

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

Tari Christ d/b/a ANJ Communications, et al.,)	
)	
Complainants,)	
)	
v.)	<u>Case No. TC-2005-0067</u>
)	
Southwestern Bell Telephone Company, L.P.)	
d/b/a Southwestern Bell Telephone Company,)	
)	
Respondent.)	

STAFF’S RESPONSE TO AT&T MISSOURI’S MOTION TO DISMISS

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and files this Response with the Missouri Public Service Commission (“Commission”), respectfully stating the following:

1. On April 1, 2013,¹ AT&T Missouri filed its *Motion To Dismiss, Answer, Affirmative Defenses And Opposition To Request For Waiver* (“Motion”) in response to the Complainants’ September 15, 2004 *Complaint*.
2. On April 5, the Commission issued its *Order Establishing Time To Respond*, directing any party who wished to respond to the *Motion* to do so by April 30.
3. Staff is not certain the Complainants have stated a claim for which the Commission has jurisdiction to grant relief. However, given the longstanding nature of the *Complaint* and the Federal Communications Commission’s February 27 *Declaratory Ruling And Order*, Staff recommends the Commission deny the *Motion* and allow the Complainants an opportunity for an evidentiary hearing on the merits.

¹ All dates refer to calendar year 2013, unless otherwise specified.

4. Staff also recommends the Commission set this matter for a prehearing conference where the parties can discuss their claims in greater detail and develop a proposed procedural schedule for the Commission's consideration.

WHEREFORE, Staff files this Response and recommends the Commission deny AT&T Missouri's *Motion* and set this matter for a prehearing conference.

Respectfully submitted,

/s/ Jennifer Hernandez

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Missouri Bar No. 59814

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically on this **30th day of April 2013**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Jennifer Hernandez