

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

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| In the Matter of Southwestern Bell Telephone) | |
| Company, d/b/a AT&T Missouri's and AT&T) | <u>File No. IE-2012-0069</u> |
| Corp.'s Application for a Waiver of) | |
| Commission Rule 4 CSR 240-33.150) | |

ORDER GRANTING WAIVER

Issue Date: September 20, 2011

Effective Date: September 30, 2011

On September 1, 2011, Southwestern Bell Telephone Company, d/b/a AT&T Missouri and AT&T Corp, filed a Joint Application for Waiver and Motion for Expedited Treatment with the Missouri Public Service Commission for waiver of Commission Rule 4 CSR 240-33.150 pursuant to § 392.420, RSMo Supp. 2010.

On September 13, 2011, the Commission Staff submitted its recommendation and memorandum concerning the application. It noted that as a condition of a merger, AT&T Missouri was not permitted to offer asynchronous transfer mode service and frame relay service to Missouri business customers. AT&T Corp. had been providing those services to AT&T Missouri's business customers. The merger conditions have expired and AT&T Missouri has begun to offer those services, which will allow certain assets of AT&T Corp. to now be transferred to AT&T Missouri. AT&T Corp. would like to discontinue offering asynchronous transfer mode service and frame relay service to new customers. AT&T Missouri intends to "grandfather" in current AT&T Corp. customers and provide the services to new customers from AT&T Missouri's tariff. AT&T Missouri and AT&T Corp. submit that the change will be transparent to AT&T Corp.'s customers in that the same services will be provided to the same class of

sophisticated customers. Staff recommended the Commission grant the companies' request.

The rule provision that the companies ask the Commission to waive is 4 CSR 240-33.150, which is the anti-slamming rule that requires notice be given to customers when the company serving them changes. The Staff notes that because the companies have provided the necessary customer notice and plan a gradual transition, sufficient customer protection is in place.

Based on the requirements of Section 392.420, RSMo (Supp. 2010), the verified application, and Staff's recommendation, the Commission finds that the requested waiver is consistent with the provisions and purposes of Chapter 392, RSMo. Therefore the Commission shall grant the requested waiver.

THE COMMISSION ORDERS THAT:

1. Southwestern Bell Telephone Company, d/b/a AT&T Missouri and AT&T Corp.'s Joint Application for Waiver is granted.
2. This order shall become effective September 30, 2011.
3. This case may be closed October 1, 2011.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
On this 20th day of September, 2011.