

**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 and AT&T)	File No. IE-2012-0069
Corp.'s Application for a Waiver of)	
Commission Rule 4 CSR 240-33.150)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. 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 in which it requested a waiver of the Commissions anti-slamming rule, 4 CSR 240-33.150, which is intended to protect customers from unauthorized changes of telecommunications provider.

2. 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, who are provided those services through AT&T Corp. Those merger conditions are expired, assets can now be transferred to AT&T Missouri and AT&T Missouri can begin offering those services. The companies have established a grandfathering approach that phases out the service under AT&T Corp. and introduces them through AT&T Missouri, as described in more detail in the attached Memorandum. As noted in it, the companies have provided the necessary customer notice.

3. Having reviewed the proposed transition, the Staff is of the opinion that it is consistent with the public interest to allow it to proceed as planned, without the necessity of implementing the procedures outlined in the Commission's anti-slamming rule. The customer notice, together with the gradual transition, provide sufficient customer protection.

4. The Company is currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission of an annual report.

5. Although the transfer of assets no longer needs to be approved by the commission, the anti-slamming rule still makes an exception only for transfers “approved by the commission.” Until that language can be removed from the rule, the Staff believes that the Commission should waive the requirements of the rule in the case of asset transfers. Section 392.420 gives the Commission the authority to grant a waiver of any of its rules to telecommunications companies upon a petition for such, which it has done since the changes in that section removed the Commission’s authority to approve asset transfers and mergers.

WHEREFORE, Staff recommends that the Commission grant the Companies’ request for the waiver of the anti-slamming rule in the case of its transfer of customers pursuant to the transfer of assets.

Respectfully submitted,



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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13th day of September, 2011.

A handwritten signature in black ink, appearing to be "All the Best" or similar, written in a cursive style.