

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Southwestern Bell Telephone )  
Company, d/b/a AT&T Missouri's Application for )  
Waiver of the General Distribution )  
Requirement of White Page Directories Under )  
4 CSR 240-32.050(4)(B). )

**File No. IE-2009-0357**

## **ORDER GRANTING COMMUNICATIONS WORKERS OF AMERICA'S APPLICATION TO INTERVENE**

Issue Date: May 7, 2009

Effective Date: May 7, 2009

On April 2, 2009, AT&T Missouri filed an application asking the Commission to waive the Commission rule that requires AT&T Missouri to distribute a paper copy of its residential white pages to each of its customers in its St. Louis and Kansas City markets. The Commission provided notice of AT&T Missouri's filing to potentially interested parties and established April 23 as the deadline for potential parties to file applications to intervene.

The Communications Workers of America (CWA), the union that represents some of AT&T Missouri's workers, filed an application to intervene on May 1. The Commission ordered that any party wishing to respond to the CWA's late-filed application to intervene do so by May 6. AT&T Missouri filed a response on May 6 indicating it does not believe the CWA will be affected by its proposed waiver, but indicating it does not object to the CWA's proposed intervention. No other party responded to the CWA's application.

Commission Rule 4 CSR 240-2.075(4) provides the Commission may grant an application to intervene if: "(A) The proposed intervenor has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or (B) Granting the proposed intervention would serve the public interest."

The CWA represents the AT&T Missouri employees who work on the residential white page telephone directory that will be affected by AT&T Missouri's requested waiver. Although AT&T claims the work of those employee's will not be affected by the changes associated with its requested waiver, the Commission does not yet possess sufficient evidence to make that determination. Therefore, it is appropriate to allow the CWA to intervene to present any evidence and argument it may have on that point.

The Commission finds that the CWA's interest in this case is different from that of the general public, and may be adversely affected by a final order arising from this case. Furthermore, the Commission finds that allowing the CWA to intervene will serve the public interest in that it may have information that may be helpful to the Commission in deciding his matter.

The CWA's application to intervene was filed approximately one week after the deadline the Commission established for the filing of such applications. Commission Rule 4 CSR 240-2.075(5) indicates the Commission may grant a late-filed application to intervene "upon a showing of good cause". The CWA's application to intervene does not acknowledge that it is filed late and does not state any cause for its late filing. However, the application to intervene was filed in time to allow the CWA to fully participate in this case, including the prehearing conference set for May 12. As a result, no party is prejudiced by the late-filing of the application to intervene. On the other hand, if the Commission were to reject the CWA's application for a failure to expressly recite good cause, the CWA would not be able to participate in the prehearing conference and a final resolution of AT&T Missouri's request for waiver could ultimately be delayed. Therefore, the Commission finds good cause to grant the CWA's application to intervene.

**THE COMMISSION ORDERS THAT:**

1. The Communications Workers of America's Application to Intervene is granted.
2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

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

Dated at Jefferson City, Missouri,  
on this 6<sup>th</sup> day of May, 2009.