

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. IE-2012-0069
Company Name: AT&T Missouri and AT&T Corporation

From: Kari Salsman
Telecommunications Department

William Voight 9/13/11
Utility Operations Division/Date

Subject: Staff's recommendation to approve AT&T's Request for Waiver of Commission rule 4 CSR 240-33.150, and Motion for Expedited Approval.

Date: 9/13/11

On September 1, 2011, AT&T Missouri and AT&T Corporation (collectively AT&T) filed a request seeking a waiver of a Commission rule. AT&T also requested expedited approval of its waiver request.

AT&T seeks a waiver of 4 CSR 240-33.150, which is the Commission's anti-slamming rule. Pursuant to 4 CSR 240-2.060(4), AT&T is required to set forth good cause for granting the waiver. In its Application, AT&T states that waiver of the rule is appropriate because: (1) the transaction involves only certain advanced services (Frame Relay and Asynchronous Transfer Mode services) offered only to large customers in enterprise markets, (2) the customer impact is negligible and limited to internal AT&T realignments, and (3) the actual billing statement will continue to be from AT&T.

The Telecommunications Department Staff (Staff) has examined AT&T's proposal and recommends the Commission grant AT&T's request to approve the waiver, and, at the Commission's earliest convenience, grant the request for expedited approval. Staff is of the opinion that AT&T's Application sufficiently sets forth good cause to grant the anti-slamming waiver request. Moreover, AT&T included in its Application a copy of the Change in Provider notice previously sent to customers.

Staff wishes to note that in Tariff File No. JX-2012-0099, effective September 30, 2011, AT&T Corporation d/b/a AT&T Advanced Solutions (ATTAS), seeks to discontinue offering Frame Relay and Asynchronous Transfer Mode service to new customers. In other words, ATTAS intends to "grandfather" current Frame Relay and ATM customers and serve all new customers from AT&T's Southwest Bell d/b/a AT&T Missouri tariff. Staff has no objections to the grandfathering, as formation of ATTAS was a merger condition when Southwest Bell merged with and into Ameritech circa 1999, and those

merger conditions have expired. In recognition of these events, AT&T intends to file adoption notices with the Commission on or about October 1, 2011. Other than this matter, the Staff is unaware of any other matter that may potentially be impacted by AT&T's waiver request.

Company requests the Commission waive the following:

RULE

4 CSR 240-33.150

☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.
☐ The Company is delinquent: (☐ No annual report ☐ Unpaid PSC assessment.
Amount owed:)

Under penalty of perjury, I affirm that the above statement is true and correct.



KARI SALSMAN