

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

DeLana Smith-Sattarin,)	
Complainant,)	
v.)	File No. TC-2015-0205
)	
Southwestern Bell Telephone Company,)	
d/b/a AT&T Missouri,)	
Respondent)	

AT&T MISSOURI'S REPLY

AT&T¹ respectfully states² that nothing in Complainant's response provides a basis for Commission jurisdiction over the complaint. As noted in AT&T's Motion to Dismiss, the statutory deregulation of retail telecommunications services make the types of billing and quality of service claims raised by Complainant beyond the Commission's jurisdiction.³ Because the claims raised in the complaint are outside its statutory jurisdiction, the Commission must dismiss the complaint.

Even though no longer under Commission quality of service rules, AT&T has endeavored to address Complainant's service complaints in order to provide quality telephone service to its customer. AT&T technicians continue to find no trouble on AT&T's side of the demarcation point,⁴ and its service to that point continues to meet technical parameters. To the extent Complainants continues to experience "breaks in her connections" when on the telephone, AT&T

¹ Southwestern Bell Telephone Company, d/b/a AT&T Missouri, will be referred to in this pleading as "AT&T."

² AT&T makes this filing in response to the Complainant's response filed June 21, 2016, to AT&T's May 11, 2016, Motion to Dismiss in Case No. TC-2015-0205.

³ Section 392.611. 1 RSMo.

⁴ The "demarcation point," customarily housed in the Network Interface Device ("NID") attached to the side of a customer's home, denotes the physical location of the separation between customer-owned "inside wire" and telephone company plant. *See Re Investigation of the Deregulation of Inside Wire*, Report and Order 88 P.U.R.4th 535 (Oct. 6, 1986) (accepting and adopting a stipulation between MoPSC Staff, OPC and all Missouri LECs in disposition of all matters regarding the deregulation of inside wire. Stating at para 7: "Each local exchange telephone company agrees to take such action as may be necessary to ensure that it has in effect, at the time of the deregulation of inside wire, Missouri tariffs which adequately identify the physical demarcation point between inside wire and telephone company plant.")

technicians believe the problems originate on the Complainant's side of the demarcation point through equipment or devices she owns that are connected to telephone wires within her home, that could include:

- The modem Complainant uses to access Net Zero dial up Internet service (also not subject to the Commission's jurisdiction).
- An ADT Security System connected to her home telephone service. Even though no longer an ADT subscriber, the ADT equipment in Complainant's home will still try to connect to the ADT internal monitoring systems to "check in." Since the monitoring service is not active, the ADT equipment on Complainant's premises will technically never connect to ADT's internal network. Each time Complainant's ADT equipment tries "checking in" it will seize the telephone line⁵ and attempt connecting to ADT until it errors out.

Finally, while AT&T ordinarily does not comment on confidential settlement negotiations, Complainant's raising terms from the settlement offer AT&T made during mediation requires a reply. Claiming that AT&T's routine collection efforts amount to a "new tactic . . . nothing short of underhanded, bullying and retaliatory," Complainant points to the following term AT&T sought from her in mediation: "Ms. Smith acknowledges that she needs to pay her telephone bill in full each month and agrees to do so going forward."

Through that proposed settlement term, AT&T simply asked that she pay her bill in full each month, like any other customer. At that point in the mediation, AT&T believed it had addressed the host of other issues raised in her initial complaint and that only the dispute over past due charges remained unresolved. AT&T sought her commitment to pay her bill in return for AT&T forgiving a host of disputed past due charges in an effort to wipe the slate clean.⁶ Even though Complainant never agreed to the proposed settlement, AT&T made each of the listed

⁵ Home alarm systems are generally designed to take priority over voice traffic. For example, if a customer's home alarm system detects a break-in or a fire while that customer is talking on his or her telephone, the alarm system will seize control of the line and disconnect any current voice calls in order to send its alarm signal to the alarm monitoring point.

⁶ For the Commission's examination, a complete copy of AT&T's proposed settlement offer is appended as **Attachment IHC**.


adjustments to Complainant's account order to give her a fresh start and resolve potential items in dispute.

As reflected in Staff's report to the Commission, AT&T has exhausted its efforts to address the matters raised in the complaint and believes there is nothing further it can do to satisfy the Complainant. Despite AT&T's efforts to retain her as a customer, Complainant remains free to switch to other providers' service if she is not satisfied AT&T's service.

WHEREFORE, AT&T respectfully requests the Commission to grant its May 11, 2016, Motion and dismiss this Complaint because the claims it raises are beyond the Commission's statutory jurisdiction.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY  _____

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CERTIFICATE OF SERVICE

Copies of this document were served on the following by either US Mail or e-mail on July 1, 2016.



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