois, the rate differences are based on the difference in cost to provide the service.

8. Finally, OPC contends that "it is uncertain whether or not local governments are paying twice for the same item. The Commission should examine the 9-1-1 trunking fees, router fees, etc., paid to establish the network to carry the traffic and the proposed fees that arise when a call is received to see if the governmental agency is properly and reasonably charged."⁹ Local governments are not paying twice for the same item and OPC has provided no evidentiary support for this claim. SWBT has incurred the following charges in order to provide 911 service (E2 interface expenses for the transport of X,Y coordinate data; database software expenses; API Link Provisioning for improved selective routing functionality; network software fees; database integrity unity activities; tandem to tandem transfer provisioning; incremental billing costs; method and procedure activities; and service order costs). Moreover, SWBT will continue to incur recurring charges (switch features per call; tandem to tandem transfer costs per call; ALI service upgrade costs per call; signaling cost per call; and ongoing per call correlation of static and dynamic data) to provide wireless 911 service to PSAPs. These costs are recovered through the charges and rates SWBT set forth in its proposed tariff.

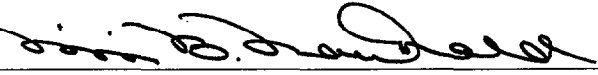
9. For these reasons, the Commission should reject OPC's Motion to Suspend and Request for Evidentiary Hearing and should approve SWBT's proposed tariff. Approval of SWBT's tariff will ensure that PSAPs can provide Phase II 911 service should they elect to do so.

⁸ OPC's Motion to Suspend Tariffs and Request for an Evidentiary Hearing, p. 2.

⁹ Id.

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

Respectfully submitted,

By: 
PAUL G. LANE #27011
LEO J. BUB #34326
ANTHONY K. CONROY #35199
MIMI B. MACDONALD #37606
Attorneys for Southwestern Bell Telephone, L.P.
One SBC Center, Room 3510
St. Louis, Missouri 63101
314-235-4094 (Telephone)
314-247-0014 (Facsimile)
mimi.macdonald@sbc.com

CERTIFICATE OF SERVICE

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


Mimi B. MacDonald

DAN JOYCE
MISSOURI PUBLIC SERVICE COMMISSION
P.O. BOX 360
JEFFERSON CITY, MO 65102

MICHAEL F. DANDINO
OFFICE OF THE PUBLIC COUNSEL
PO BOX 7800
JEFFERSON CITY, MO 65102